

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 687 final

Brussels, 13th November 1980

RECOMMENDATION FOR A COUNCIL REGULATION (EEC)

concluding an Agreement in the form of an exchange of letters to further derogate from the last sentence of Article 1 of Protocol No 3 of the Agreement between the European Economic Community and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Republic of Portugal, the Kingdom of Sweden, the Swiss Confederation.

(Presented by the Commission to the Council)

EXPLANATORY NOTE

Up to the present in all preferential Agreements and in the Community's GSP scheme the origin rules and the methods of cooperative cooperation have not applied to oil products (the products of "List C"). However, in Lomé II and the Agreement EEC-Yougoslavia the administrative arrangements in the Origin Protocols apply to List C products. It seems sensible to envisage the all round extension of this principle.

In the case of the EEC-EFTA Agreements the Joint Committee does not have the powers to make the change necessary to apply the measures of administrative cooperation in Protocol No 3 to these products and an agreement in the form of an exchange of letters is necessary.

The effect of the change is that it will become obligatory to use customs issued movement certificates EUR.1 and the option of using Chamber of Commerce origin certificates will be removed. This change also means that the arrangements for post export verifications of certificates and the other administrative provisions of the part of the protocols will apply. This change will improve control of the preferences and remove an element of confusion in the current system where movement certificates and origin certificates are used interchangeably.

Recommendation for a Council Regulation (EEC) concluding an Agreement in the form of an exchange of letters to further derogate from the last sentence of Article 1 of Protocol No 3 of the Agreement between the European Economic Community and (1).

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 derogate from the last sentence of Article 1 of Protocol No 3 to the Agreement between the European Economic Community and (1), in order to apply the methods of administrative co-operation in that Protocol to the products listed in the List C annexed to that Protocol and to conclude an Agreement in the form of an exchange of letters to this effect,

HAS ADOPTED THIS REGULATION :

Article 1

The Agreement in the form of an exchange of letters derogating from the last sentence of Article 1 of Protocol No 3 of the Agreement between the European Economic Community and (1) is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

(1) The Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Republic of Portugal, the Kingdom of Sweden, the Swiss Confederation.

Article 2

The President of the Council is hereby authorized to appoint the person empowered to sign the Agreement referred to in Article 1 for the purpose of binding the Community.

Article 3

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

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

Done at Brussels,

For the Council

The President

A G R E E M E N T

in the form of an exchange of letters derogating from the last sentence of Article 1 of Protocol No 3 to the Agreement between the European Economic Community and (1).

Brussels,

Your Excellency,

The last sentence of Article 1 of Protocol No 3 to the Agreement between the European Economic Community and(1), signed on(2), stipulates that the oil products listed in the List C annexed to the Protocol, do not fall within the scope of that Protocol.

In order to prevent this legal situation leading to the application of different methods of administrative co-operation being used for these products in preferential trade in relationship to other products, I propose that it is agreed that, by derogation from the last sentence of Article 1 of Protocol No 3, the methods of administrative co-operation contained in Protocol No 3 shall apply to these products as from

I should be grateful if you would confirm the agreement of your Government to this proposition.

Please accept, your Excellency, the assurance of my highest consideration.

For the Council of the
European Communities

(1) The Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Republic of Portugal, the Kingdom of Sweden, the Swiss Confederation.

(2) Austria, Iceland, Portugal, Sweden, Switzerland : 22 July 1972
Norway : 14 May 1973
Finland : 5 October 1973

Brussels,

Sir,

I have the honour to acknowledge reception of your letter of today's date drafted as follows:

"The last sentence of Article 1 of Protocol No 3 to the Agreement between the European Economic Community and(1), signed on(2) stipulates that the oil products listed in the List C annexed to the Protocol, do not fall within the scope of that Protocol.

In order to prevent this legal situation leading to the application of different methods of administrative co-operation being used for these products in preferential trade in relationship to other products, I propose that it is agreed that, by derogation to the last sentence of Article 1 of Protocol No 3, the methods of administrative co-operation contained in Protocol No 3 shall apply to these products as from

I should be grateful if you would confirm the agreement of your Government to this proposition.

Please accept, your Excellency, the assurance of my highest consideration."

I have the honour to confirm that my Government agrees to the contents of your letter (3) subject to a subsequent communication to you concerning the completion of the procedural requirements under the Austrian Constitution.

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

For the Government of

.....(1)

(1) The Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Republic of Portugal, the Kingdom of Sweden, the Swiss Confederation.

(2) Austria, Iceland, Portugal, Sweden, Switzerland : 22 July 1972
Norway : 14 May 1973
Finland : 5 October 1973

(3) Austria only

