

COMMISSION OF THE EUROPEAN COMMUNITIES

SEC(90) 1872 final

Brussels, 8 October 1990

Proposal for a Council Decision
on the conclusion by the European Economic Community
of an Agreement on trade and
commercial and economic cooperation between the
European Economic Community and the
European Atomic Energy Community and
Romania

and

Proposal for a Council Decision
approving the Agreement between the European Economic Community
and the European Atomic Energy Community
and Romania for the purpose of conclusion by
the Commission on behalf of the European Atomic Energy Community

(from the Commission to the Council)

EXPLANATORY MEMORANDUM

1. The first of the attached proposals for Council Decisions constitutes the legal instrument for the conclusion of the Agreement on trade and commercial and economic cooperation between the European Economic Community and the European Atomic Energy Community, of the one part, and Romania, of the other part. The second proposal requests the Council to approve the Agreement, which will then be concluded by the Commission on behalf of the European Atomic Energy Community, in accordance with the second paragraph of Article 101 of the Euratom Treaty.
2. The framework for relations between the Community and Romania is the Agreement on trade in industrial products of 28 July 1980 and the Agreement on the establishment of the Joint Committee, of the same date.¹ There are also sectoral arrangements relating to trade in textiles, iron and steel products, and sheepmeat and goatmeat.

At the end of 1986 the Council approved negotiating directives for a trade and cooperation agreement. Three unsuccessful negotiating sessions took place during 1987.

On 24 April 1989 the Commission and Council suspended the negotiations, because of Romania's failure to fulfil its human rights obligations under the Helsinki agreement. On 20 December 1989, following the events of a few days earlier in Timisoara, relations, established by the 1980 Trade Agreement between the Community and Romania, were frozen.

The first political contact with Romania following the revolution took place in January 1990, when the two sides expressed their desire to reopen negotiations for a trade and commercial and economic cooperation agreement on a better foundation. On 5 February, the Council confirmed its aim of negotiating a trade and cooperation agreement with Romania during the first half of 1990. On the basis of the negotiating mandate granted by the Council on 7 May 1990, the new agreement was initialled on 8 June 1990. As a result of June's dramatic events, it decided at its meeting of 18 June that it was not in a position to set a date for the signing of the Agreement.

At its meeting of 16 and 17 July, the Council emphasized that it hoped to see rapid progress in Romania towards reform based on dialogue, democracy and peaceful change, and said that it attached particular importance to the parliamentary inquiry into the events which had taken place in June. In its session of 17 September 1990, the Council indicated its readiness to sign the agreement.

3. The text initialled carries:
 - a) trade provisions obliging both parties to take the necessary measures to promote imports from the other party and according concessions for Romanian imports in the form of a liberalization of specific quantitative restrictions;

¹ OJ L 352, 29 December 1980.

- b) commercial cooperation provisions concerning exchanges of commercial and economic information, contacts and links between firms and undertakings, contacts between business associations on both sides, cooperation between customs departments and the promotion of investment;
 - c) economic cooperation provisions in areas such as industry, mining, agriculture, energy, research and development, the environment, banking and financial services, training, standards and statistics, and other matters of common interest;
 - d) provision for a Joint Committee, established by Article 22 and given specific functions. It will be responsible for establishing regular consultations and will usually meet once a year.
4. The procedures of the two Communities (EEC and EAEC) for signing and concluding agreements differ.

As regards conclusion:

- having consulted Parliament, the Council concludes the Agreement on behalf of the EEC in accordance with Articles 113 and 235 of the EEC Treaty by adopting the Decision found under (I);
 - the Council approves the Agreement on behalf of the European Atomic Energy Community in accordance with the second paragraph of Article 101 of the Euratom Treaty (the Agreement is then concluded by the Commission), by adopting the Decision found under (II).
5. In the light of the above considerations, the Commission is requesting the Council to adopt the attached proposals.

**Proposal for a Council Decision
on the conclusion by the European Economic Community
of an Agreement on trade and
commercial and economic cooperation between the
European Economic Community and the
European Atomic Energy Community and
Romania**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,¹

Whereas the conclusion by the European Economic Community of the Agreement on trade and commercial and economic cooperation between the European Economic Community and the European Atomic Energy Community and Romania is necessary to achieve the Community's external relations objectives;

It seems that some of the economic cooperation measures envisaged in the Agreement exceed the powers of action provided for in the field of common economic policy.

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement on trade and commercial and economic cooperation between the European Economic Community and the European Atomic Energy Community and Romania is hereby approved on behalf of the European Economic Community.

The text of the Agreement is annexed to this Decision.

¹ Opinion delivered...

Article 2

The President of the Council shall give on behalf of the European Economic Community the notification provided for in Article 25 of the Agreement.²

Article 3

The Commission, assisted by representatives of the Member States, shall represent the Community in the Joint Committee set up under Article 22 of the Agreement.

Done at

For the Council

The President

² The General Secretariat of the Council will publish the date of entry into force of the Agreement in the Official Journal of the European Communities.

**Proposal for a Council Decision
approving the Agreement between the European Economic Community
and the European Atomic Energy Community
and Romania for the purpose of conclusion by
the Commission on behalf of the European Atomic Energy Community**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the proposal from the Commission,

Whereas the Commission has negotiated the Agreement between the European Economic Community and the European Atomic Energy Community and Romania in accordance with the directives of the Council, and proposes to conclude the said Agreement on behalf of the European Atomic Energy Community;

Whereas approval should be given for conclusion by the Commission of the said Agreement on behalf of the said Community,

HAS DECIDED AS FOLLOWS:

Article 1

The conclusion by the Commission of the Agreement between the European Economic Community and the European Atomic Energy Community and Romania on behalf of the European Atomic Energy Community is hereby approved.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Commission shall give the notification provided for in Article 25 of the Agreement on behalf of the European Atomic Energy Community.

Done at Brussels,

For the Council

The President

Orig. : FR
8.6.1990

AGREEMENT

between the European Economic Community and the European Atomic Energy Community, of the one part, and Romania, of the other part, on trade and commercial and economic cooperation.

THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter together called "the Community",

of the one part,

ROMANIA, of the other part,

RECOGNIZING that Romania and the Community desire to promote and extend further the direct contractual relations established between them by the agreements on the establishment of the Joint Committee and on trade in industrial products signed on 28 July 1980 and to establish a wider framework for commercial and economic cooperation,

RECALLING the traditional trade and economic links between the Community and Romania, and taking into account the Parties' respective levels of economic development,

TAKING INTO ACCOUNT the favourable implications for trade and economic relations between the Contracting Parties of the economic reforms under way in Romania and of the Parties' respective economic policies,

DESIROUS of creating favourable conditions for the harmonious development and diversification of trade and the promotion of commercial and economic cooperation in areas of mutual interest on the basis of equality, mutual benefit and reciprocity,

HAVING REGARD to the particular importance of foreign trade and other forms of international economic cooperation as factors of economic and social development,

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

REAFFIRMING the commitment of the Contracting Parties to the General Agreement on Tariffs and Trade and to the Protocol for the accession of Romania thereto,

BELIEVING that a further impetus should be given to the trading and economic relationship between the Community and Romania, in the spirit of the Concluding Document of the Bonn CSCE Conference on economic cooperation in Europe,

RECOGNIZING that the Community and Romania desire to establish wider-ranging and closer contractual links that permit further development at a later stage,

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

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

The Contracting Parties agree to facilitate and promote trade and economic cooperation with each other.

Article 2

1. This Agreement shall apply to trade in all products originating in the Community or in Romania, with the exception of products covered by the Treaty establishing the European Coal and Steel Community.
2. This Agreement shall not affect the provisions of the existing Agreement between the European Economic Community and Romania on Trade in Textile Products, which has been provisionally applied since 1 January 1987, nor the provisions of Exchanges of Letters or other arrangements on trade in textile products concluded subsequently, for the period of application of these provisions; furthermore, should the Community invoke paragraph 24 of the Protocol extending the arrangement regarding International Trade in Textiles of 31 July 1986, only the provisions of the said Arrangement shall apply, to the exclusion of all provisions of this Agreement.

Not later than six months before the expiry of the Agreements concerning trade in textile products referred to above, the Contracting Parties shall consult each other with a view to determining the arrangements to be applied to trade in textile products after the expiry of the said Agreements.

3. This Agreement shall not affect specific agreements or arrangements covering agricultural products in force between the Contracting Parties, or any successor agreements or arrangements.

TITLE I

Trade

Article 3

1. Unless otherwise specified in this Agreement, trade between the Contracting Parties shall be conducted in compliance with their respective regulations.
2. In the framework of their respective laws and regulations, the Contracting Parties shall adopt measures to ensure the harmonious development and the diversification of their mutual trade.
3. To that end, each Party confirms its resolve to consider in a spirit of cooperation suggestions made by the other in connection with attaining these aims.

Article 4

The Contracting Parties reaffirm their commitment to according each other most-favoured nation treatment in accordance with the General Agreement on Tariffs and Trade (GATT) and the Protocol for the accession of Romania thereto.

Article 5

Each Contracting Party shall accord the highest degree of liberalization which it generally applies to third countries to imports of the other's products; taking into account the provisions of the GATT and of the Protocol for the accession of Romania thereto; to this end, the Community undertakes to phase out the quantitative restrictions referred to in Article 3(a) of the Protocol for the accession of Romania to the GATT in accordance with the provisions and in respect of the products referred to in Articles 7 to 11 of this Agreement.

Article 6

The process of liberalization shall take account of the provisions of the GATT, the trend of trade between the two Parties, any changes in market conditions and rules concerning trade in Romania or in the Community and progress made in applying the the Agreement.

Article 7

The Community undertakes to eliminate, by the end of the first year following the entry into force of this Agreement at the latest, the quantitative restrictions on imports into those regions of the Community and of those products listed in Annex I.

Article 8

The Community undertakes to suspend within one year of the entry into force of the Agreement the application of the quantitative restrictions on imports of the products listed in Annex II into the regions indicated in that Annex on the conditions specified therein.

Article 9

1. For each calendar year, the Community shall open import quotas for products which are of interest for Romania and which are subject to quantitative restrictions.
2. The two Parties shall hold consultations each year in the Joint Committee referred to in Article 22 to determine what further liberalization there should be for the following year and, barring exceptions, to determine gradual and regular increases in the quotas for products subject to the quantitative restrictions referred to in Article 5.

Article 10

Before the end of June 1992 the Contracting Parties shall examine in the framework of the Joint Committee referred to in Article 22 those of the quantitative restrictions referred to in Article 5 still maintained at that time, with a view to determining what changes might be made to the existing import arrangements.

Article 11

The Community undertakes to eliminate by 31 December 1995 at the latest those of the quantitative restrictions referred to in Article 5 which still remain, with the exception of those relating to a limited number of products which might be deemed sensitive at that time.

Should the need arise, the Joint Committee set up pursuant to Article 22 shall, during its meeting in 1995, draw up the arrangements which shall apply for a prescribed period after 31 December 1995 to imports of these products.

Article 12

Imports into the Community of products covered by this Agreement shall not be charged against the quotas referred to in Article 9 where they are declared as being intended for re-export and are actually re-exported from the Community either in the unaltered state or after inward processing under the administrative control arrangements in force in the Community.

Article 13

Taking into account the importance of their trade in agricultural products and the implications of multilateral negotiations in the GATT, the Contracting Parties shall examine in the Joint Committee referred to in Article 22 the possibility of giving their assent to agricultural trade concessions, product-by-product and on the basis of Article 4 of this Agreement, in a reciprocal and orderly manner.

Article 14

Goods shall be traded between the two Contracting Parties at market-related prices.

Article 15

1. The Contracting Parties shall consult each other if any product is being imported in trade between the Community and Romania in such increased quantities or under such conditions as to cause or threaten to cause serious injury to domestic producers of like or directly competitive products.
2. The Contracting Party requesting the consultations shall supply the other Party with all the information required for a detailed examination of the situation.
3. The consultations requested pursuant to paragraph 1 shall be held with due regard for the fundamental aims of the Agreement and shall be completed not later than 30 days from the date of notification of the request by the party concerned, unless the Parties agree otherwise.

4. If, as a result of such consultations, it is agreed that the situation referred to in paragraph 1 exists, exports shall be limited or such other action taken as will prevent or remedy the injury, which may include action with respect to the price at which the exports are sold.
5. If, following action under paragraphs 1 to 4 above, agreement is not reached between the Contracting Parties, the Contracting Party which requested the consultations shall be free to restrict the imports of the products concerned to the extent and for such time as is necessary to prevent or remedy the injury. The other Contracting Party shall then be free to deviate from its obligations towards the first Party in respect of substantially equivalent trade.
6. In critical circumstances, where delay could cause damage difficult to repair, such preventive or remedial action may be taken provisionally without prior consultation, on the condition that consultation shall be effected immediately after taking such action.
7. In the selection of the measures under this Article, the Contracting Parties should give priority to those which cause the least disturbance to the functioning of this Agreement.
8. Where necessary, the Contracting Parties may hold consultations to determine when the measures adopted pursuant to paragraphs 4, 5 and 6 shall cease to apply.
9. If, after the procedures provided for in this Article have been exhausted, the Contracting parties still disagree about measures adopted pursuant to this Article, the Community and Romania may refer the disagreement to the Contracting Parties of the GATT in accordance with Article XIX of the GATT and Article 4 of the Protocol for the accession of Romania to the GATT.

Article 16

The Contracting Parties shall inform each other of any changes in their tariff or statistical nomenclature or of any decision adopted in accordance with the procedures in force which relates to the classification of products covered by this Agreement.

TITLE II

Commercial cooperation

Article 17

1. The Contracting Parties shall make every effort to promote, expand and diversify their commercial and economic cooperation on the basis of non-discrimination and reciprocity. The Joint Committee established under Article 22 of this Agreement will attach special importance to examining ways of encouraging a reciprocal and harmonious expansion of trade.
2. In furtherance of the aims of this Article and within the limits of their respective powers, the Contracting Parties agree that they shall maintain and improve favourable business relations, facilities and practices for each other's firms or companies on their respective markets, by means of the following measures:
 - ensuring publication and facilitating exchanges of commercial and economic information on all matters which would assist the development of trade and economic cooperation, for example:
 - economic development programmes or forecasts,
 - general and sectoral import arrangements,
 - economic and commercial law, including regulations on markets and companies,
 - macroeconomic information and statistics, in particular production, consumption and foreign trade statistics;
 - facilitating cooperation between their respective customs services, in particular in the field of vocational training;
 - encouraging the development of contacts and links between firms, enterprises and other interested organizations of both sides which would contribute to realizing the aims of the Agreement;
 - encouraging contacts between business associations of the Community and Romania.

3. In furtherance of the aims of this Article, the Contracting Parties agree to maintain and improve favourable business regulations, facilities and practices for each other's firms or companies in their respective markets, inter alia as indicated in Annex III.

Article 18

Within the limits of their respective powers, the Contracting Parties undertake to:

- ensure suitable protection and the enforcement of industrial, commercial and intellectual property rights;
- ensure that their international commitments regarding industrial, commercial and intellectual property rights are honoured;
- encourage appropriate arrangements between undertakings and institutions within the Community and Romania with a view to due protection of industrial, commercial and intellectual property rights;
- encourage cooperation and exchanges of views between organizations and institutions responsible for industrial, commercial and intellectual property.

Article 19

Within the limits of their respective powers, the Contracting Parties:

- shall encourage the adoption of arbitration for the settlement of disputes arising out of commercial and cooperation transactions concluded by companies or firms, enterprises and economic organizations of the Community and those of Romania;
- agree that when a dispute is submitted to arbitration, each party to the dispute may freely choose its own arbitrator, irrespective of his nationality, and that the presiding third arbitrator or the sole arbitrator may be a citizen of a Third State;
- shall encourage recourse to the arbitration rules elaborated by the United Nations Commission on International Trade Law (UNCITRAL) and to arbitration by any Centre of a State Signatory to the Convention on Recognition and Enforcement of Foreign Arbitral Awards done at New York on 10 June 1958.

TITLE III

Economic cooperation

Article 20

1. In the light of their respective economic policies and objectives, the Contracting Parties shall foster economic cooperation on as broad a base as possible, in all fields deemed to be in their mutual interest.

The objectives of such cooperation shall be, inter alia:

- to reinforce and diversify economic links between the Contracting Parties;
- to contribute to the development of their respective economies and standards of living;
- to open up new sources of supply and new markets;
- to encourage cooperation between economic operators, with a view to promoting investment, joint ventures, licensing agreements and other forms of industrial cooperation to develop their respective industries;
- to encourage scientific and technological progress;
- to support structural changes in the Romanian economy in order to increase and diversify trade in goods and services within the Community;
- to encourage environmentally sound policies;
- to encourage the participation of small and medium sized enterprises in trade and industrial cooperation.

2. In order to achieve these objectives, the Contracting Parties shall make efforts to encourage and promote economic cooperation in areas of mutual interest, in particular in the following sectors:

- industry and mining,
- agriculture, including the food-processing industries,
- research, development, science and technology in sectors in which the Contracting Parties are active and which they consider to be of mutual interest, including nuclear research,
- energy, including nuclear energy and nuclear safety (physical safety and radiation protection),
- environmental protection and the management of natural resources,
- transport, tourism and other service activities,
- telecommunications,
- economic, monetary, banking, insurance and financial services,
- vocational and management training,
- medical services and health care,
- standards,
- statistics.

3. To give effect to the objectives of economic cooperation, and within the limits of their respective powers, the Contracting Parties shall encourage the adoption of measures aimed at creating favourable conditions for economic and industrial cooperation, in particular by:

- fostering a favourable climate for investment, joint ventures and licensing arrangements, notably by the extension by the Member States of the Community and Romania of arrangements for investment promotion and protection, in particular for the transfer of profits and the repatriation of invested capital, on the basis of the principles of non-discrimination and reciprocity;
- facilitating exchanges and contacts between persons and delegations representing commercial, economic, educational, training or other relevant organizations;
- encouraging and facilitating trade promotion activities, such as the organization of seminars, fairs or exhibitions, symposia and business weeks;
- promoting activities involving the provision of technical expertise in specific areas;

- facilitating the conduct of market research and other marketing activities on their respective territories;
- encouraging, in accordance with the respective laws and policies of the Contracting Parties, joint research and development activities, the exchange of information and contacts between scientists, research and educational establishments and businesses;
- facilitating cooperation between businesses on the markets of third countries.

Article 21

Without prejudice to the relevant provisions of the Treaties establishing the European Communities, this Agreement and any action taken pursuant to it shall in no way affect the powers of the Member States of the Community to undertake bilateral activities with Romania in the field of economic cooperation and to conclude, where appropriate, new economic cooperation agreements with Romania.

TITLE IV

Joint Committee

Article 22

1. (a) A Joint Committee shall be set up, comprising representatives of the Community, on the one hand, and representatives of Romania, on the other.
- (b) The Joint Committee shall formulate recommendations by mutual agreement between the Contracting Parties.
- (c) The Joint Committee shall, as necessary, adopt its own rules of procedure and programme of work.
- (d) The Joint Committee shall meet once a year in Brussels and Bucharest alternately. Special meetings may be convened by mutual agreement, at the request of either Contracting Party. The Joint Committee shall be chaired alternately by each of the Contracting Parties. Wherever possible, the agenda for the meetings of the Joint Committee shall be agreed beforehand.
- (e) The Joint Committee may decide to set up working groups to assist it in carrying out its duties.

2. (a) The Joint Committee shall ensure the proper functioning of this Agreement and the arrangements connected with it, and shall devise and recommend practical measures for achieving its objectives, keeping in view the economic and social policies of the Contracting Parties.
- (b) The Joint Committee shall endeavour to find ways of encouraging the development of trade and commercial and economic cooperation between the Contracting Parties. In particular it shall:
- examine the various aspects of trade between the Parties, notably its overall pattern, rate of growth, structure and diversity, the trade balance and the various forms of trade and trade promotion,
 - make recommendations on any issue of mutual concern relating to trade or commercial or economic cooperation;
 - seek appropriate means of avoiding possible difficulties in the fields of trade and cooperation, and encourage various forms of commercial and economic cooperation in areas of mutual interest;
 - consider measures likely to develop and diversify trade and economic cooperation, notably by improving import opportunities in the Community and in Romania;
 - exchange information on the macroeconomic forecasts relating to the two Parties' economies which have an impact on trade and cooperation and, by extension, on the scope for developing complementarity between their respective economies and on proposed economic development programmes;
 - exchange information relating to amendments and developments in the laws, regulations and formalities of the Contracting Parties in the areas covered by this Agreement;
 - seek methods of arranging and encouraging the exchange of information and contacts in matters relating to economic cooperation between the Contracting Parties on a basis of mutual advantage, and work towards the creation of favourable conditions for such cooperation;

- examine favourably ways of improving conditions for the development of direct contacts between firms established in the Community and those established in Romania;
- formulate and submit to the authorities of both Contracting Parties recommendations for solving any problems that arise, where appropriate by means of the conclusion of arrangements or agreements.

TITLE V

General and final provisions

Article 23

1. Upon its entry into force this Agreement shall replace the existing agreements between the European Economic Community and Romania on the establishment of the Joint Committee and on trade in industrial products, done at Bucharest on 28 July 1980.
2. Subject to the provisions concerning economic cooperation in Article 21, the provisions of this Agreement shall replace the provisions of the Agreements concluded between the Member States of the Community and Romania to the extent to which the latter provisions are either incompatible with or identical to the former.

Article 24

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Economic Community and the European Atomic Energy Community are applied and under the conditions laid down in these Treaties and, on the other hand, to the territory of Romania.

Article 25

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

The Contracting Parties may expand and/or amend this Agreement or elaborate further on its specific provisions by mutual consent in order to take account of new developments.

The Annexes, the Joint Declaration on Article 9 and the Agreement in the form of an Exchange of Letters (Testausschreibung) attached to this Agreement shall form an integral part thereof.

Article 26

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Romanian languages, each text being equally authentic.

ANNEX I

referred to in Article 7

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7903 90 00
7904 00 00
7905 00 11
19
90
7906 00 00
7907 90 00
8104 11 00
19 00
8110 00 11
8407 10 90
21 11
19
91
99
29 30
50
70
8408
8443 12 00
21 00
29 00
30 00
40 00
60 00
90 10
90
8452 40 00
8469 29 00
39 00

Italy

8543 10 00
80 10
90 10
8546 90 10
8705 10 00
40 00
90 10
8706
8707
8708
8710 00 00
8714 20 00
91 10
30
90
92 10
90
93 10
90
94 10
30
95 00
96 10
90
99 10
30
50
9306 10 00
29 10
30
50
90
30 30
95
99
90 10
90

Textile Category 161

United Kingdom

0701 90 51
59
0702 00 90
0705 11 90
19 00
29 00
0708 20 10
90
0712 10 00

1105 10 00

2005 20 10
90

8528 20 20
71
73
79
91
99

ANNEX II

referred to in Article 8

Benelux (system : automatic licensing)

6401 10 10
91 10
92 10
99 10
6402 30 10
91 10
99 10

7004 90 95
90 99

Textile Category 125 A

Italy

(system : Automatic licensing)

4002 19 00

6403 19 00

(System : double checking in accordance with the procedure in the Protocol to the Agreement of 28 July 1980 between the European Economic Community and the Socialist Republic of Romania on trade in industrial products, which Protocol will continue to be operational after the entry into force of this Agreement).

2917 34 10
35 00

4410 10 10
10 30
4804 11 11
11 15
11 19
19 11
19 15
19 19
19 31
19 35
19 39
21 10
29 10
31 10
31 51
31 59

Italy

4804 39 10
39 51
39 59
41 10
42 10
49 10
51 10
52 10
59 10
4809 90 00

7003 11 90
19 90
20 10
20 90
30 00
7004 10 30
10 50
10 90
90 50
90 70
90 91
90 93
90 95
90 99
7005 10 10
10 31
10 33
10 35
10 91
10 93
10 95
21 10
21 20
21 30
21 40
21 50
21 90
29 10
29 31
29 33
29 35
29 91
29 93
29 95
30 00
7006 00 90
7016 90 10

ANNEX III

relating to Article 17 of the Agreement

Romania shall undertake to create conditions which facilitate trade cooperation, and inter alia to:

1. grant non-discriminatory treatment for imports of products originating in the Community, particularly as regards the issuing of licenses and the provision of foreign exchange to pay for such imports;
2. provide the Community with appropriate information, notably on import and investment intentions regarding sectors of Romanian industry that may be of interest to Community exporters;
3. encourage the activities of Community businessmen in Romania, establishing in particular closer contacts between representatives and experts of Community firms and their Romanian counterparts and final users;
4. encourage and facilitate, especially by practical means, trade promotion activities such as fairs and exhibitions in Romania;
5. promoting visits of individuals, groups and delegations involved in trade between the two Parties;
6. facilitate the entry, stay and movement of Community businessmen in Romania; facilitate free movement for Community businessmen and their families living in the country;
7. create the appropriate legislative framework to permit and encourage direct investment by Community firms in Romania;
8. facilitate the establishment and operation of offices of Community firms in Romania, particularly in connection with renting commercial premises; ensure non-discriminatory pricing relative to any third country for such facilities;
9. discourage countertrade or, at the very least, stress that the practice should be regarded as temporary and exceptional; if such transactions are unavoidable, all relevant information on the conditions and regulations governing them should be provided;

10. ensure non-discriminatory treatment in the award of contracts for the supply of goods or services consequent on international invitations to tender;
11. in connection with the activities covered by this Agreement, provide natural and legal persons from the Community with guarantees as to their individual and property rights, including the right of access in defence of these rights to the courts and appropriate administrative bodies; ensure that all the relevant laws, rules and regulations are published.

JOINT DECLARATION ON ARTICLE 9

The Community and Romania agree that the obligation contained in Article 9 for the Community to open quotas for imports from Romania of the products referred to in the said Article in no way prejudices the volume of the said import quotas.

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and Romania
concerning *Testausschreibung*

A. Letter from the Community

Brussels,

Sir,

Since the beginning of 1980 a new import scheme aimed at subsequent further liberalization (*Testausschreibung*) has been introduced by the Federal Republic of Germany covering almost half of the industrial products still subject to quantitative restrictions (apart from textile and steel products). This scheme provides on an experimental and temporary basis for the issue of import licences above and beyond the limits set by the quotas.

The *Testausschreibung* is intended to permit an assessment, in the course of future years, of the sectors in which quantitative restrictions on imports of industrial products might be removed. During the examination of the results of the *Testausschreibung*, the particular importance which Romania attaches to the expansion of economic relations and Romania's contractual relations with the Community will be taken into consideration.

If, in particular instances, as a result of Romanian exports to the Federal Republic of Germany, market trends make it necessary to discontinue this practice, Romania will be informed to this effect immediately and prior consultation may take place if Romania so requests.

I should be obliged if you would confirm that your Government is in agreement with the above.

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

*On behalf of the Council
of the European Communities*