

COMMISSION OF THE EUROPEAN COMMUNITIES

SEC(93) 1479 final

Brussels, 30 September 1993

Proposal for a COUNCIL DECISION

CONCERNING THE CONCLUSION ON BEHALF OF THE EUROPEAN ECONOMIC COMMUNITY OF THE SUPPLEMENTARY PROTOCOL BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY OF THE ONE PART AND THE CZECH REPUBLIC OF THE OTHER PART TO THE INTERIM AGREEMENT ON TRADE AND TRADE RELATED MATTERS BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY OF THE ONE PART AND THE CZECH AND SLOVAK FEDERAL REPUBLIC OF THE OTHER PART

Proposal for a COUNCIL DECISION

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COMMUNICATION FROM THE COMMISSION

Request for Council assent and consultation of the ECSC Committee, pursuant to Article 95 of the ECSC Treaty, concerning a draft Commission Decision

CONCERNING THE CONCLUSION ON BEHALF OF THE EUROPEAN COAL AND STEEL COMMUNITY OF THE SUPPLEMENTARY PROTOCOL BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY OF THE ONE PART AND THE CZECH REPUBLIC OF THE OTHER PART TO THE INTERIM AGREEMENT ON TRADE AND TRADE RELATED MATTERS BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY OF THE ONE PART AND THE CZECH AND SLOVAK FEDERAL REPUBLIC OF THE OTHER PART

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CONCERNING THE CONCLUSION ON BEHALF OF THE EUROPEAN COAL AND STEEL COMMUNITY OF THE SUPPLEMENTARY PROTOCOL BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY OF THE ONE PART AND THE SLOVAK REPUBLIC OF THE OTHER PART TO THE INTERIM AGREEMENT ON TRADE AND TRADE RELATED MATTERS BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY OF THE ONE PART AND THE CZECH AND SLOVAK FEDERAL REPUBLIC OF THE OTHER PART

EXPLANATORY MEMORANDUM

1. The attached proposals for a Council and Commission Decision constitute the legal instruments for the conclusion of two separate Supplementary Protocols between the Community and the Czech Republic and the Slovak Republic respectively to the Interim Agreement on trade and trade related matters signed on 16.12.1991 between the Community and the Czech and Slovak Federal Republic.
2. On 16 December 1991 the Community signed a Europe Agreement with the Czech and Slovak Federal Republic (CSFR). The subsequent entry into force of this agreement was delayed due to the necessity of its ratification by the Member States and the CSFR.
3. For this reason an "Interim Agreement", containing the trade and trade related provisions of the Europe Agreement with the CSFR, entered into force on 1 March 1992. On 15 December 1992 an Exchange of Letters between the Community and the CSFR extended the validity of this Interim Agreement beyond 31 December 1992.
4. Both the Czech Republic and the Slovak Republic informed the Commission in a letter of 7 December 1992, by the Minister of Foreign Relations of the Czech Republic and a letter by the Deputy Prime Minister of the Slovak Republic on the same date that, pursuant to the Constitutional Act of 25 November 1992 of the Federal Assembly of the Czech and Slovak Federal Republic on the dissolution of the Czech and Slovak Federal Republic, the Czech Republic and the Slovak Republic respectively are the successor states to the CSFR as of 1 January 1993, and that, in accordance with Article 8, paragraph 2 of this Act, they are competent to conclude international agreements before the dissolution of the CSFR on 31 December 1992, provided that these enter into force thereafter.
5. The Czech Republic and the Slovak Republic declared in letters of their governments of 15 December 1992 that as being the two successor states to the Czech and Slovak Federal Republic they continue to assume all the obligations deriving from all agreements between the Czech and Slovak Federal Republic and the European Communities and referred in particular to the Interim Agreement.
6. The Commission, in a letter from Commissioner van den Broek of 8 January 1993, took note of the intention of the Czech Republic and the Slovak Republic to assume all obligations deriving from the Interim Agreement and to proceed to formalize this undertaking contractually.
7. For this purpose two separate Supplementary Protocols have been negotiated between the Community and the Czech Republic and the Slovak Republic. The texts were initialled on 16 July 1993.

The main provisions of the Supplementary Protocols are:

- the Interim Agreement shall be applied to the Czech Republic and to the Slovak Republic
- the fact that there are now two republics instead of one is reflected in
 - . the provisions concerning the Joint Committee
 - . the rules of origin
 - . the text on transit
- the division between the two republics of the trade concessions in

8. The Supplementary Protocols enter into force upon signature (Article 10). The procedures for signing, with the effect of concluding the Supplementary Protocols, differ between the EEC and ECSC.

Conclusion of the Supplementary Protocols proceeds as follows:

- the Council will conclude the Supplementary Protocols on behalf of the EEC by virtue of the provisions of Article 113 of the EEC Treaty, by adopting the decisions contained in (I);
 - the Commission will conclude the Supplementary Protocols on behalf of the ECSC, in accordance with Article 95 of the ECSC Treaty, with the unanimous assent of the Council and after the Consultative Committee has been consulted, by adopting the decisions contained in (II).
9. The Supplementary Protocols should be signed in September 1993.
 10. In view of the above the Commission asks the Council to adopt the annexed proposals for Council decisions and to give it unanimous assent to the Article 95 ECSC decisions of the Commission.

ANNEX I

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Proposal for a
COUNCIL DECISION

**CONCERNING THE CONCLUSION ON BEHALF OF THE EUROPEAN ECONOMIC
COMMUNITY OF THE SUPPLEMENTARY PROTOCOL BETWEEN THE EUROPEAN ECONOMIC
COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY OF THE ONE
PART AND THE CZECH REPUBLIC OF THE OTHER PART TO THE INTERIM
AGREEMENT ON TRADE AND TRADE RELATED MATTERS BETWEEN THE
EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL
COMMUNITY OF THE ONE PART AND THE CZECH AND SLOVAK
FEDERAL REPUBLIC OF THE OTHER PART.**

(../.../EEC)

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 proposal from the Commission,

Whereas, pending the entry into force of the European Agreement signed in on 199., it is necessary to approve the Supplementary Protocol to the Interim Agreement between the European Economic Community and the European Coal and Steel Community of the one part and the Czech and Slovak Federal Republic of the other part on trade and trade related matters signed in Brussels on 16 December 1991, as subsequently amended by the Exchange of letters signed on 15 December 1992 concerning the extension of the duration of this Agreement,

Whereas the Interim Agreement was last amended by an Additional Protocol initialled on 16 July 1993 and applied provisionally from 1 July 1993 in order to increase and accelerate the grant of certain Community concessions,

Whereas the Commission has negotiated on behalf of the Communities a Supplementary Protocol with the Czech Republic to the Interim Agreement in order to adopt this Agreement to the dissolution of the Czech and Slovak Federal Republic on 31 December 1992 and the subsequent succession thereto by the Czech Republic,

Whereas it is necessary to approve this Supplementary Protocol,

HAD DECIDED AS FOLLOWS :

Article 1

The Supplementary Protocol between the EEC and the ECSC of the one part and the Czech Republic of the other part to the Interim Agreement between the European Economic Community and the European Coal and Steel Community of the one part and the Czech and Slovak Federal Republic of the other part is hereby approved on behalf of the European Economic Community.

The text of the Supplementary Protocol is annexed to this Decision.

Article 2

The President of the Council is authorized to designate the person who will sign the Supplementary Protocol in order to bind the European Economic Community.

Done at Brussels,

For the Council
The President

Proposal for a
COUNCIL DECISION

CONCERNING THE CONCLUSION ON BEHALF OF THE EUROPEAN ECONOMIC
COMMUNITY OF THE SUPPLEMENTARY PROTOCOL BETWEEN THE EUROPEAN ECONOMIC
COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY
OF THE ONE PART AND THE SLOVAK REPUBLIC OF THE OTHER PART TO THE
INTERIM AGREEMENT ON TRADE AND TRADE RELATED MATTERS BETWEEN THE
EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL
COMMUNITY OF THE ONE PART AND THE CZECH AND SLOVAK FEDERAL
REPUBLIC OF THE OTHER PART.

(.../.../EEC)

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 proposal from the Commission,

Whereas, pending the entry into force of the European Agreement signed
in on 199., it is necessary to approve the
Supplementary Protocol to the Interim Agreement between the European
Economic Community and the European Coal and Steel Community of the one
part and the Czech and Slovak Federal Republic of the other part on
trade and trade related matters signed in Brussels on 16 December 1991,
as subsequently amended by the Exchange of letters signed on 15
December 1992 concerning the extension of the duration of this
Agreement,

Whereas the Interim Agreement was last amended by an Additional
Protocol initialled on 16 July 1993 and applied provisionally from
1 July 1993 in order to increase and accelerate the grant of certain
Community concessions,

Whereas the Commission has negotiated on behalf of the Communities a
Supplementary Protocol with the Slovak Republic to the Interim
Agreement in order to adopt this Agreement to the dissolution of the
Czech and Slovak Federal Republic on 31 December 1992 and the
subsequent succession thereto by the Slovak Republic,

Whereas it is necessary to approve this Supplementary Protocol,

HAD DECIDED AS FOLLOWS :

Article 1

The Supplementary Protocol between the EEC and the ECSC of the one part
and the Slovak Republic of the other part to the Interim Agreement
between the European Economic Community and the European Coal and Steel
Community of the one part and the Czech and Slovak Federal Republic of
the other part is hereby approved on behalf of the European Economic
Community.

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The text of the Supplementary Protocol is annexed to this Decision.

Article 2

The President of the Council is authorized to designate the person who will sign the Supplementary Protocol in order to bind the European Economic Community.

Done at Brussels,

For the Council
The President

ANNEX II

Draft
COMMISSION DECISION

CONCERNING THE CONCLUSION ON BEHALF OF THE EUROPEAN COAL AND STEEL
COMMUNITY OF THE SUPPLEMENTARY PROTOCOL BETWEEN THE EUROPEAN
ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY
OF THE ONE PART AND THE CZECH REPUBLIC OF THE OTHER PART
TO THE INTERIM AGREEMENT ON TRADE AND TRADE RELATED MATTERS
BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL
AND STEEL COMMUNITY OF THE ONE PART AND THE CZECH AND SLOVAK
FEDERAL REPUBLIC OF THE OTHER PART

(../.../ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel
Community, and in particular the first paragraph of Article 95 thereof;

Whereas, pending the entry into force of the European Agreement signed
in on 199., it is necessary to approve the
Supplementary Protocol to the Interim Agreement between the European
Economic Community and the European Coal and Steel Community of the one
part and the Czech and Slovak Federal Republic of the other part on
trade and trade related matters signed in Brussels on 16 December 1991,
as subsequently amended by the Exchange of letters signed on 15
December 1992 concerning the extension of the duration of this
Agreement;

Whereas the Interim Agreement was last amended by an Additional
Protocol initialled on 16 July 1993 and applied provisionally from the
1 July 1993 in order to increase and accelerate the grant of certain
Community concessions;

Whereas the conclusion of the Supplementary Protocol with the Czech
Republic to the Interim Agreement in order to adapt this Agreement to
the dissolution of the Czech and Slovak Federal Republic on 31 December
1992 and the subsequent succession thereto by the Czech Republic is
necessary to attain the objectives of the Community set out in
particular in Articles 2 and 3 of the Treaty establishing the European
Coal and Steel Community and whereas the Treaty did not make provision
for all the cases covered by this Decision;

Having consulted the Consultative Committee and with the unanimous
assent of the Council;

HAD DECIDED AS FOLLOWS :

Article 1

The Supplementary Protocol between the European Economic Community and
the European Coal and Steel Community of the one part and the Czech
Republic of the other part to the Interim Agreement between the
European Economic Community and the European Coal and Steel Community
of the one part and the Czech and Slovak Federal Republic of the other
part is hereby approved on behalf of the European Coal and Steel
Community.

The text of the Supplementary Protocol is annexed to this Decision.

Article 2

The President of the Commission is authorized to designate the person who will sign the Supplementary Protocol in order to bind the European Coal and Steel Community.

Done at Brussels,

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Draft
COMMISSION DECISION

CONCERNING THE CONCLUSION ON BEHALF OF THE EUROPEAN COAL AND STEEL COMMUNITY OF THE SUPPLEMENTARY PROTOCOL BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY OF THE ONE PART AND THE SLOVAK REPUBLIC OF THE OTHER PART TO THE INTERIM AGREEMENT ON TRADE AND TRADE RELATED MATTERS BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY OF THE ONE PART AND THE CZECH AND SLOVAK FEDERAL REPUBLIC OF THE OTHER PART

(.../.../ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 thereof;

Whereas, pending the entry into force of the European Agreement signed in on 199., it is necessary to approve the Supplementary Protocol to the Interim Agreement between the European Economic Community and the European Coal and Steel Community of the one part and the Czech and Slovak Federal Republic of the other part on trade and trade related matters signed in Brussels on 16 December 1991, as subsequently amended by the Exchange of letters signed on 15 December 1992 concerning the extension of the duration of this Agreement;

Whereas the Interim Agreement was last amended by an Additional Protocol initialled on 16 July 1993 and applied provisionally from the 1 July 1993 in order to increase and accelerate the grant of certain Community concessions;

Whereas the conclusion of the Supplementary Protocol with the Slovak Republic to the Interim Agreement in order to adapt this Agreement to the dissolution of the Czech and Slovak Federal Republic on 31 December 1992 and the subsequent succession thereto by the Slovak Republic is necessary to attain the objectives of the Community set out in particular in Articles 2 and 3 of the Treaty establishing the European Coal and Steel Community and whereas the Treaty did not make provision for all the cases covered by this Decision;

Having consulted the Consultative Committee and with the unanimous assent of the Council;

HAD DECIDED AS FOLLOWS :

Article 1

The Supplementary Protocol between the European Economic Community and the European Coal and Steel Community of the one part and the Slovak Republic of the other part to the Interim Agreement between the European Economic Community and the European Coal and Steel Community of the one part and the Czech and Slovak Federal Republic of the other part is hereby approved on behalf of the European Coal and Steel Community.

The text of the Supplementary Protocol is annexed to this Decision.

Article 2

The President of the Commission is authorized to designate the person who will sign the Supplementary Protocol in order to bind the European Coal and Steel Community.

Done at Brussels,

SUPPLEMENTARY PROTOCOL

between the European Economic Community and the European Coal and Steel Community of the one part and the Czech Republic of the other part to the Interim Agreement on trade and trade related matters signed on 16th December 1991 between the Communities of the one part and the Czech and Slovak Federal Republic of the other part.

THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY
(hereinafter referred to as "the Community")

of the one part,

AND THE CZECH REPUBLIC

of the other part,

Having regard to the Interim Agreement on trade and trade related matters between the Community of the one part and the Czech and Slovak Federal Republic of the other part as subsequently amended by the exchange of letters signed on 15th December, 1992 concerning the extension of the duration of this Agreement together with all declarations and exchanges of letters including those concerning transit as last amended on 1st July, 1992, which entered into force on 1st March, 1992, hereafter referred to as "the Interim Agreement".

Whereas the Interim Agreement was last amended by an Additional Protocol initialled on 16 July 1993 and applied from 1st July 1993 in order to increase and accelerate the grant of certain Community concessions.

Considering that both the Czech Republic and the Slovak Republic have informed the Commission of the European Communities in a letter of 7th December, 1992 addressed by the Minister of Foreign Relations of the Czech Republic and a letter addressed by the Deputy Prime Minister of the Slovak Republic of the same date to the President of the Commission of the European Communities, that, pursuant to the Constitutional Act of 25th November 1992 of the Federal Assembly of the Czech and Slovak Federal Republic on the dissolution of the Czech and Slovak Federal Republic, the Czech Republic and the Slovak Republic respectively are the successor states to the CSFR as of 1st January, 1993 and that, in accordance with Article 8, paragraph 2 of this Act, they are competent to conclude international agreements before the dissolution of the CSFR on the 31st December 1992, provided that these enter into force thereafter.

Considering that the Czech Republic declared in the letter of its Minister for Foreign Relations Josef Zielenec of 15th December 1992 that, as one of the two successor States to the Czech and Slovak Federal Republic it continues to assume all the obligations deriving from all agreements between the Czech and Slovak Federal Republic and the European Communities and referred in particular to the Interim Agreement.

Considering that the Community, in a letter from Commissioner van den Broek of 8th January, 1993, took note of the intention of the Czech Republic to assume all obligations deriving from the Interim Agreement.

Considering that the Czech Republic and the Slovak Republic have concluded as of 1st January, 1993, a customs union.

Considering that the Czech Republic and the Slovak Republic have informed the Community that they have agreed on the division between themselves of the tariff quotas, tariff ceilings and other rights and obligations arising from the Interim Agreement.

Considering that the Community has agreed to take note of the above mentioned undertaking of the Czech Republic and to continue to apply the Interim Agreement with regard to the Czech Republic as of 1st January 1993, and agreed that certain amendments should be made thereto, in particular, from 1st January 1994, to the tariff quotas and tariff ceilings.

Have decided to conclude a Supplementary Protocol concerning the Interim Agreement, and to this end have designated as their plenipotentiaries :

THE EUROPEAN ECONOMIC COMMUNITY :

THE EUROPEAN COAL AND STEEL COMMUNITY :

THE CZECH REPUBLIC :

who, having exchanged full powers, found in good and due form,

HAVE AGREED AS FOLLOWS :

Article 1

The Interim Agreement shall be applied with regard to the Czech Republic subject to the amendments contained in this Protocol.

Article 2

Article 37 of the Interim Agreement shall be replaced by the following text :

1. A Joint Committee shall be set up comprising representatives of the Community on the one hand and representatives of the Czech Republic on the other hand.
2. The Joint Committee shall formulate recommendations by mutual agreement between the two Parties.
3. The Joint Committee shall, as necessary, adopt its own rules of procedure and programme of work.

The Joint Committee shall meet once a year. Special meetings may be convened by mutual agreement, at the request of either Party. The Joint Committee shall be chaired alternately by each of the Parties. Wherever possible, the agenda for meetings of the Joint Committee shall be agreed beforehand.

- 4. The Joint Committee may decide to set up working groups to assist it in carrying out its duties.
- 5. The Joint Committee shall in particular
 - examine any questions which may arise in the context of the Interim Agreement and this protocol in the light of the dissolution of the CSFR;
 - monitor the fulfilment of the obligations of each Party, and
 - make appropriate recommendations on the above."

Article 3

Annexes III, VIII, XIa, XIIIb and XIV of the Interim Agreement shall be replaced by the identically numbered Annexes III, VIII, XIa, XIIIb and XIV to this Supplementary Protocol.

Article 4

Article 3 of Protocol N° 1 to the Interim Agreement shall be replaced by the following text :

- "1. From 1st January 1993, the quantitative arrangements and other related issues regarding exports of textiles products originating in the Czech Republic to the Community and originating in the Community to the Czech Republic shall be governed by the Additional Protocol to the Europe Agreement on trade in textile products between the European Economic Community and the Czech and Slovak Federal Republic initialled on 17th December 1992 and applied since 1st January 1993.
- 2. From the entry into force of this Agreement no new quantitative restrictions or measures having equivalent effect shall be imposed except as provided for under the Agreement and its Protocols."

Article 5

To Article 2 of Protocol N° 2 of the Interim Agreement a footnote shall be added which reads as follows :

"From 1st June 1993 to 31st December 1995, subject to any subsequent modification, the provisions of Decision 1/93(C) will be applicable (O.J. L157 of 29/6/93)."

Article 6

Protocol N° 4 of the Interim Agreement shall be replaced by the Protocol N° 4, annexed to this Supplementary Protocol.

Article 7

The Protocol N° 8 on the succession of the Czech Republic in respect of the exchange of letters between the Community and the CSFR concerning transit and land transport infrastructure, signed on 1st July, 1992, is annexed hereto.

Article 8

The abovementioned amendments to the Interim Agreement shall be applicable as of the entry into force of this Supplementary Protocol with the exception of those contained in Article 3 which shall be applicable as of 1st January, 1994.

Article 9

This Supplementary Protocol and its annexes shall form an integral part of the Interim Agreement.

Article 10

This Supplementary Protocol shall enter into force upon signature by the Contracting Parties.

Article 11

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Czech languages, each of these texts being equally authentic.

In witness whereof the undersigned Plenipotentiaries have hereunto set their hands.

Done at Brussels,

For the European Communities,

For the Czech Republic,

Exchange of Notes

The Delegation of the Commission of the European Communities to the Czech Republic in Prague presents its compliments to the Ministry of Foreign Affairs of the Czech Republic and has the honour to refer to the Additional Protocol to the Interim Agreement between the Czech and Slovak Federal Republic and the Community initialled on 16 July 1993.

The Delegation of the Commission wishes to propose to the Ministry of Foreign Affairs of the Czech Republic that from 1 January 1994, any remaining balances of the tariff quotas provided for in Annexes XIa and XIIIb for the year 3 and granted by the Interim Agreement on the basis of the relevant amendments thereto introduced by the Additional Protocol, applied since the first of July 1993, shall be attributed in whole or in part to the Czech Republic according to a distribution scale to be established jointly with the Czech Republic, and to be communicated to the Commission by the 31 December 1993, by the Slovak Republic and the Czech Republic.

The Delegation of the Commission of the European Communities to the Czech Republic in Prague would be grateful if the Ministry of Foreign Affairs of the Czech Republic would confirm its agreement to the foregoing.

The Delegation of the Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Czech Republic the assurance of its highest consideration.



Exchange of Notes

The Mission of the Czech Republic to the European Communities presents its compliments to the Directorate-General for External Economic Relations of the Commission of the European Communities and has the honour to refer to the note of the Delegation of the Commission of the European Communities to the Czech Republic in Prague regarding the Additional Protocol to the Interim Agreement between the Czech and Slovak Federal Republic and the Community initialled on 16 July 1993.

The Mission of the Czech Republic wishes to confirm to the Directorate-General for External Economic Relations of the Commission of the European Communities its agreement that from 1 January, 1994, any remaining balances of the tariff quotas provided for in Annexes XIa and XIIIb for the year 3 and granted by the Interim Agreement on the basis of the relevant amendments thereto introduced by the Additional Protocol, applied since the first of July 1993, shall be attributed in whole or in part to the Czech Republic according to a distribution scale to be established jointly with the Slovak Republic, and to be communicated to the Commission by the 31 December 1993, by the Czech Republic and the Slovak Republic.

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

SUPPLEMENTARY PROTOCOL

between the European Economic Community and the European Coal and Steel Community of the one part and the Slovak Republic of the other part to the Interim Agreement on trade and trade related matters signed on 16th December 1991 between the Communities of the one part and the Czech and Slovak Federal Republic of the other part.

THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY
(hereinafter referred to as "the Community")

of the one part,

AND THE SLOVAK REPUBLIC

of the other part,

Having regard to the Interim Agreement on trade and trade related matters between the Community of the one part and the Czech and Slovak Federal Republic of the other part as subsequently amended by the exchange of letters signed on 15th December, 1992 concerning the extension of the duration of this Agreement together with all declarations and exchanges of letters including those concerning transit as last amended on 1st July, 1992, which entered into force on 1st March, 1992, hereafter referred to as "the Interim Agreement".

Whereas the Interim Agreement was last amended by an Additional Protocol initialled on 16 July 1993 and applied from 1st July 1993 in order to increase and accelerate the grant of certain Community concessions.

Considering that both the Czech Republic and the Slovak Republic have informed the Commission of the European Communities in a letter of 7th December, 1992 addressed by the Minister of Foreign Relations of the Czech Republic and a letter addressed by the Deputy Prime Minister of the Slovak Republic of the same date to the President of the Commission of the European Communities, that, pursuant to the Constitutional Act of 25th November 1992 of the Federal Assembly of the Czech and Slovak Federal Republic on the dissolution of the Czech and Slovak Federal Republic, the Czech Republic and the Slovak Republic respectively are the successor states to the CSFR as of 1st January, 1993 and that, in accordance with Article 8, paragraph 2 of this Act, they are competent to conclude international agreements before the dissolution of the CSFR on the 31st December 1992, provided that these enter into force thereafter.

Considering that the Slovak Republic declared in the letter of its Deputy Prime Minister and Minister for Foreign Affairs of 15th December 1992 that, as one of the two successor States to the Czech and Slovak Federal Republic it continues to assume all the obligations deriving from all agreements between the Czech and Slovak Federal Republic and the European Communities and referred in particular to the Interim Agreement.

Considering that the Community, in a letter from Commissioner van den Broek of 8th January, 1993, took note of the intention of the Slovak Republic to assume all obligations deriving from the Interim Agreement.

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Considering that the Czech Republic and the Slovak Republic have concluded as of 1st January, 1993, a customs union.

Considering that the Czech Republic and the Slovak Republic have informed the Community that they have agreed on the division between themselves of the tariff quotas, tariff ceilings and other rights and obligations arising from the Interim Agreement.

Considering that the Community has agreed to take note of the above mentioned undertaking of the Slovak Republic and to continue to apply the Interim Agreement with regard to the Slovak Republic as of 1st January 1993, and agreed that certain amendments should be made thereto, in particular, from 1st January 1994, to the tariff quotas and tariff ceilings.

Have decided to conclude a Supplementary Protocol concerning the Interim Agreement, and to this end have designated as their plenipotentiaries :

THE EUROPEAN ECONOMIC COMMUNITY :

THE EUROPEAN COAL AND STEEL COMMUNITY :

THE SLOVAK REPUBLIC :

who, having exchanged full powers, found in good and due form,

HAVE AGREED AS FOLLOWS :

Article 1

The Interim Agreement shall be applied with regard to the Slovak Republic subject to the amendments contained in this Supplementary Protocol.

Article 2

Article 37 of the Agreement shall be replaced by the following text :

- 1. A Joint Committee shall be set up comprising representatives of the Community on the one hand and representatives of the Slovak Republic on the other hand.
- 2. The Joint Committee shall formulate recommendations by mutual agreement between the two Parties.
- 3. The Joint Committee shall, as necessary, adopt its own rules of procedure and programme of work.

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The Joint Committee shall meet once a year. Special meetings may be convened by mutual agreement, at the request of either Party. The Joint Committee shall be chaired alternately by each of the Parties. Wherever possible, the agenda for meetings of the Joint Committee shall be agreed beforehand.

- 4. The Joint Committee may decide to set up working groups to assist it in carrying out its duties.
- 5. The Joint Committee shall in particular
 - examine any questions which may arise in the context of the Interim Agreement and this protocol in the light of the dissolution of the CSFR;
 - monitor the fulfilment of the obligations of each Party, and
 - make appropriate recommendations on the above."

Article 3

Annexes III, VIII, XIa, XIIIb and XIV of the Interim Agreement shall be replaced by the identically numbered Annexes III, VIII, XIa, XIIIb and XIV to this Supplementary Protocol.

Article 4

Article 3 of Protocol N° 1 to the Interim Agreement shall be replaced by the following text :

- "1. From 1st January 1993, the quantitative arrangements and other related issues regarding exports of textiles products originating in the Slovak Republic to the Community and originating in the Community to the Slovak Republic shall be governed by the Additional Protocol to the Europe Agreement on trade in textile products between the European Economic Community and the Czech and Slovak Federal Republic initialled on 17th December 1992 and applied since 1st January 1993.
- 2. From the entry into force of the Interim Agreement no new quantitative restrictions or measures having equivalent effect shall be imposed except as provided for under the Agreement and its Protocols."

Article 5

To Article 2 of Protocol N° 2 of the Interim Agreement a footnote shall be added which reads as follows :

"From 1st June 1993 to 31st December 1995, subject to any subsequent modification, the provisions of Decision 1/93(S) will be applicable (O.J. L157 of 29/6/93)".

Article 6

Protocol N° 4 of the Interim Agreement shall be replaced by the Protocol N° 4, annexed to this Supplementary Protocol.

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Article 7

The Protocol N° 8 on the succession of the Slovak Republic in respect of the exchange of letters between the Community and the CSFR concerning transit and land transport infrastructure, signed on 1st July, 1992, is annexed hereto.

Article 8

The abovementioned amendments to the Interim Agreement shall be applicable as of the entry into force of this Supplementary Protocol with the exception of those contained in Article 3 which shall be applicable as of 1st January, 1994.

Article 9

This Supplementary Protocol and its Annexes shall form an integral part of the Interim Agreement.

Article 10

This Supplementary Protocol shall enter into force upon signature by the Contracting Parties.

Article 11

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Slovak languages, each of these texts being equally authentic.

In witness whereof the undersigned Plenipotentiaries have hereunto set their hands.

Done at Brussels,

For the European Communities,

For the Slovak Republic,

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Exchange of Notes

The Delegation of the Commission of the European Communities to the Slovak Republic in Prague presents its compliments to the Ministry of Foreign Affairs of the Slovak Republic and has the honour to refer to the Additional Protocol to the Interim Agreement between the Czech and Slovak Federal Republic and the Community initialled on 16 July 1993.

The Delegation of the Commission wishes to propose to the Ministry of Foreign Affairs of the Slovak Republic that from 1 January 1994, any remaining balances of the tariff quotas provided for in Annexes XIa and XIIIb for the year 3 and granted by the Interim Agreement on the basis of the relevant amendments thereto introduced by the Additional Protocol, applied since the first of July 1993, shall be attributed in whole or in part to the Slovak Republic according to a distribution scale to be established jointly with the Czech Republic, and to be communicated to the Commission by the 31 December 1993, by the Slovak Republic and the Czech Republic.

The Delegation of the Commission of the European Communities to the Slovak Republic in Prague would be grateful if the Ministry of Foreign Affairs of the Slovak Republic would confirm its agreement to the foregoing.

The Delegation of the Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Slovak Republic the assurance of its highest consideration.

Exchange of Notes

The Mission of the Slovak Republic to the European Communities presents its compliments to the Directorate-General for External Economic Relations of the Commission of the European Communities and has the honour to refer to the note of the Delegation of the Commission of the European Communities to the Slovak Republic in Prague regarding the Additional Protocol to the Interim Agreement between the Czech and Slovak Federal Republic and the Community initialled on 16 July 1993.

The Mission of the Slovak Republic wishes to confirm to the Directorate-General for External Economic Relations of the Commission of the European Communities its agreement that from 1 January, 1994, any remaining balances of the tariff quotas provided for in Annexes XIa and XIIIb for the year 3 and granted by the Interim Agreement on the basis of the relevant amendments thereto introduced by the Additional Protocol, applied since the first of July 1993, shall be attributed in whole or in part to the Slovak Republic according to a distribution scale to be established jointly with the Czech Republic, and to be communicated to the Commission by the 31 December 1993, by the Slovak Republic and the Czech Republic.

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