

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 636 final

Brussels, 10 November 1981

Recommendation for a
COUNCIL REGULATION (EEC)

on the conclusion of the Additional Protocol to the Agreement between the European Economic Community and the Republic of Guatemala on trade in textile products consequent on the accession of the Hellenic Republic to the Community.

(submitted to the Council by the Commission)

COM(81) 636 final

EXPLANATORY MEMORANDUM

1. Under the Act of Accession of Greece to the European Communities (Article 123), it was agreed that the Community would negotiate protocols of adaptation to the bilateral agreements on trade in textile products between the Community and third countries.
2. By Decision of 1 August 1980 the Council authorized the Commission to open negotiations with Guatemala to conclude an agreement on such adaptation.
3. In accordance with that Council Decision and in consultation with the Article 113 Committee, the Commission conducted negotiations with Guatemala from 22 September to 17 December 1980.

Following the negotiations, a draft Protocol was drawn up extending the terms of the original bilateral agreement to trade between Guatemala and the enlarged Community, thus (inter alia)

- extending the existing consultation procedures whereby new voluntary restraint measures may be introduced for categories of products not at present subject to limitation, where certain thresholds are exceeded, in respect of both the whole Community and Greece.

The heads of Delegation initialled the text of the draft Protocol on 17 December 1980 having noted it correctly represented the results of the negotiations.

4. The Protocol has already been implemented by Council Regulation (EEC) No 3553/80 of 22 December 1980 (1) amending the existing régime established by Regulation (EEC) No 3059/78 of 21 December 1978 (2).

5. The Commission considers that the draft Protocol embodies an arrangement which is acceptable to the Community. It therefore recommends that the Council:

(i) approve the Protocol by adopting the Regulation, the draft of which is annexed hereto;

(ii) pending approval of the Protocol, take the necessary decisions in connection with the signing thereof.

(1) O.J. No L 381 of 31.12.1980, p. 1
(2) O.J. No L 365 of 27.12.1978, p. 1

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(Acts whose publication is obligatory)

RECOMMENDATION

COUNCIL REGULATION (EEC)

on the conclusion of the Additional Protocol to the Agreement between the European Economic Community and the Republic of Guatemala,
on trade in textile products consequent on the accession of the Hellenic Republic to the Community

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 recommendation from the Commission,

Whereas it is necessary to approve the Additional Protocol to the Agreement between the European Economic Community and the Republic of Guatemala

on trade in textile products to take account of the accession of the Hellenic Republic to the Community,

HAS ADOPTED THIS REGULATION:

Article 1

The Additional Protocol to the Agreement between the European Economic Community and the Republic of Guatemala

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

on trade in textile products,
consequent on the accession of the Hellenic Republic to the Community is hereby approved on behalf of the Community.

The text of the Protocol is annexed to this Regulation.

Article 2

The President of the Council shall give the notification provided for in Article 4 of the Additional Protocol (1).

Article 3

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

For the Council

(1) The date of entry into force of the Protocol will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

Additional Protocol to the Agreement between
the European Economic Community and the Republic
of Guatemala on trade in textile products
consequent on the accession of the Hellenic Republic
to the Community

initialled the 17/12/80

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THE COUNCIL OF THE EUROPEAN COMMUNITIES

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA

of the other part,

CONSIDERING the accession of the Hellenic Republic to
the European Communities on 1 January 1981

HAVING REGARD to the Agreement between the European Economic Community
and the Republic of Guatemala signed on 7 November 1979 and hereafter
called the "Agreement",

HAVE DECIDED to determine by common accord the adjustments and
transitional measures to the Agreement consequent on the accession
of the Hellenic Republic to the European Economic Community

and TO CONCLUDE THIS PROTOCOL :

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Article 1

The text of the Agreement as hereby amended, including its annex and protocols forming an integral part thereof, shall be drawn up in Greek and that text shall be authentic in the same way as the original texts.

Article 2

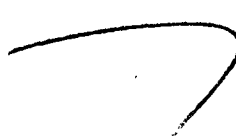
The Agreement shall be amended as follows :

1. Protocol B paragraph 2 shall be replaced by the following :

'Where the Community finds, under the system of administrative control set up, that the level of imports of products in any category listed in the Annex originating in Guatemala exceeds, in relation to 102% of the preceding year's total imports into the territories within which the Treaty establishing the European Economic Community applied at 31 December 1980 of products in that category, the following percentages :

- for categories of products in Group I, 0.2%
- for categories of products in Group II, 1.5%
- for categories of products in Group III, IV or V, 4%

it may request the opening of consultations in accordance with the procedure described in Article 5 of the Agreement, with a view to reaching agreement on a suitable level of limitation for the products in that category.'



2. Protocol B, paragraph 6 to the Agreement shall be replaced by the following :

"Quantitative limits on a regional basis may be introduced only where imports of a given product into any region of the Community exceed in relation to the amounts calculated by the fraction 100/102 (one hundred divided by one hundred and two) of the amounts determined in accordance with paragraph 2, the following regional percentages :

Germany	28.5%
Benelux	10.5%
France	18.5%
Italy	15%
Denmark	3%
Ireland	1%
U.K.	23.5%
Greece	2%

3. For the purpose of calculating 'the preceding year's total imports' referred to in 1. above both of 1980 and 1981, imports from the Hellenic Republic shall be those recorded in 1980."

Article 3

This Protocol forms an integral part of the Agreement.




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Article 6

This Protocol shall be approved by the contracting Parties in accordance with their own procedures. It shall enter into force on 1st January 1981, provided that the contracting Parties have notified each other before that date that the procedures necessary to this end have been completed. After this date the Protocol shall enter into force on the first day of the second month following such notification.

Article 5

This Protocol is drawn up in duplicate, in the Danish, Dutch, English, French, German, Greek, Italian and Spanish languages, each of those texts being equally authentic.




EXCHANGE OF NOTES

The Mission of the Republic of Guatemala to the European Communities presents its compliments to the Directorate-General for External Relations of the Commission of the European Communities and has the honour to refer to the Agreement in textile products negotiated between the Republic of Guatemala and the Community signed on 7 November 1979, and to the Additional Protocol to the Agreement consequent on the accession of the Hellenic Republic to the Community initialled on 17 December 1980.

The Mission of the Republic of Guatemala wishes to inform the Directorate-General that whilst awaiting the completion of the necessary procedures for the conclusion and the coming into force of the Additional Protocol, the Government of the Republic of Guatemala is prepared to allow the provisions of the Additional Protocol to apply de facto from 1st January 1981 if the Community is disposed to do likewise.

The Mission of the Republic of Guatemala would like also to propose that the present note and the Community's note in reply shall constitute an Agreement between the Government of the Republic of Guatemala and the Community.

The Mission of the Republic of Guatemala avails itself of this opportunity to renew to the Directorate-General for External Relations the assurance of its highest consideration.



The Directorate-General for External Relations of the Commission presents its compliments to the Mission of the Republic of Guatemala to the European Communities and has the honour to refer to the Mission's note of today reading as follows :

"The Mission of the Republic of Guatemala to the European Communities presents its compliments to the Directorate-General for External Relations of the Commission of the European Communities and has the honour to refer to the Agreement in textile products negotiated between the Republic of Guatemala and the Community signed on 7 November 1979, and to the Additional Protocol to the Agreement consequent on the accession of the Hellenic Republic to the Community initialled on 17 December 1980

The Mission of the Republic of Guatemala wishes to inform the Directorate-General that whilst awaiting the completion of the necessary procedures for the conclusion and the coming into force of the Additional Protocol, the Government of the Republic of Guatemala is prepared to allow the provisions of the Additional Protocol to apply *de facto* from 1st January 1981 if the Community is disposed to do likewise.

The Mission of the Republic of Guatemala would like also to propose that the present note and the Community's note in reply shall constitute an Agreement between the Government of the Republic of Guatemala and the Community.

The Mission of the Republic of Guatemala avails itself of this opportunity to renew to the Directorate-General for External Relations the assurance of its highest consideration."

The Directorate of External Relations has the honour to confirm to the Mission of the Republic of Guatemala that it is agreed on the content of the foregoing note and considers therefore that the exchange of notes constitutes an agreement between the Government of the Republic of Guatemala and the Community.

The Directorate-General for External Relations avails itself of this opportunity to renew to the Mission of the Republic of Guatemala to the European Communities the assurance of its highest consideration.

Protocolo Adicional al Contrato entre la Comunidad Económica Europea y la República de Guatemala sobre el comercio de productos textiles a consecuencia de la entrada de la República Helénica en la Comunidad.

((Inicialado el 17.12.1980))

EL CONSEJO DE LAS COMUNIDADES EUROPEAS

por un lado, y

EL GOBIERNO DE LA REPUBLICA DE GUATEMALA

por otro lado,

CONSIDERANDO la entrada de la República Helénica en las Comunidades Europeas el 1º de enero de 1981,

HABIDA CUENTA del Acuerdo entre la Comunidad Económica Europea y la República de Guatemala firmado el 27 de noviembre de 1979 y seguidamente denominado el "Acuerdo",

HAN DECIDIDO determinar de común acuerdo los ajustes y medidas transitorias que afectarán al Acuerdo a consecuencia de la entrada de la República Helénica en las Comunidades Europeas

CONCERTAR EL PRESENTE PROTOCOLO :

Artículo 1

El texto del Acuerdo así modificado, con inclusión de sus anexos y protocolos e intercambios de cartas, que forman parte íntegra del mismo se redacta en idioma griego. Tiene igual validez que los textos originales.

Artículo 2

El Acuerdo se modifica de la siguiente manera :

1. El párrafo 2 del Protocolo B es substituido por el siguiente texto :

"Si la Comunidad constata que, en el marco del sistema de control administrativo existente, el nivel de las importaciones de productos provenientes de Guatemala en una categoría dada que no está enumerada en el Anexo II es superior a los porcentajes a continuación indicados, y ello en comparación con el 102% del volumen total de las importaciones de dicha categoría efectuadas en los Estados en que, a 31 de diciembre de 1980, era vigente el tratado por el que se establece la Comunidad Económica Europea :

- para las categorías de productos del Grupo I, 0,2%
- para las categorías de productos del Grupo II, 1,5%
- para las categorías de productos de los Grupos III, IV o V, 4%

La Comunidad puede pedir que se efectúen consultas con arreglo al procedimiento descrito en el artículo 5 del presente Acuerdo, con vistas a tratar de obtener un acuerdo sobre un adecuado nivel de limitación de los productos pertenecientes a dicha categoría.

2. El párrafo 6 del protocolo B del Acuerdo es substituido por el siguiente texto :

"Sólo pueden introducirse cantidades límites a escala regional si las importaciones de un producto determinado en una región de la Comunidad sobrepasan, respecto a las cantidades de la fracción 100/102 (cien dividido por ciento dos) de los volúmenes fijados en el párrafo 2, los porcentajes regionales siguientes :

Alemania	28,5%
Benelux	10,5%
Francia	18,5%
Italia	15%
Dinamarca	3%
Irlanda	1%
Reino Unido	23,5%
Grecia	2%

3. Para calcular el "volumen total de las importaciones efectuadas en el año anterior" expresado en el punto 1 anteriormente indicado respecto a 1980 y a 1981, las importaciones de la República Helénica que se toman en consideración son las registradas en 1980.

Artículo 3

Este protocolo forma parte íntegra del acuerdo.

Artículo 4

El presente Protocolo es aprobado por las partes contratantes con arreglo a sus respectivos procedimientos. Entra en vigor el 1º de enero de 1981, siempre que las partes contratantes se hayan notificado antes de dicha fecha

que los procedimientos necesarios para ello se han llevado a cabo. Después de dicha fecha , el Protocolo entra en vigor el primer día del segundo mes que sigue a la referida notificación.

Artículo 5

El presente Protocolo se redacta por duplicado en los idiomas danés, holandés, inglés, francés, alemán, griego, italiano y español, teniendo igual validez cada uno de dichos textos.

INTERCAMBIO DE NOTAS

La Misión de la República de Guatemala ante las Comunidades Europeas presenta sus saludos a la Dirección General de Relaciones Exteriores de la Comisión de las Comunidades Europeas y tiene el honor de referirse al Acuerdo sobre productos textiles negociado entre el Guatemala y la Comunidad, firmado el 7 de noviembre de 1979, y al Protocolo Adicional al Acuerdo establecido a consecuencia de la entrada de la República Helénica en la Comunidad firmado el 17 de diciembre de 1980.

La Misión de la República de Guatemala desea informar a la Dirección General que, mientras espera la realización de los necesarios procedimientos para la ratificación y la entrada en vigor del Protocolo Adicional, el Gobierno guatemalteco está dispuesto a permitir que las disposiciones del Protocolo Adicional sean aplicadas de facto a partir del 1º de enero de 1981, siempre que la Comunidad esté dispuesta a actuar de igual modo.

La Misión de la República de Guatemala también quisiera proponer que la presente nota y la nota de la Comunidad en respuesta a la misma constituyan un Acuerdo entre el gobierno de Guatemala y la Comunidad.

La Misión de la República de Guatemala aprovecha esta oportunidad para reiterar a la Dirección General de Relaciones Exteriores su más alta consideración.

La Dirección General de Relaciones Exteriores de la Comisión presenta sus saludos a la Misión de la República de Guatemala ante las Comunidades Europeas y tiene el honor de referirse a la nota de la Misión del día de hoy redactada en los siguientes términos :

"La Misión de la República de Guatemala ante las Comunidades Europeas presenta sus saludos a la Dirección General de Relaciones Exteriores de la Comisión de las Comunidades Europeas y tiene el honor de referirse al Acuerdo sobre productos textiles negociado entre Guatemala y la Comunidad, firmado el 7 de noviembre de 1979, y al Protocolo Adicional al Acuerdo establecido a consecuencia de la entrada de la República Helénica en la Comunidad firmado el 17 de diciembre de 1980.

La Misión de la República de Guatemala desea informar a la Dirección General que, mientras espera la realización de los necesarios procedimientos para la ratificación y la entrada en vigor del Protocolo Adicional, el Gobierno guatemalteco está dispuesto a permitir que las disposiciones del Protocolo Adicional sean aplicadas de facto a partir del 1º de enero de 1981, siempre que la Comunidad esté dispuesta a actuar de igual modo.

La Misión de la República de Guatemala también quisiera proponer que la presente nota y la nota de la Comunidad en respuesta a la misma constituyan un Acuerdo entre el gobierno de Guatemala y la Comunidad.

La Misión de la República de Guatemala aprovecha esta oportunidad para reiterar a la Dirección General de Relaciones Exteriores su más alta consideración."

La Dirección de Relaciones Exteriores tiene el honor de confirmar a la Misión de la República de Guatemala que está de acuerdo sobre el contenido de la anterior

nota y considera por lo tanto que el intercambio de notas constituye un acuerdo entre el Gobierno de Guatemala y la Comunidad.

La Dirección General de Relaciones Exteriores aprovecha esta oportunidad para reiterar a la Misión de la República de Guatemala ante las Comunidades Europeas su más alta consideración.