COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 5 final

Brussels, 20 January 1994

Proposal for a

COUNCIL DECISION

concluding an Agreement in the form of an exchange of letters amending Annex IVb to the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, of the other part, on trade and trade-related matters and to the Europe Agreement between the European Community and their Member States, of the on part, and the Republic of Poland, of the other part

(presented by the Commission)

EXPLANATORY MEMORANDUM

Points 2 and 3 in Annex IVb to the EC-Poland Interim Agreement and Europe Agreement establish an annual zero-duty tariff quota for Polish imports of certain motor vehicles originating in the Community. A small percentage of the quota is for cars fitted with catalysers.

The Polish Mission has proposed to the Commission, by Note Verbale dated 17 September, that Annex IVb should be amended to allow the entire zero-duty tariff quota provided for in points 2 and 3 to apply to cars fitted with such equipment from 1994 onwards.

Having studied the proposal with the Polish authorities and the Working Party on Eastern Europe the Commission has arrived at a solution satisfactory to both parties, which is incorporated in the draft exchange of letters and Community declaration herewith.

The Commission initialled these documents on 15.12.1993.

It accordingly invites the Council to adopt the annexed proposal for a decision.

PROPOSAL FOR A COUNCIL DECISION

concluding an Agreement in the form of an exchange of letters amending Annex IVb to the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, of the other part, on trade and trade-related matters and to the Europe Agreement between the European Community and their Member States, of the on part, and the Republic of Poland, of the other part

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Annex IVb to the Interim Agreement and the Europe Agreement is to be amended at the Polish authorities' request by the conclusion of an Agreement in the form of an exchange of letters,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters amending Annex IVb to the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, of the other part, on trade and trade-related matters and to the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, is hereby approved on behalf of the European Community.

The text of the Agreement and a declaration by the Community are attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Done at Brussels,

For the Council

The President

Agreement in the form of an exchange of letters
between the European Community and the Republic of Poland
concerning Annex IVb to the Interim Agreement and
the Europe Agreement signed in Brussels on 16 December 1991

1. Letter from the Community

Sir,

The European Community and the Republic of Poland have agreed that points 2 and 3 of Annex IVb to the Interim Agreement and the Europe Agreement should be amended as follows:

2. The products originating in the Community listed below shall benefit from a suspension of customs duties on imports within the limit of an annual preferential tariff quota for 25 000 car opened on 1 January 1994:

8703 21 10
8703 22 19
8703 23 19
8703 24 10
8703 31 10
8703 32 19
8703 33 19
8703 90 90

3. The products originating in the Community listed below shall benefit from a suspension of customs duties on imports within the limit of an annual preferential tariff quota for 8 500 cars opened on 1 January 1994, increasing at a rate of 1 750 vehicles per year starting from 1 January 1995:

ex 8703 21 10 (*)
ex 8703 22 19 (*)
ex 8703 23 19 (*)
ex 8703 24 10 (*)
ex 8703 31 10 (*)
ex 8703 32 19 (*)
ex 8703 33 19 (*)
ex 8703 90 90 (*)

(*) Fitted with catalytic equipment.

3a. If the annual preferential tariff quota referred to in point 3 is exhausted within a given year, the products listed in the said point 3 may benefit from the annual preferential tariff quota referred to in point 2 for the same year.

3b. Import papers for the vehicles referred to in point 2 shall be issued in such a way that vehicles which would qualify for the point 3 quota as well receive identical treatment.

3c. It is confirmed that diesel vehicles will qualify for the same treatment as the other vehicles referred to under the quotas in point 2 and 3.

This Agreement in the form of an exchange of letters shall be approved by the Contracting Parties in accordance with their respective procedures. It will enter into force when Poland notifies completion of the necessary domestic procedure. The amendments for which it provides will be applicable from 1 January 1994 and may if necessary be applied provisionally from that date pending the entry into force of this Agreement.

I should be obliged if you would confirm that the Republic of Poland is in agreement with the above.

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

On behalf of the Community

B. Letter from the Republic of Poland

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

"The European Community and the Republic of Poland have agreed that points 2 and 3 of Annex IVb to the Interim Agreement and the Europe Agreement should be amended as follows:

2. The products originating in the Community listed below shall benefit from a suspension of customs duties on imports within the limit of an annual preferential tariff quota for 25 000 car opened on 1 January 1994:

8703 21 10
8703 22 19
8703 23 19
8703 24 10
8703 31 10
8703 32 19
8703 33 19
8703 90 90

3. The products originating in the Community listed below shall benefit from a suspension of customs duties on imports within the limit of an annual preferential tariff quota for 8 500 cars opened on 1 January 1994, increasing at a rate of 1 750 vehicles per year starting from 1 January 1995:

ex 8703 21 10 (*)
ex 8703 22 19 (*)
ex 8703 23 19 (*)
ex 8703 24 10 (*)
ex 8703 31 10 (*)
ex 8703 32 19 (*)
ex 8703 33 19 (*)
ex 8703 90 90 (*)

(*) Fitted with catalytic equipment.

3a. If the annual preferential tariff quota referred to in point 3 is exhausted within a given year, the products listed in the said point 3 may benefit from the annual preferential tariff quota referred to in point 2 for the same year.

3b. Import papers for the vehicles referred to in point 2 shall be issued in such a way that vehicles which would qualify for the point 3 quota as well receive identical treatment.

3c. It is confirmed that diesel vehicles will qualify for the same treatment as the other vehicles referred to under the quotas in point 2 and 3.

This Agreement in the form of an exchange of letters shall be approved by the Contracting Parties in accordance with their respective procedures. It will enter into force when Poland notifies completion of the necessary domestic procedure. The amendments for which it provides will be applicable from 1 January 1994 and may if necessary be applied provisionally from that date pending the entry into force of this Agreement.

I should be obliged if you would confirm that the Republic of Poland is in agreement with the above.

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

I have the honour to confirm that the Republic of Poland is in agreement with the contents of your letter.

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

On behalf of the Republic of Poland

DECLARATION BY THE COMMUNITY

The Community confirms that it cannot undertake to ensure that all the vehicles it exports under these quotas will comply with Community anti-pollution standards in force for the year in question unless and until Poland applies similar rules for the vehicles' entry into service.

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