# COMMISSION OF THE EUROPEAN COMMUNITIES

COM (89) 174 final

Brussels, 21 April 1989

Proposal for a

**COUNCIL DECISION**

authorizing extension or tacit renewal of certain trade agreements concluded between Member States and third countries

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(presented by the Commission)

Com 174

## EXPLANATORY MEMORANDUM

Pursuant to Article 3 of the Council Decision of 16 December 1969 on the progressive standardization of agreements concerning commercial relations between Member States and third countries and on negotiation of Community agreements,[1] the Commission is proposing to the Council that the Member States be authorized to extend or tacitly renew the trade agreements annexed to the attached proposal for a Council decision.

The agreements in question constitute the second batch for 1989 and expire or are due to be terminated between 1 May 1989 and 31 July 1989.

The prior consultation specified in Article 2 of the Decision was executed by written procedure. The outcome was the recognition on 13 March 1989 that the conditions under which the agreements could be extended for a further year had been fulfilled.

The Commission finds that the extension of the agreements has no implications for SMEs or for employment.

The list includes the following agreement with an EFTA country which, in accordance with the understanding reached within the Working Party on EFTA, should be revised by the Member State concerned:

- Italy-Switzerland agreement of 21.10.1950 (expires 31.10.1989)

The Member State concerned has informed the Commission that the review of the agreement will soon be completed, but that there is not enough time remaining before expiry to finalize the updating. The Commission therefore considers that a further extension of the agreement is required.

The Commission would also point out that the proposals authorizing the Member States to renew or extend certain agreements in this batch for a further year in no way prejudice its position the next time these agreements come up for renewal.

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1 OJ L 326, 29.12.1969, p. 39.

# Proposal for a

# COUNCIL DECISION

**authorizing extension or tacit renewal of certain trade agreements concluded between Member States and third countries**

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 Council Decision 69/494/EEC of 16 December 1969 on the progressive standardization of agreements concerning commercial relations between Member States and third countries and on the negotiation of Community agreements (1), and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas extension or tacit renewal beyond the end of the transitional period was last authorized in the case of the Agreements and Protocols listed in the Annex by Decision 88/360/EEC (2);

Whereas the Member States concerned have, with a view to avoiding any disruption of their commercial relations with third countries concerned based on Agreement, requested authorization to extend or renew the above-mentioned Agreements;

Whereas, however, most of the areas covered by these national Agreements are henceforth the subject of Community agreements; whereas, in this situation, there should be authorization for the maintenance of national Agreements only for those areas not covered by Community Agreements; whereas, in addition, such authorization should not, therefore, adversely affect the obligation incumbent upon the Member States to avoid and, where appropriate, to eliminate any incompatibility between such Agreements and the provisions of Community law;

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

Whereas the Member States concerned have declared that the extension or tacit renewal of these Agreements would neither constitute an obstacle to the opening of Community negotiations with the third countries concerned and the transfer of the commercial substance of those Agreements to Community Agreements nor, during the period under consideration, hinder the adoption of the measures necessary to complete the standardization of the import arrangements of the Member States;

Whereas at the conclusion of the consultations provided for in Article 2 of Decision 69/494/EEC it was established, as the aforesaid declarations by the Member States concerned confirm, that the provisions of the Agreements to be extended or renewed would not, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas, in these circumstances, the Agreements concerned may be either extended or tacitly renewed for a limited period,

HAS ADOPTED THIS DECISION:

*Article 1*

The Trade Agreements and Protocols between Member States and third countries, as listed in the Annex hereto, may be extended or tacitly renewed up to the dates indicated for each of them for those areas not covered by Agreements between the Community and the third countries concerned and in so far as their provisions are not contrary to existing common policies.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council*

*The President*

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(1) OJ No L 326, 29. 12. 1969, p. 39.
(2) OJ No L 174, 6.7.1988, p. 52

| Estado miembro | País tercero | Naturaleza y fecha del Acuerdo | Prorrogado o tácitamente reconducido hasta el |
|---|---|---|---|
| Medlemsstat | Tredjeland | Aftalens art og datering | Udløb efter forlængelse eller stiltiende videreførelse |
| Mitgliedstaat | Drittland | Art und Datum des Abkommens | Ablauf nach Verlängerung oder stillschweigender Verlängerung |
| Κράτος μέλος | Τρίτη χώρα | Φύση και ημερομηνία της συμφωνίας | Ημερομηνία λήξεως κατόπιν της παρατάσεως ή της σιωπηράς ανανεώσεως |
| Member State | Third country | Type and date of Agreement | Prolonged or tacitly renewed until |
| État membre | Pays tiers | Nature et date de l'accord | Échéance après prorogation ou tacite reconduction |
| Stato membro | Paese terzo | Natura e data dell'accordo | Scadenza dopo la proroga o il tacito rinnovo |
| Lid-Staat | Derde land | Aard en datum van het akkoord | Vervaldatum na al dan niet stilzwijgende verlenging |
| Estado-membro | País terceiro | Natureza e data do acordo | Prorrogado ou tacitamente renovado até |
| (1) | (2) | (3) | (4) |
| BENELUX | Israël | Accord commercial/Handelsakkoord 29. 8. 1958 | 31. 8. 1990 |
| | Philippines/ Filippijnen | Accord commercial/Handelsakkoord 14. 3. 1967 | 11. 10. 1990 |
| ITALIA | Cuba | Scambio di note 9. 9. 1950 | 8. 9. 1990 |
| | India | Accordo commerciale e scambio di lettere 6. 10. 1959 / 7. 7. 1964 | 30. 6. 1990 |
| | Libano | Accordo commerciale 4. 11. 1955 | 10. 9. 1990 |
| | Svizzera | Accordo commerciale 21. 10. 1950 | 31. 10. 1990 |
| | Yemen | Protocollo addizionale (al trattato d'amicizia e di relazioni economiche del 4. 9. 1937) 5. 10. 1959 | 31. 12. 1990 |
| DANMARK | Cameroun | Handelsaftale 8. 10. 1962 | 7. 10. 1990 |
| DEUTSCHLAND | Ekuador | Handelsabkommen 1. 8. 1953 | 15. 10. 1990 |
| | Kolumbien | Handelsabkommen 9. 11. 1957 | 10. 11. 1990 |
| ΕΛΛΑΔΑ | Βραζιλία | Εμπορική συμφωνία 9. 6. 1975 | 2. 7. 1990 |
| | Αιθιοπία | Εμπορική συμφωνία 22. 6. 1959 | 22. 6. 1990 |
| | Λίβανος | Εμπορική συμφωνία 3. 7. 1958 | 2. 5. 1990 |
| | Λιβερία | Εμπορική συμφωνία 29. 6. 1973 | 29. 6. 1990 |
| | Λιβύη | Εμπορική συμφωνία 16. 3. 1957 | 23. 5. 1990 |
| | Μεξικό | Εμπορική συμφωνία 12. 4. 1960 | 20. 6. 1990 |
| | Ιράκ | Εμπορική συμφωνία 26. 4. 1956 | 1. 5. 1990 |
| ESPAÑA | El Salvador | Acuerdo Comercial 2. 12. 1982 | 23. 9. 1990 |
| | Nicaragua | Convenio de Cooperación Económica 4. 3. 1974 | 2. 9. 1990 |
| | Senegal | Acuerdo Comercial 15. 11. 1978 | 3. 10. 1990 |

| (1) | (2) | (3) | | (4) |
|---|---|---|---|---|
| PORTUGAL | Argélia | Acordo Comercial | 16. 6. 1976 | 15. 6. 1990 |
| | Brasil | Acordo de Comércio | 7. 9. 1966 | 6. 9. 1990 |
| | México | Acordo Económico e Comercial | 28. 8. 1980 | 27. 8. 1990 |
| | Guiné-Bissau | Acordo Comercial | 13. 1. 1978 | 12. 1. 1990 |
| | Marrocos | Acordo Comercial | 28. 1. 1977 | 27. 1. 1990 |
| | Zimbabwe | Acordo Comercial | 10. 9. 1982 | 9. 9. 1990 |
| UEBL/BLEU | Mexique/Mexico | Accord commercial/Handelsakkoord | 16. 9. 1950 | 11. 9. 1990 |
| UNITED KINGDOM | Haiti | Exchange of letters for the establishment of a commercial *'Modus vivendi'* | 25. 2. 1928 | 31. 12. 1990 |

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