COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 680 final
Brussels, 16.12.1994
94/0330 (ACC) 94/0331 (ACC)

Proposal for a
COUNCIL REGULATION (EC) 94/0330 (ACC)

on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part

Proposal for a
COUNCIL REGULATION (EC) 94/0331 (ACC)

on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part

(presented by the Commission)

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

on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part

COMMISSION DECISION

on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part

COMMISSION DECISION

on certain procedures for applying the Agreement on free trade and trade-related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community of the one part, and the Republic of Estonia, of the other part,

COMMISSION DECISION

on certain procedures for applying the Agreement on free trade and trade-related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community of the one part, and the Republic of Latvia, of the other part,

COMMISSION DECISION

on certain procedures for applying the Agreement on free trade and trade-related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community of the one part, and the Republic of Lithuania, of the other part,

COMMISSION DECISION

on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part

COMMISSION DECISION

on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part

EXPLANATORY MEMORANDUM

Europe Agreements between the European Communities and their Member States and the Czech and Slovak Republics respectively.

- Proposal for EC Regulations introducing the modalities for the application of certain safeguard- and trade protection measures contained in the Europe Agreements.
- Request for unanimous assent to the proposed Commission Decisions on ECSC aspects

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1. The Community and its Member States signed on December 16, 1991 the Europe Agreement with the Czech and Slovak Federal Republic (CSFR). To allow its trade provisions to enter into force as soon as possible, the parties signed an Interim Agreement on trade and trade related matters on the same day. This Agreement entered into force on March 1, 1992. To implement certain safeguard measures and measures of trade protection provided for in the Interim Agreement the Council has adopted EEC Regulation n° 520/92[1]. With regard to the ECSC aspects, the Commission Decision N° 524/92[2] provided for the implementing measures of the Interim Agreement.

2. In view of the dissolution of the CSFR as of 1 January 1993 the Czech and the Slovak Republics respectively and the European Communities signed on December 21, 1993 a Supplementary Protocol to the Interim Agreement between the EC and the CSFR by which the Parties agree to continue to apply the Interim Agreement with regard to the Czech and the Slovak Republics respectively as of 1/1/93, with certain modifications to tariff quotas and ceilings.

3. Also in view of the dissolution of the CSFR as of 1 January 1993 the European Communities and its Member States had to negotiate separate Europe Agreements with the Czech and the Slovak Republics to replace the Europe Agreement signed with the CSFR on 16 December 1991. These Agreements were signed on October 4, 1993.

4. The modalities of application of the provisions of the Europe Agreements concerning certain safeguard- and of trade protection measures must be laid down by similar regulations as those applied for such measures in the Interim Agreement. The annexed proposals submitted to the Council aim at establishing these modalities.

5. With a view to the anticipated entry into force of the two Europe Agreements with the Czech and the Slovak Republics by no later than 1 February 1995, the Commission requests the Council as a matter of urgency to :
   - adopt the proposed Regulations
   - give its unanimous assent to the draft Commission Decisions on ECSC aspects (the ECSC Committee is being simultaneously consulted and is expected to give an answer on 16 December 1994).

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[1]OJ. L 56/29.02.93 p. 9
[2]OJ Nr L56/41, 29.02.92

94/0330 (ACC)

COUNCIL REGULATION (EC) N° ...
of

on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, 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 a Europe Agreement establishing an association between the European Communities and their member States, of the one part, and the Czech and Slovak Federal Republic (CSFR), of the other part, was signed in Brussels on 16 December 1991;

Whereas pending the entry into force of the Europe Agreement, its provisions on trade and trade-related matters have been given effect since 1 March 1992 by an 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 CSFR, of the other part [1], signed in Brussels on 16 December 1991;

Whereas Council Regulation (EEC) N° 520/92[2], provides for the implementation of the said Interim Agreement;

Whereas a separate Europe Agreement with the Czech Republic was signed in Luxembourg on 4 October 1993, as a consequence of the dissolution of the CSFR on 31 December 1992;

Whereas pursuant to the conclusions of the Copenhagen European Council on 21 and 22 June 1993 the Interim Agreement was amended by an Additional Protocol signed on 22 December 1993 in order to increase and accelerate the granting of certain Community concessions;

Whereas a Supplementary Protocol to the Interim Agreement was signed with the Czech Republic on 21 December 1993 in order to adapt this Agreement to the dissolution of the CSFR and the subsequent succession thereto by the Czech Republic;

Whereas it is necessary to lay down the procedures for applying various provisions of the Europe Agreement, incorporating the same provisions as those of regulation (EEC) N° 520/92;

Whereas, with regard to trade protection measures, it is appropriate, where the provisions of the Europe Agreement render it necessary, to lay down specific provisions concerning the general rules provided for in particular in Council Regulation (EC) N° 518/94 of 7 March 1994 on common rules for imports[3] and in Council Regulation (EEC) n° 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members oft he European Economic Community[4];

Whereas account should be taken of the undertakings set out in the Europe Agreement when examining whether a safeguard measure should be introduced;

Whereas the procedures concerning safeguard clauses provided for in the Treaty establishing the European Community are also applicable;

Whereas specific provisions have been adopted for safeguard measures concerning the textile products covered by the additional Protocol to the Europe Agreement;

Whereas certain special procedures should be introduced for the application of safeguard measures in the agricultural sectors;

HAS ADOPTED THIS REGULATION

TITLE I

Agricultural products

[1] OJ n° L 115, 30.04.1992
[2] OJ n° L 56, 29.2.1992
[3] OJ N° L 67, 10.03.94
[4] OJ N° L 209, 2.8.1988, p 1, Regulation last amended by Regulation (EC) N° 522/94 (OJ N° L 66, 10.03.94 p 10).

Article 1

Provisions for the application of Article 21 (2) and (4) of the Agreement concerning agricultural products falling within Annex II of the Treaty and subject in the framework of the common market organization to a regime of levies or of import duties and concerning products falling within CN codes 0711 90 50 and 2003 10 10 shall be adopted in accordance with the procedure provided for in art. 23 of Regulation (EEC) 1766/92 or in the corresponding provisions of other regulations establishing a common organization of the agricultural markets. Where the application of the Agreement calls for close cooperation with the Czech Republic, the Commission may take any measure necessary to ensure such cooperation.

TITLE II

Protective measures

Article 2

The Council may, in accordance with the procedures provided for in Article 113 of the Treaty, decide to refer to the Association Council established by the Agreement with regard to the measures provided for in Articles 29 and 117(2) of the Agreement. Where necessary, the Council shall adopt these measures in accordance with the same procedure.

The Commission may, on its own initiative or at the request of a Member State, present the necessary proposals to this end.

Article 3

1. In the case of a practice that may justify application by the Community of the measures provided for in Article 64 of the Agreement, the Commission, after examining the case, on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, it shall propose the adoption of safeguard measures to the Council, which shall act in accordance with the procedure laid down in Article 113 of the Treaty, except in the cases of aid to which Regulation (EEC) N° 2423/88 applies, when measures shall be taken according to the procedures laid down in that Regulation. Measures shall be taken only under the conditions set out in Article 64 (6) of the Agreement.

2. In the case of a practice that may cause measures to be applied to the Community by the Czech Republic on the basis of Article 64 of the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall take appropriate decisions on the basis of the criteria which result from the application of Articles 85, 86 and 92 of the Treaty.

Article 4

In the case of a practice which is liable to warrant the application, by the Community, of the measures provided for in Article 30 of the Agreement, the introduction of anti-dumping measures shall be decided upon in accordance with the provisions laid down in Regulation (EEC) N° 2423/88 and the procedures provided for in Article 34 (2) and (3) (b) or (d) of the Agreement.

Article 5

1. Where a Member State requests the Commission to apply safeguard measures as provided for in Articles 31 or 32 of the Agreement, it shall provide the Commission, in support of its request, with the information needed to justify it.

   If the Commission decides not to apply safeguard measures, it shall inform the Council and the Member States accordingly within five working days of receipt of the request from the Member State.

   Any Member State may refer this decision of the Commission to the Council within ten working days of its notification.

   If the Council, acting by a qualified majority, indicates its intention to adopt a different decision, the Commission shall inform the Czech Republic thereof forthwith and shall notify it of the opening of consultations within the Association Council as provided for in Article 34 (2) and (3) of the Agreement.

   The Council, acting by a qualified majority, may take a different decision within twenty working days of the conclusion of the consultations with the Czech Republic within the Association Council.

2. The Commission shall be assisted by the Committee established by Regulation N. 3491/93 [5].

The Committee shall meet when convened by its chairman. The latter shall communicate any appropriate information to the member States at the earliest opportunity.

3. Where the Commission, on its own initiative or at the request of a Member State, decides that the safeguard measures provided for in Articles 31 or 32 of the Agreement should be applied :
- it shall inform the Member States forthwith if acting on its own initiative or, if it is responding to a Member State's request, within five working days of the date of receipt of that request,
- it shall consult the Committee,
- at the same time it shall inform the Czech Republic and notify the Association Council of the opening of consultations as referred to in Article 34 (2) and (3) of the Agreement,
- at the same time it shall provide the Association Council with all the information necessary for these consultations.

4. In any event, the consultations within the Association Council shall be deemed to be completed thirty days after the notification referred to in the fourth subparagraph of paragraph 1 and in paragraph 3.

At the end of the consultations or on expiry of the period of thirty days, and if no other arrangement proves possible, the Commission, after consulting the Committee, may take appropriate measures to implement Articles 31 and 32 of the Agreement.

5. The decision referred to in paragraph 4 shall be notified forthwith to the Council, the Member States and the Czech Republic; it shall also be notified to the Association Council.

The decision shall be immediately applicable.

6. Any Member State may refer the Commission decision referred to in paragraph 4 to the Council within ten working days of receiving notification of the decision.

7. If the Commission has not taken a decision within the meaning of the second subparagraph of paragraph 4 within ten working days of the end of the consultations with the Association Council or, as the case may be, the end of the period of thirty days referred to in that paragraph, any Member State which has referred the matter to the Commission in accordance with paragraph 3 may refer it to the Council.

8. In the cases referred to in paragraphs 6 and 7 the Council, acting by a qualified majority, may adopt a different decision within two months.

Article 6

1. Where exceptional circumstances arise within the meaning of Article 34 (3) (d) of the Agreement, the Commission may take immediate safeguard measures in the cases referred to in Articles 31 and 32 of the Agreement.

2. If the Commission receives a request from a Member State, it shall take a decision thereon within five working days of receipt of the request.

The Commission shall notify the Council and the Member States of its decision.

3. Any Member State may refer the Commission's decision to the Council in accordance with the procedure provided for in Article 5 (6).

The procedure set out in Article 5 (7) and (8) shall be applicable.

If the Commission has not taken a decision within the time limit mentioned in paragraph 2, any Member State which has referred the matter to the Commission may refer it to the Council in accordance with the procedures laid down in the first and second subparagraphs of this paragraph.

Article 7

The procedures laid down in Articles 5 and 6 shall not apply to products covered by Protocol 1 of the Agreement.

[5] OJ n. L319, 21.12.1993, p. 1

Article 8

By way of derogation from Articles 5 and 6, if the circumstances demand that measures are taken concerning agricultural products on the basis of Articles 22 or 31 of the Agreement or on the basis of provisions in the Annexes covering these products, such measures shall be taken according to procedures provided for by the rules establishing a common organization of the agricultural markets, or in specific provisions adopted under Article 235 of the Treaty and applicable to products resulting from the processing of agricultural products, provided that the conditions established under Article 22 or Article 34 (2) and (3) of the Agreement are met.

Article 9

Notification to the Association Council as required by the Agreement shall be the responsibility of the Commission, acting on behalf of the Community.

Article 10

This Regulation does not preclude the application of safeguard measures provided for in the Treaty, in particular in Articles 108 and 109, according to the procedures laid down therein.

Article 11

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

It shall apply from the date of entry into force of the Agreement[6].

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

Done at Brussels

For the Council
The President

[6]not later than 1 February 1995

COUNCIL REGULATION (EC) N° ... 94/0331 (ACC)
of

on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, 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 a Europe Agreement establishing an association between the European Communities and their member States, of the one part, and the Czech and Slovak Federal Republic (CSFR), of the other part, was signed in Brussels on 16 December 1991;

Whereas pending the entry into force of the Europe Agreement, its provisions on trade and trade-related matters have been given effect since 1 March 1992 by an 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 CSFR, of the other part [1], signed in Brussels on 16 December 1991;

Whereas Council Regulation (EEC) N° 520/92[2], provides for the implementation of the said Interim Agreement;

Whereas a separate Europe Agreement with the Slovak Republic was signed in Luxembourg on 4 October 1993, as a consequence of the dissolution of the CSFR on 31 December 1992;

Whereas pursuant to the conclusions of the Copenhagen Council on 21 and 22 June 1993 the Interim Agreement was amended by an Additional Protocol signed on 22 December 1993 in order to increase and accelerate the granting of certain Community concessions;

Whereas a Supplementary Protocol to the Interim Agreement was signed with the Slovak Republic on 21 December 1993 in order to adapt this Agreement to the dissolution of the CSFR and the subsequent succession thereto by the Slovak Republic;

Whereas it is necessary to lay down the procedures for applying various provisions of the Europe Agreement, incorporating the same provisions as those of regulation (EEC) N° 520/92;

Whereas, with regard to trade protection measures, it is appropriate, where the provisions of the Europe Agreement render it necessary, to lay down specific provisions concerning the general rules provided for in particular in Council Regulation (EC) N° 518/94 of 7 March 1994 on common rules for imports[3] and in Council Regulation (EEC) n° 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members oft he European Economic Community[4];

Whereas account should be taken of the undertakings set out in the Europe Agreement when examining whether a safeguard measure should be introduced;

Whereas the procedures concerning safeguard clauses provided for in the Treaty establishing the European Community are also applicable;

Whereas specific provisions have been adopted for safeguard measures concerning the textile products covered by the additional Protocol to the Europe Agreement;

Whereas certain special procedures should be introduced for the application of safeguard measures in the agricultural sectors;

HAS ADOPTED THIS REGULATION

TITLE I

Agricultural products

[1]OJ n° L 115, 30.04.1992
[2]OJ n° L 56, 29.2.1992

[3]OJ N° L 67, 10.03.94
[4]OJ N° L 209, 2.8.1988, p 1, Regulation last amended by Regulation (EC) N° 522/94 (OJ N° L66, 10.03.94 p 10).

Article 1

Provisions for the application of Article 21 (2) and (4) of the Agreement concerning agricultural products falling within Annex II of the Treaty and subject in the framework of the common market organization to a regime of levies or of import duties and concerning products falling within CN codes 0711 90 50 and 2003 10 10 shall be adopted in accordance with the procedure provided for in art. 23 of Regulation (EEC) 1766/92 or in the corresponding provisions of other regulations establishing a common organization of the agricultural markets. Where the application of the Agreement calls for close cooperation with the Slovak Republic, the Commission may take any measure necessary to ensure such cooperation.

TITLE II

Protective measures

Article 2

The Council may, in accordance with the procedures provided for in Article 113 of the Treaty, decide to refer to the Association Council established by the Agreement with regard to the measures provided for in Articles 29 and 117(2) of the Agreement. Where necessary, the Council shall adopt these measures in accordance with the same procedure.

The Commission may, on its own initiative or at the request of a Member State, present the necessary proposals to this end.

Article 3

1. In the case of a practice that may justify application by the Community of the measures provided for in Article 64 of the Agreement, the Commission, after examining the case, on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, it shall propose the adoption of safeguard measures to the Council, which shall act in accordance with the procedure laid down in Article 113 of the Treaty, except in the cases of aid to which Regulation (EEC) N° 2423/88 applies, when measures shall be taken according to the procedures laid down in that Regulation. Measures shall be taken only under the conditions set out in Article 64 (6) of the Agreement.

2. In the case of a practice that may cause measures to be applied to the Community by the Slovak Republic on the basis of Article 64 of the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall take appropriate decisions on the basis of the criteria which result from the application of Articles 85, 86 and 92 of the Treaty.

Article 4

In the case of a practice which is liable to warrant the application, by the Community, of the measures provided for in Article 30 of the Agreement, the introduction of anti-dumping measures shall be decided upon in accordance with the provisions laid down in Regulation (EEC) N° 2423/88 and the procedures provided for in Article 34 (2) and (3) (b) or (d) of the Agreement.

Article 5

1. Where a Member State requests the Commission to apply safeguard measures as provided for in Articles 31 or 32 of the Agreement, it shall provide the Commission, in support of its request, with the information needed to justify it.

   If the Commission decides not to apply safeguard measures, it shall inform the Council and the Member States accordingly within five working days of receipt of the request from the Member State.

   Any Member State may refer this decision of the Commission to the Council within ten working days of its notification.

   If the Council, acting by a qualified majority, indicates its intention to adopt a different decision, the Commission shall inform the Slovak Republic thereof forthwith and shall notify it of the opening of consultations within the Association Council as provided for in Article 34 (2) and (3) of the Agreement.

   The Council, acting by a qualified majority, may take a different decision within twenty working days of the conclusion of the consultations with the Slovak Republic within the Association Council.

2. The Commission shall be assisted by the Committee established by Regulation N. 3491/93 [5].

   The Committee shall meet when convened by its chairman. The latter shall communicate any appropriate information to the member States at the earliest opportunity.

3. Where the Commission, on its own initiative or at the request of a Member State, decides that the safeguard measures provided for in Articles 31 or 32 of the Agreement should be applied :
   - it shall inform the Member States forthwith if acting on its own initiative or, if it is responding to a Member State's request, within five working days of the date of receipt of that request,
   - it shall consult the Committee,
   - at the same time it shall inform the Slovak Republic and notify the Association Council of the opening of consultations as referred to in Article 34 (2) and (3) of the Agreement,
   - at the same time it shall provide the Association Council with all the information necessary for these consultations.

4. In any event, the consultations within the Association Council shall be deemed to be completed thirty days after the notification referred to in the fourth subparagraph of paragraph 1 and in paragraph 3.

At the end of the consultations or on expiry of the period of thirty days, and if no other arrangement proves possible, the Commission, after consulting the Committee, may take appropriate measures to implement Articles 31 and 32 of the Agreement.

5. The decision referred to in paragraph 4 shall be notified forthwith to the Council, the Member States and the Slovak Republic; it shall also be notified to the Association Council.

The decision shall be immediately applicable.

6. Any Member State may refer the Commission decision referred to in paragraph 4 to the Council within ten working days of receiving notification of the decision.

7. If the Commission has not taken a decision within the meaning of the second subparagraph of paragraph 4 within ten working days of the end of the consultations with the Association Council or, as the case may be, the end of the period of thirty days referred to in that paragraph, any Member State which has referred the matter to the Commission in accordance with paragraph 3 may refer it to the Council.

8. In the cases referred to in paragraphs 6 and 7 the Council, acting by a qualified majority, may adopt a different decision within two months.

Article 6

1. Where exceptional circumstances arise within the meaning of Article 34 (3) (d) of the Agreement, the Commission may take immediate safeguard measures in the cases referred to in Articles 31 and 32 of the Agreement.

2. If the Commission receives a request from a Member State, it shall take a decision thereon within five working days of receipt of the request.

The Commission shall notify the Council and the Member States of its decision.

3. Any Member State may refer the Commission's decision to the Council in accordance with the procedure provided for in Article 5 (6).

The procedure set out in Article 5 (7) and (8) shall be applicable.

If the Commission has not taken a decision within t he time limit mentioned in paragraph 2, any Member State which has referred the matter to the Commission may refer it to the Council in accordance with the procedures laid down in the first and second subparagraphs of this paragraph.

Article 7

The procedures laid down in Articles 5 and 6 shall not apply to products covered by Protocol 1 of the Agreement.

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[5]OJ n. L319, 21.12.1993, p. 1

Article 8

By way of derogation from Articles 5 and 6, if the circumstances demand that measures are taken concerning agricultural products on the basis of Articles 22 or 31 of the Agreement or on the basis of provisions in the Annexes covering these products, such measures shall be taken according to procedures provided for by the rules establishing a common organization of the agricultural markets, or in specific provisions adopted under Article 235 of the Treaty and applicable to products resulting from the processing of agricultural products, provided that the conditions established under Article 22 or Article 34 (2) and (3) of the Agreement are met.

Article 9

Notification to the Association Council as required by the Agreement shall be the responsibility of the Commission, acting on behalf of the Community.

Article 10

This Regulation does not preclude the application of safeguard measures provided for in the Treaty, in particular in Articles 108 and 109, according to the procedures laid down therein.

Article 11

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

It shall apply from the date of entry into force of the Agreement[6].

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

Done at Brussels

For the Council
The President

[6]not later than 1 February 1995

COMMISSION DECISION N° .../ECSC
of

on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 and the first sub-paragraph article 95 thereof,

Whereas a Europe Agreement establishing an association between the European Communities and their member States, of the one part, and the Czech and Slovak Federal Republic (CSFR), of the other part, was signed in Brussels on 16 December 1991;

Whereas pending the entry into force of the Europe Agreement, its provisions on trade and trade-related matters have been given effect since 1 March 1992 by an 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 CSFR, of the other part [1], signed in Brussels on 16 December 1991;

Whereas pursuant to the conclusions of the Copenhagen European Council on 21 and 22 June 1993 regarding new trade concessions for the Central and Eastern European countries, an Additional Protocol to the Interim Agreement was signed on 28 December 1993 by the European Economic Community and the European Coal and Steel Community of the one part, and the Czech Republic, of the other part[2].

Whereas Commission Decision n° 524/92/ECSC[3] lays down certain procedures for the implementation of the provisions contained in Protocol 2 of the Interim Agreement on ECSC products;

Whereas a separate Europe Agreement with the Czech Republic was signed in Luxembourg on 4 October 1993, as a consequence of the dissolution of the CSFR on 31 December 1992;

Whereas a Supplementary Protocol to the Interim Agreement was signed with the Czech Republic on 21 December 1993 in order to adapt the Agreement to the dissolution of the CSFR and the subsequent succession thereto by the Czech Republic;

Whereas it is necessary to lay down the procedures for applying various provisions of the Europe Agreement and in particular those contained in Protocol 2 on ECSC products by adopting provisions similar to those provided for in Decision n° 524/92;

Whereas account should be taken of the undertakings set out in the Europe Agreement when examining whether a safeguard measure should be introduced;

Whereas certain measures provided for in the Agreement go beyond the power of action provided for in the Treaty and it is therefore necessary in this case to refer to the provisions of article 95 after consultation with the consultative Committee and with the unanimous assent of the Council;

HAS ADOPTED THIS DECISION

TITLE I

Article 1

The Commission may, with the assent of the Council, decide to refer to the Association Council established by the Agreement with regard to the measures provided for in Articles 29 and 115 (2) of the Agreement. Where necessary, the Commission shall adopt these measures in accordance with the same procedure.

The Commission may take the decisions to this end on its own initiative or at the request of a Member State.

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[1] OJ n° L 115, 30.04.1992
[2] OJ n° L25/12, 29.01.1994
[3] OJ n° L 56/41, 29.02.1992

Article 2

1. In the case of a practice that may justify application by the Community of the measures provided for in Article 8 of Protocol 2 to the Agreement, the Commission, after examining the case on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, the Commission shall, with the assent of the Council, adopt safeguard measures, except in the case of public aids to which Decision n° 2424/88/ECSC applies, when measures shall be taken according to the procedures laid down in that Decision.

   Such measures shall be taken under the conditions provided for in Article 8 of Protocol 2 to the Agreement.

2. In the case of a practice that may cause safeguard measures to be applied to the Community by the Czech Republic on the basis of Article 8 of Protocol 2 to the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall take appropriate decisions on the basis of the criteria laid down in Articles 65 and 66 of the ECSC Treaty and Article 85 of the Treaty establishing the European Community, and of the rules applicable to State aids, including secondary legislation.

Article 3

1. In the case of a practice which is liable to warrant the application, by the Community, of the measures provided for in Article 30 of the Agreement, the introduction of anti-dumping measures shall be decided upon in accordance with the provisions laid down in Decision n° 2424/88/ECSC and the procedure provided for in Article 34 (2) and (3) (b) or (d) of the Agreement.

Article 4

1. Where a Member State requests the Commission to apply safeguard measures as provided for in Article 31 or 32 of the Agreement, and if the Commission decides not to apply them, the Commission shall inform the Council and the Member States accordingly within five working days of receipt of the request from the Member State.

   Member States shall provide the Commission with the information needed to justify their requests to apply safeguard measures.

   Any member State may refer the decisions of the Commission to the Council within 10 working days of its notification.

   If the Council, acting by the qualified majority referred to in Article 28 (4) of the Treaty, indicates its intention to request a different decision, the Commission shall inform the Czech Republic thereof forthwith and shall notify it of the opening of the consultations within the Association Council as provided for in Article 34 (2) and (3) of the Agreement.

   The Council acting by a qualified majority, may ask the Commission within one month of the conclusion of the consultations, with the Czech Republic within the Association Council, to adopt safeguard measures.

2. Where the Commission, at the request of a Member State or on its own initiative, decides that the safeguard measures provided for in Article 31 or 32 of the Agreement should be applied :
   - it shall inform the Member States for thwith if acting on its own initiative or, if it is responding to a Member State's request, within five working days of the date of receipt of that request,
   - it shall consult the committee mentioned in Article 4 (2) of Commission Decision n° 264/94/ECSC (hereinafter referred to as "the committee"),
   - at the same time it shall inform the Czech Republic and notify the Association Council of the opening of consultations as referred to in Article 34 (2) and (3) of the Agreement,
   - at the same time it shall provide the Association Council with all the information necessary for these consultations.

3. In any event, the consultations within the Association Council shall be deemed to be completed 30 days after the notification referred to in the fourth subparagraph of paragraph 1 and paragraph 2.

At the end of the consultations or on expiry of the period of 30 days, and if no other arrangement proves possible, the Commission, after consulting the committee, may take appropriate measures to implement Articles 31 and 32 of the Agreement.

4. The decision referred to in paragraph 3 shall be notified forthwith to the Council, the Member States and the Czech Republic; it shall also be notified to the Association Council.

It shall be immediately applicable.

5. Any Member State may refer the Commission decision referred to in paragraph 3 to the Council within 10 working days of receiving notification of the decision.

6. If the Commission has not taken a decision within the meaning of the second subparagraph of paragraph 3 within 10 working days of the end of the consultations with the Association Council or, as the case may be, the end of the period of 30 days, any Member State which has referred the matter to the Commission in accordance with paragraph 2 may refer it to the Council.

7. In the cases referred to in paragraph 5 the Council, acting by a qualified majority, may, within one month, ask the Commission to adopt different safeguard measures, and in the cases mentioned in paragraph 6, ask the Commission to take measures.

Article 5

1. Where exceptional circumstances arise within the meaning of Article 34 (3) (d) of the Agreement, the Commission may take immediate safeguard measures in the cases referred to in Articles 31 and 32 of the Agreement.

2. If the Commission receives a request from a Member State it shall take a decision thereon within five working days of receipt of the request.

   The Commission shall notify the Council and the Member States of its decision.

3. Any Member State may refer the Commission's decision t o the Council in accordance with the procedure provided for in Article 4 (5).

The procedure set out in Article 4 (5) to (7) shall be applicable.

If the Commission has not taken a decision within the time limit mentioned in paragraph 2, any Member State which has referred the matter to the Commission may refer it to the Council in accordance with the procedure laid down in the preceding subparagraphs.

Article 6

Notification to the Association Council by the Community as required by the Agreement shall be the responsibility of the Commission.

Article 7

This Decision shall enter into force on the same day as the Europe Agreement.

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

Done at Brussels

For the Council
The President

COMMISSION DECISION N° .../ECSC
of

on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 and the first sub-paragraph article 95 thereof,

Whereas a Europe Agreement establishing an association between the European Communities and their member States, of the one part, and the Czech and Slovak Federal Republic (CSFR), of the other part, was signed in Brussels on 16 December 1991;

Whereas pending the entry into force of the Europe Agreement, its provisions on trade and trade-related matters have been given effect since 1 March 1992 by an 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 CSFR, of the other part [1], signed in Brussels on 16 December 1991;

Whereas pursuant to the conclusions of the Copenhagen European Council on 21 and 22 June 1993 regarding new trade concessions for the Central and Eastern European countries, an Additional Protocol to the Interim Agreement was signed on 28 December 1993 by the European Economic Community and the European Coal and Steel Community of the one part, and the Slovak Republic, of the other part[2].

Whereas Commission Decision n° 524/92/ECSC[3] lays down certain procedures for the implementation of the provisions contained in Protocol 2 of the Interim Agreement on ECSC products;

Whereas a separate Europe Agreement with the Slovak Republic was signed in Luxembourg on 4 October 1993, as a consequence of the dissolution of the CSFR on 31 December 1992;

Whereas a Supplementary Protocol to the Interim Agreement was signed with the Slovak Republic on 21 December 1993 in order to adapt the Agreement to the dissolution of the CSFR and the subsequent succession thereto by the Slovak Republic;

Whereas it is necessary to lay down the procedures for applying various provisions of the Europe Agreement and in particular those contained in Protocol 2 on ECSC products by adopting provisions similar to those provided for in Decision n° 524/92;

Whereas account should be taken of the undertakings set out in the Europe Agreement when examining whether a safeguard measure should be introduced;

Whereas certain measures provided for in the Agreement go beyond the power of action provided for in the Treaty and it is therefore necessary in this case to refer to the provisions of article 95 after consultation with the consultative Committee and with the unanimous assent of the Council;

HAS ADOPTED THIS DECISION

TITLE I

Article 1

The Commission may, with the assent of the Council, decide to refer to the Association Council established by the Agreement with regard to the measures provided for in Articles 29 and 115 (2) of the Agreement. Where necessary, the Commission shall adopt these measures in accordance with the same procedure.

The Commission may take the decisions to this end on its own initiative or at the request of a Member State.

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[1] OJ n° L 115, 30.04.1992
[2] OJ n° L25/12, 29.01.1994
[3] OJ n° L 56/41, 29.02.1992

Article 2

1. In the case of a practice that may justify application by the Community of the measures provided for in Article 8 of Protocol 2 to the Agreement, the Commission, after examining the case on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, the Commission shall with the assent of the Council, adopt safeguard measures, except in the case of public aids to which Decision n° 2424/88/ECSC applies, when measures shall be taken according to the procedures laid down in that Decision.

   Such measures shall be taken under the conditions provided for in Article 8 of Protocol 2 to the Agreement.

2. In the case of a practice that may cause safeguard measures to be applied to the Community by the Slovak Republic on the basis of Article 8 of Protocol 2 to the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall take appropriate decisions on the basis of the criteria laid down in Articles 65 and 66 of the ECSC Treaty and Article 85 of the Treaty establishing the European Community, and of the rules applicable to State aids, including secondary legislation.

Article 3

1. In the case of a practice which is liable to warrant the application, by the Community, of the measures provided for in Article 30 of the Agreement, the introduction of anti-dumping measures shall be decided upon in accordance with the provisions laid down in Decision n° 2424/88/ECSC and the procedure provided for in Article 34 (2) and (3) (b) or (d) of the Agreement.

Article 4

1. Where a Member State requests the Commission to apply safeguard measures as provided for in Article 31 or 32 of the Agreement, and if the Commission decides not to apply them, the Commission shall inform the Council and the Member States accordingly within five working days of receipt of the request from the Member State.

   Member States shall provide the Commission with the information needed to justify their requests to apply safeguard measures.

   Any member State may refer the decisions of the Commission to the Council within 10 working days of its notification.

   If the Council, acting by the qualified majority referred to in Article 28 (4) of the Treaty, indicates its intention to request a different decision, the Commission shall inform the Slovak Republic thereof forthwith and shall notify it of the opening of the consultations within the Association Council as provided for in Article 34 (2) and (3) of the Agreement.

   The Council acting by a qualified majority, may ask the Commission within one month of the conclusion of the consultations, with the Slovak Republic within the Association Council, to adopt safeguard measures.

2. Where the Commission, at the request of a Member State or on its own initiative, decides that the safeguard measures provided for in Article 31 or 32 of the Agreement should be applied :
   - it shall inform the Member States for thwith if acting on its own initiative or, if it is responding to a Member State's request, within five working days of the date of receipt of that request,
   - it shall consult the committee mentioned in Article 4 (2) of Commission Decision n° 264/94/ECSC (hereinafter referred to as "the committee"),
   - at the same time it shall inform the Slovak Republic and notify the Association Council of the opening of consultations as referred to in Article 34 (2) and (3) of the Agreement,
   - at the same time it shall provide the Association Council with all the information necessary for these consultations.

3. In any event, the consultations within the Association Council shall be deemed to be completed 30 days after the notification referred to in the fourth subparagraph of paragraph 1 and paragraph 2.

   At the end of the consultations or on expiry of the period of 30 days, and if no other

arrangement proves possible, the Commission, after consulting the committee, may take appropriate measures to implement Articles 31 and 32 of the Agreement.

4. The decision referred to in paragraph 3 shall be notified forthwith to the Council, the Member States and the Slovak Republic; it shall also be notified to the Association Council.

It shall be immediately applicable.

5. Any Member State may refer the Commission decision referred to in paragraph 3 to the Council within 10 working days of receiving notification of the decision.

6. If the Commission has not taken a decision within the meaning of the second subparagraph of paragraph 3 within 10 working days of the end of the consultations with the Association Council or, as the case may be, the end of the period of 30 days, any Member State which has referred the matter to the Commission in accordance with paragraph 2 may refer it to the Council.

7. In the cases referred to in paragraph 5 the Council, acting by a qualified majority, may, within one month, ask the Commission to adopt different safeguard measures, and in the cases mentioned in paragraph 6, ask the Commission to take measures.

Article 5

1. Where exceptional circumstances arise within the meaning of Article 34 (3) (d) of the Agreement, the Commission may take immediate safeguard measures in the cases referred to in Articles 31 and 32 of the Agreement.

2. If the Commission receives a request from a Member State it shall take a decision thereon within five working days of receipt of the request.

   The Commission shall notify the Council and the Member States of its decision.

3. Any Member State may refer the Commission's decision t o the Council in accordance with the procedure provided for in Article 4 (5).

The procedure set out in Article 4 (5) to (7) shall be applicable.

If the Commission has not taken a decision within the time limit mentioned in paragraph 2, any Member State which has referred the matter to the Commission may refer it to the Council in accordance with the procedure laid down in the preceding subparagraphs.

Article 6

Notification to the Association Council by the Community as required by the Agreement shall be the responsibility of the Commission.

Article 7

This Decision shall enter into force on the same day as the Europe Agreement.

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

Done at Brussels

For the Council
The President

EXPLANATORY MEMORANDUM

The proposed Decisions introduce the modalities for the application, as far as ECSC products are concerned, of certain safeguard measures and measures of commercial protection contained in the Agreements on free trade and trade related matters.

The Community signed on July 18, 1994 the Agreements on free trade and trade related matters with Estonia, Latvia and Lithuania respectively.

The objective of the proposed Decisions is the introduction of specific rules to the general provisions concerning the Community's import regime (including the provisions establishing protection against subsidies and dumping practices in relation to imports from third countries) in order to respect the obligations undertaken in the Free Trade Agreements.

In view of the entry into force of the Agreements on free trade and trade related matters, the Commission is requesting the Council to give its unanimous assent to the proposed Decisions, in order to allow the Commission to adopt these decisions. Pursuant to article 95 of the ECSC Treaty, the ECSC Consultative Committee is being simultaneously consulted.



Commission Decision No /ECSC
of

on certain procedures for applying the Agreement on free trade and trade-related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community of the one part, and the Republic of Estonia, of the other part,

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 and the first subparagraph of Article 95 thereof,

Whereas an Agreement on Free Trade and Trade related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Estonia, of the other part (hereinafter referred to as "the Agreement") was signed in Brussels on 18 July 1994,

Whereas it is necessary to lay down the procedures for applying various provisions of the agreement and in particular those concerning products covered by the ECSC Treaty,

Whereas such procedures have been laid down for the European Economic Community by Council Regulation (EC) No on certain procedures for applying the Agreement on trade and trade-related matters between the European Economic Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Estonia, of the other part,

Whereas, as regards measures of commercial protection it is necessary to lay down specific provisions concerning the general rules set out in Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community [1] where the Agreement makes this necessary;

Whereas account should be taken of the undertakings set out in the Agreement when examining whether a safeguard measure should be introduced;

Whereas it is desirable to ensure that the rules for the application if the Agreement should be similar for both the European Economic Community and the European Coal and Steel Community;

Whereas certain measures provided for in the Agreement go beyond the powers of action provided for in the Treaty and it is therefore necessary in this case to refer to the provisions of Article 95, after consultation with the consultative committee and with the unanimous assent of the Council,

HAS ADOPTED THIS DECISION :

Article 1

The Commission may, with the assent of the Council, decide to refer to the Association Council established by the Agreement with regard to the measures provided for in Article 21 of the Agreement. Where necessary, the Commission shall adopt these measures in accordance with the same procedure.

The Commission may take the decisions to this end on its own initiative or at the request of a member State.

Article 2

1. In the case of a practice that may justify application by the Community of the measures provided for in Article 32 of the Agreement, the Commission, after examining the case on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, the Commission takes safeguard measures with the assent of the Council, except in the case of public aids to which Decision No 2424/88/ECSC applies, when measures shall be taken according to the procedures laid down in that Decision.

   Such measures shall be taken under the conditions provided for in Article 32 of the Agreement.

[1] OJ No L 209, 2.8.1988, p. 18

2. In the case of a practice that may cause safeguard measures concerning ECSC products to be applied to the Community by Estonia on the basis of Article 32 of the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall take appropriate decisions on the basis of the criteria laid down in Articles 65 and 66 of the ECSC Treaty and Article 85 of the Treaty establishing the European Community, and of the rules applicable to State aids, including secondary legislation.

Article 3

In the case of a practice which is liable to warrant the application, by the Community, of the measures provided for in Article 22 of the Agreement, the introduction of anti-dumping measures shall be decided upon in accordance with the provisions laid down in Decision No 2424/88/ECSC and the procedure provided for in Article 26 (2) and (3) (b) or (d) of the Agreement.

Article 4

1. Where a Member State requests the Commission to apply safeguard measures as provided for in Article 23 or 24 of the Agreement, and if the Commission decides not to apply them, the Commission shall inform the Council and the Member States accordingly within five working days of receipt of the request from the member State.

   Member States shall provide the Commission with the information needed to justify their requests to apply safeguard measures.

   Any member State may refer the decision of the Commission to the Council within 10 working days of its notification.

   If the Council, acting by the qualified majority referred to in Article 28 (4) of the Treaty, indicates its intention to request a different decision, the Commission shall inform Estonia thereof forthwith and shall notify it of the opening of the consultations within the Joint Committee as provided for in Article 26 (2) and (3) of the Agreement.

   The Council, acting by a qualified majority, may ask the Commission within one month of the conclusion of the consultations with Estonia within the Joint Committee to adopt safeguard measures.

2. Where the Commission, at the request of a Member State or on its own initiative, decides that the safeguard measures provided for in Article 23 or 24 of the Agreement should be applied :
   - it shall inform the Member States forthwith if acting on its own initiative or, if it is responding to a Member State's request, within five working days of the date of receipt of that request,
   - it shall consult the committee mentioned in Article 4 (2) of Commission Decision No 264/94/ECSC (hereinafter referred to as 'the committee'),
   - at the same time it shall inform Estonia and notify the Joint Committee of the opening of consultations as referred to in Article 26 (2) and (3) of the Agreement,
   - at the same time it shall provide the Joint Committee with all the information necessary for these consultations.

3. In any event, the consultations within the Joint Committee shall be deemed to be completed 30 days after the notification referred to in the fourth subparagraph of paragraph 1 and in paragraph 2.

   At the need of the consultations or on expiry of the period of 30 days, and if no other arrangement proves possible, the Commission, after consulting the committee, may take appropriate measures to implement Articles 23 and 24 of the Agreement.

4. The decision referred to in paragraph 3 shall be notified forthwith to the Council, the Member States and Estonia; it shall also be notified to the Joint Committee.

   It shall be immediately applicable.

5. Any Member State may refer the Commission decision referred to in paragraph 3 to the Council within 10 working days of receiving notification of the decision.

6. If the Commission has not taken a decision within the meaning of the second subparagraph of paragraph 3 within 10 working days of the end of the consultations with the Joint Committee, or, as the case may be, the end of the period of 30 days, any Member State which has referred the matter to the Commission in accordance with paragraph 2 may refer it to the Council.

7. In the cases refereed to in paragraph 5 the Council , acting by a qualified majority, may, within one month, ask the Commission to adopt different safeguard measures, and in the cases mentioned in paragraph 6, ask the Commission to take measures.

Article 5

1. Where exceptional circumstances arise within the meaning of Article 26 (3) (d) of the Agreement, the Commission may take immediate safeguard measures in the cases referred to in Articles 23 and 24 of the Agreement.

2. If the Commission receives a request from a Member State it shall take a decision thereon within five working days of receipt of the request.

   The Commission shall notify the Council and the Member States of its decision.

3. Any Member State may refer the Commission's decision to the Council in accordance with the procedure provided for in Article 4 (5).

   The procedure set out in Article 4 (5) to (7) shall be applicable.

   If the Commission has not taken a decision within the time limit mentioned in paragraph 2, any Member State which has referred the mater to the Commission may refer it to the Council in accordance with the procedure laid down in the preceding subparagraphs.

Article 6

Notification to the Joint Committee by the Community as required by the Agreement shall be the responsibility of the Commission.

Article 7

This Decision shall enter into force on the same day as the Agreement on free trade and trade-related matters.

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

Done at Brussels,

For the Commission

Commission Decision No /ECSC
of

on certain procedures for applying the Agreement on free trade and trade-related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community of the one part, and the Republic of Latvia, of the other part,

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 and the first subparagraph of Article 95 thereof,

Whereas an Agreement on Free Trade and Trade related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Latvia, of the other part (hereinafter referred to as "the Agreement") was signed in Brussels on 18 July 1994,

Whereas it is necessary to lay down the procedures for applying various provisions of the agreement and in particular those concerning products covered by the ECSC Treaty,

Whereas such procedures have been laid down for the European Economic Community by Council Regulation (EC) No on certain procedures for applying the Agreement on trade and trade-related matters between the European Economic Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Latvia, of the other part,

Whereas, as regards measures of commercial protection it is necessary to lay down specific provisions concerning the general rules set out in Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community [1] where the Agreement makes this necessary;

Whereas account should be taken of the undertakings set out in the Agreement when examining whether a safeguard measure should be introduced;

Whereas it is desirable to ensure that the rules for the application if the Agreement should be similar for both the European Economic Community and the European Coal and Steel Community;

Whereas certain measures provided for in the Agreement go beyond the powers of action provided for in the Treaty and it is therefore necessary in this case to refer to the provisions of Article 95, after consultation with the consultative committee and with the unanimous assent of the Council,

HAS ADOPTED THIS DECISION :

Article 1

The Commission may, with the assent of the Council, decide to refer to the Association Council established by the Agreement with regard to the measures provided for in Article 22 of the Agreement. Where necessary, the Commission shall adopt these measures in accordance with the same procedure.

The Commission may take the decisions to this end on its own initiative or at the request of a member State.

Article 2

1. In the case of a practice that may justify application by the Community of the measures provided for in Article 32 of the Agreement, the Commission, after examining the case on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, the Commission takes safeguard measures with the assent of the Council, except in the case of public aids to which Decision No 2424/88/ECSC applies, when measures shall be taken according to the procedures laid down in that Decision.

   Such measures shall be taken under the conditions provided for in Article 32 of the Agreement.

[1] OJ No L 209, 2.8.1988, p. 18

2. In the case of a practice that may cause safeguard measures concerning ECSC products to be applied to the Community by Latvia on the basis of Article 32 of the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall take appropriate decisions on the basis of the criteria laid down in Articles 65 and 66 of the ECSC Treaty and Article 85 of the Treaty establishing the European Community, and of the rules applicable to State aids, including secondary legislation.

Article 3

In the case of a practice which is liable to warrant the application, by the Community, of the measures provided for in Article 23 of the Agreement, the introduction of anti-dumping measures shall be decided upon in accordance with the provisions laid down in Decision No 2424/88/ECSC and the procedure provided for in Article 27 (2) and (3) (b) or (d) of the Agreement.

Article 4

1. Where a Member State requests the Commission to apply safeguard measures as provided for in Article 24 or 25 of the Agreement, and if the Commission decides not to apply them, the Commission shall inform the Council and the Member States accordingly within five working days of receipt of the request from the member State.

   Member States shall provide the Commission with the information needed to justify their requests to apply safeguard measures.

   Any member State may refer the decision of the Commission to the Council within 10 working days of its notification.

   If the Council, acting by the qualified majority referred to in Article 28 (4) of the Treaty, indicates its intention to request a different decision, the Commission shall inform Latvia thereof forthwith and shall notify it of the opening of the consultations within the Joint Committee as provided for in Article 27 (2) and (3) of the Agreement.

   The Council, acting by a qualified majority, may ask the Commission within one month of the conclusion of the consultations with Latvia within the Joint Committee to adopt safeguard measures.

2. Where the Commission, at the request of a Member State or on its own initiative, decides that the safeguard measures provided for in Article 24 or 25 of the Agreement should be applied :
   - it shall inform the Member States forthwith if acting on its own initiative or, if it is responding to a Member State's request, within five working days of the date of receipt of that request,
   - it shall consult the committee mentioned in Article 4 (2) of Commission Decision No 264/94/ECSC (hereinafter referred to as 'the committee'),
   - at the same time it shall inform Latvia and notify the Joint Committee of the opening of consultations as referred to in Article 27 (2) and (3) of the Agreement,
   - at the same time it shall provide the Joint Committee with all the information necessary for these consultations.

3. In any event, the consultations within the Joint Committee shall be deemed to be completed 30 days after the notification referred to in the fourth subparagraph of paragraph 1 and in paragraph 2.

   At the need of the consultations or on expiry of the period of 30 days, and if no other arrangement proves possible, the Commission, after consulting the committee, may take appropriate measures to implement Articles 24 and 25 of the Agreement.

4. The decision referred to in paragraph 3 shall be notified forthwith to the Council, the Member States and Latvia; it shall also be notified to the Joint Committee;

   It shall be immediately applicable.

5. Any Member State may refer the Commission decision referred to in paragraph 3 to the Council within 10 working days of receiving notification of the decision.

6. If the Commission has not taken a decision within the meaning of the second subparagraph of paragraph 3 within 10 working days of the end of the consultations with the Joint Committee, or, as the case may be, the end of the period of 30 days, any Member State which has referred the matter to the Commission in accordance with paragraph 2 may refer it to the Council.

7. In the cases refereed to in paragraph 5 the Council , acting by a qualified majority, may, within one month, ask the Commission to adopt different safeguard measures, and in the cases mentioned in paragraph 6, ask the Commission to take measures.

Article 5

1. Where exceptional circumstances arise within the meaning of Article 27 (3) (d) of the Agreement, the Commission may take immediate safeguard measures in the cases referred to in Articles 24 and 25 of the Agreement.

2. If the Commission receives a request from a Member State it shall take a decision thereon within five working days of receipt of the request.

   The Commission shall notify the Council and the Member States of its decision.

3. Any Member State may refer the Commission's decision to the Council in accordance with the procedure provided for in Article 4 (5).

   The procedure set out in Article 4 (5) to (7) shall be applicable.

   If the Commission has not taken a decision within the time limit mentioned in paragraph 2, any Member State which has referred the mater to the Commission may refer it to the Council in accordance with the procedure laid down in the preceding subparagraphs.

Article 6

Notification to the Joint Committee by the Community as required by the Agreement shall be the responsibility of the Commission.

Article 7

This Decision shall enter into force on the same day as the Agreement on free trade and trade-related matters.

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

Done at Brussels,

For the Commission

Commission Decision No /ECSC
of
on certain procedures for applying the Agreement on free trade and trade-related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community of the one part, and the Republic of Lithuania, of the other part,

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 and the first subparagraph of Article 95 thereof,

Whereas an Agreement on Free Trade and Trade related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Lithuania, of the other part (hereinafter referred to as "the Agreement") was signed in Brussels on 18 July 1994,

Whereas it is necessary to lay down the procedures for applying various provisions of the agreement and in particular those concerning products covered by the ECSC Treaty,

Whereas such procedures have been laid down for the European Economic Community by Council Regulation (EC) No on certain procedures for applying the Agreement on trade and trade-related matters between the European Economic Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Lithuania, of the other part,

Whereas, as regards measures of commercial protection it is necessary to lay down specific provisions concerning the general rules set out in Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community [1] where the Agreement makes this necessary;

Whereas account should be taken of the undertakings set out in the Agreement when examining whether a safeguard measure should be introduced;

Whereas it is desirable to ensure that the rules for the application if the Agreement should be similar for both the European Economic Community and the European Coal and Steel Community;

Whereas certain measures provided for in the Agreement go beyond the powers of action provided for in the Treaty and it is therefore necessary in this case to refer to the provisions of Article 95, after consultation with the consultative committee and with the unanimous assent of the Council,

HAS ADOPTED THIS DECISION :

Article 1

The Commission may, with the assent of the Council, decide to refer to the Joint Committee established by the Agreement with regard to the measures provided for in Article 22 of the Agreement. Where necessary, the Commission shall adopt these measures in accordance with the same procedure.

The Commission may take the decisions to this end on its own initiative or at the request of a member State.

Article 2

1. In the case of a practice that may justify application by the Community of the measures provided for in Article 33 of the Agreement, the Commission, after examining the case on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, the Commission takes safeguard measures with the assent of the Council, except in the case of public aids to which Decision No 2424/88/ECSC applies, when measures shall be taken according to the procedures laid down in that Decision.

   Such measures shall be taken under the conditions provided for in Article 33 of the Agreement.

[1] OJ No L 209, 2.8.1988, p. 18

2. In the case of a practice that may cause safeguard measures concerning ECSC products to be applied to the Community by Lithuania on the basis of Article 33 of the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall take appropriate decisions on the basis of the criteria laid down in Articles 65 and 66 of the ECSC Treaty and Article 85 of the Treaty establishing the European Community, and of the rules applicable to State aids, including secondary legislation.

Article 3

In the case of a practice which is liable to warrant the application, by the Community, of the measures provided for in Article 23 of the Agreement, the introduction of anti-dumping measures shall be decided upon in accordance with the provisions laid down in Decision No 2424/88/ECSC and the procedure provided for in Article 27 (2) and (3) (b) or (d) of the Agreement.

Article 4

1. Where a Member State requests the Commission to apply safeguard measures as provided for in Article 24 or 25 of the Agreement, and if the Commission decides not to apply them, the Commission shall inform the Council and the Member States accordingly within five working days of receipt of the request from the member State.

   Member States shall provide the Commission with the information needed to justify their requests to apply safeguard measures.

   Any member State may refer the decision of the Commission to the Council within 10 working days of its notification.

   If the Council, acting by the qualified majority referred to in Article 28 (4) of the Treaty, indicates its intention to request a different decision, the Commission shall inform Lithuania thereof forthwith and shall notify it of the opening of the consultations within the Joint Committee as provided for in Article 27 (2) and (3) of the Agreement.

   The Council, acting by a qualified majority, may ask the Commission within one month of the conclusion of the consultations with Lithuania within the Joint Committee to adopt safeguard measures.

2. Where the Commission, at the request of a Member State or on its own initiative, decides that the safeguard measures provided for in Article 24 or 25 of the Agreement should be applied :
   - it shall inform the Member States forthwith if acting on its own initiative or, if it is responding to a Member State's request, within five working days of the date of receipt of that request,
   - it shall consult the committee mentioned in Article 4 (2) of Commission Decision No 264/94/ECSC (hereinafter referred to as 'the committee'),
   - at the same time it shall inform Lithuania and notify the Joint Committee of the opening of consultations as referred to in Article 27 (2) and (3) of the Agreement,
   - at the same time it shall provide the Joint Committee with all the information necessary for these consultations.

3. In any event, the consultations within the Joint Committee shall be deemed to be completed 30 days after the notification referred to in the fourth subparagraph of paragraph 1 and in paragraph 2.

   At the need of the consultations or on expiry of the period of 30 days, and if no other arrangement proves possible, the Commission, after consulting the committee, may take appropriate measures to implement Articles 24 and 25 of the Agreement.

4. The decision referred to in paragraph 3 shall be notified forthwith to the Council, the Member States and Lithuania; it shall also be notified to the Joint Committee; it shall also be notified to the Joint Committee.

   It shall be immediately applicable.

5. Any Member State may refer the Commission decision referred to in paragraph 3 to the Council within 10 working days of receiving notification of the decision.

6. If the Commission has not taken a decision within the meaning of the second subparagraph of paragraph 3 within 10 working days of the end of the consultations with the Joint Committee, or, as the case may be, the end of the period of 30 days, any Member State which has referred the matter to the Commission in accordance with paragraph 2 may refer it to the Council.

7. In the cases refereed to in paragraph 5 the Council , acting by a qualified majority, may, within one month, ask the Commission to adopt different safeguard measures, and in the cases mentioned in paragraph 6, ask the Commission to take measures.

Article 5

1. Where exceptional circumstances arise within the meaning of Article 27 (3) (d) of the Agreement, the Commission may take immediate safeguard measures in the cases referred to in Articles 24 and 25 of the Agreement.

2. If the Commission receives a request from a Member State it shall take a decision thereon within five working days of receipt of the request.

   The Commission shall notify the Council and the Member States of its decision.

3. Any Member State may refer the Commission's decision to the Council in accordance with the procedure provided for in Article 4 (5).

   The procedure set out in Article 4 (5) to (7) shall be applicable.

   If the Commission has not taken a decision within the time limit mentioned in paragraph 2, any Member State which has referred the mater to the Commission may refer it to the Council in accordance with the procedure laid down in the preceding subparagraphs.

Article 6

Notification to the Joint Committee by the Community as required by the Agreement shall be the responsibility of the Commission.

Article 7

This Decision shall enter into force on the same day as the Agreement on free trade and trade-related matters.

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

Done at Brussels,

For the Commission

EXPLANATORY MEMORANDUM

The Community signed Europe Agreements with Romania and Bulgaria on 1 February 1993 and 8 March 1993 respectively.

The proposed Decisions introduce the modalities for the application of certain safeguard measures and measures of commercial protection contained in these Agreements for ECSC products.

The objective of the proposed Decisions is the introduction of specific rules to the general provisions concerning the Community's import regime (including the provisions establishing protection against subsidies and dumping practices in relation to imports from third countries) in order to respect the obligations undertaken in the Agreements.

Similar Decisions have been adopted for the implementation of such measures under the Interim and Europe Agreements concluded with Poland and Hungary.

In view of the entry into force of the Europe Agreements the Commission is requesting the Council to give its unanimous assent for the proposed Decisions, in order to allow the Commission to adopt these decisions. Pursuant to article 95 of the ECSC Treaty, the ECSC Consultative Committee is being simultaneously consulted.



Commission Decision N°.../93/ECSC
of ...

on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 and the first subparagraph of Article 95 thereof,

Whereas a Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, hereinafter referred to as 'the Agreement', was signed in Brussels on 8 March 1993;

Whereas pending the entry into force of the Europe Agreement, its provisions on trade and trade-related matters have been given effect since 31 December 1993 by an 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 Republic of Bulgaria, of the other part, signed in Brussels on 8 March 1993[1];

Whereas pursuant to the conclusions of the Copenhagen European Council on 21 and 22 June 1993 regarding new trade concessions for the Central and Eastern European countries, an Additional Protocol to the Interim Agreement was concluded on 20 December 1993 by the European Economic Community and the European Coal and Steel Community, of the one part, and Bulgaria, of the other part[2];

Whereas it is necessary to lay down the procedures for applying various provisions of the agreement and in particular those contained in Protocol 2 on ECSC;

Whereas, as regards measures of commercial protection it is necessary to lay down specific provisions concerning the general rules set out in Commission Decision N° 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidised imports from countries not members of the European Coal and Steel Community[3] where the Agreement makes this necessary;

Whereas account should be taken of the undertakings set out in the Agreement when examining whether a safeguard measure should be introduced;

Whereas it is desirable to ensure that the rules for the application of the Agreement should be similar for both the European Community and the European Coal and Steel Community;

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1 OJ No L 323, 23.12.1993, p. 2
2 OJ No L 25, 29.01.1994, p. 37
3 OJ No L 209, 2.8.1988, p. 18

Whereas certain measures provided for in the Agreement go beyond the powers of action provided for in the Treaty and it is therefore necessary in this case to refer to the provisions of Article 95, after consultation with the consultative committee and with the unanimous assent of the Council,

HAS ADOPTED THIS DECISION:

Article 1

The Commission may, with the assent of the Council, decide to refer to the Association Council established by the Agreement with regard to the measures provided for in Article 29 and Article 116(2) of the Agreement. Where necessary, the Commission shall adopt these measures in accordance with the same procedure.

The Commission may take the decisions to this end on its own initiative orat the request of a Member State.

Article 2

In the case of a practice that may justify application by the Community of the measures provided for in Article 9 of Protocol 2 to the Agreement, the Commission, after examining the case on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, it shall, with the assent of the Council, adopt safeguard measures, except in the case of public aids to which Decision N° 2424/88/ECSC applies, when measures shall be taken according to the procedures laid down in that Decision.

Such measures shall be taken under the conditions provided for in Article 9 of Protocol 2 to the Agreement.

2.In the case of a practice that may cause safeguard measures to be applied to the Community by Bulgaria on the basis of Article 9 of Protocol 2 to the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall take appropriate decisions on the basis of the criteria laid down in Articles 65 and 66 of the ECSC Treaty and Article 85 of the Treaty establishing the European Community, and of the rules applicable to State aids, including secondary legislation.

Article 3

In the case of a practice which is liable to warrant the application, by the Community, of the measures provided for in Article 30 of the Agreement, the introduction of anti-dumping measures shall be decided upon in accordance with the provisions laid down in Decision N° 2424/88/ECSC and the procedure provided for in Articles 34(2) and 34(3)(b) or (d) of the Agreement.

Article 4

1.Where a Member State requests the Commission to apply safeguard measures as provided for in Articles 31 or 32 of the Agreement, and if the Commission decides not to apply them, the Commission shall inform the Council and the Member States accordingly within five working days of receipt of the request from the Member State.

Member States shall provide the Commission with the information needed to justify their requests to apply safeguard measures.

Any Member State may refer the decision of the Commission to the Council within ten working days of its notification.

If the Council, acting by the qualified majority referred to in Article 28(4) of the Treaty, indicates its intention to request a different decision, the Commission shall inform Bulgaria thereof forthwith and shall notify it of the opening of the consultations within the Association Council as provided for in Article 34(2) and (3) of the Agreement.

The Council, acting by a qualified majority, may ask the Commission within one month of the conclusion of the consultations with Bulgaria within the Association Council, to adopt safeguard measures.

2.Where the Commission, at the request of a Member State or on its own initiative, decides that the safeguard measures provided for in Articles 31 or 32 of the Agreement should be applied:

-it shall inform the Member States forthwith if acting on its own initiative or, if it is responding to a Member State's request, within five working days of the date of receipt of that request,

-it shall consult the committee mentioned in Article 4 of Commission Decision N° 264/94/ECSC (hereinafter referred to as 'the committee'),

-at the same time it shall inform Bulgaria and notify the Association Council of the opening of consultations as referred to in Article 34(2)and (3) of the Agreement,

-at the same time it shall provide the Association Council with all the information necessary for these consultations.

3.In any event, the consultations within the Association Council shall be deemed to be completed 30 days after the notification referred to in the fourth subparagraph of paragraph 1 and in paragraph 2.

At the end of the consultations or on expiry of the period of 30 days, and if no other arrangement proves possible, the Commission, after consulting the Committee, may take appropriate measures to implement Articles 31 and 32 of the Agreement.

4.The decision referred to in paragraph 3 shall be notified forthwith to the Council, the Member States and Bulgaria; it shall also be notified to the Association Council.

It shall be immediately applicable.

5.Any Member State may refer the Commission decision referred to in paragraph 3 to the Council within ten working days of receiving notification of the decision.

6.If the Commission has not taken a decision within the meaning of the second subparagraph of paragraph 3 within ten working days of the end of the consultations with the Association Council or, as the case may be, the end of the period of 30 days, any Member State which has referred the matter to the Commission in accordance with paragraph 2 may refer it to the Council.

7.In the cases referred to in paragraph 5 the Council, acting by a qualified majority, may, within one month, ask the Commission to adopt different safeguard measures, and in the cases mentioned in paragraph 6, ask the Commission to take measures.

Article 5

1.Where exceptional circumstances arise within the meaning of Article 34(3)(d) of the Agreement, the Commission may take immediate safeguard measures in the cases referred to in Articles 31 and 32 of the Agreement.

2.If the Commission receives a request from a Member State it shall take a decision thereon within five working days of receipt of the request.

The Commission shall notify the Council and the Member States of its decision.

3.Any Member State may refer the Commission's decision to the Council in accordance with the procedure provided for in Article 4(5).

The procedure set out in Article 4(5) to (7) shall be applicable.

If the Commission has not taken a decision within the time limit mentioned in paragraph 2, any Member State which has referred the matter to the Commission may refer it to the Council in accordance with the procedure laid down in the preceding subparagraphs.

Article 6

Notification to the Association Council by the Community as required by the Agreement shall be the responsibility of the Commission.

Article 7

This Decision shall enter into force on the same day as the Europe Agreement.

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

Done at Brussels,

For the Commission

32

Commission Decision N° .../93/ECSC
of ...

on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 and the first subparagraph of Article 95 thereof,

Whereas a Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, hereinafter referred to as 'the Agreement', was signed in Brussels on 1 February 1993;

Whereas pending the entry into force of the Europe Agreement, its provisions on trade and trade-related matters have been given effect since 1 May 1993 by an 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 Romania, of the other part, signed in Brussels on 1 February 1993 [1];

Whereas pursuant to the conclusions of the Copenhagen European Council on 21 and 22 June 1993 regarding new trade concessions for the Central and Eastern European countries, an Additional Protocol to the Interim Agreement was concluded on 20 December 1993 by the European Economic Community and the European Coal and Steel Community, of the one part, and Romania, of the other part[2];

Whereas it is necessary to lay down the procedures for applying various provisions of the agreement and in particular those contained in Protocol 2 on ECSC;

Whereas, as regards measures of commercial protection it is necessary to lay down specific provisions concerning the general rules set out in Commission Decision N° 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidised imports from countries not members of the European Coal and Steel Community[3] where the Agreement makes this necessary;

Whereas account should be taken of the undertakings set out in the Agreement when examining whether a safeguard measure should be introduced;

Whereas it is desirable to ensure that the rules for the application of the Agreement should be similar for both the European Community and the European Coal and Steel Community;

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1 OJ No L 81, 2.4.1993, p. 2
2 OJ No L 25, 29.01.1994, p. 36
3 OJ No L 209, 2.8.1988, p. 18

Whereas certain measures provided for in the Agreement go beyond the powers of action provided for in the Treaty and it is therefore necessary in this case to refer to the provisions of Article 95, after consultation with the consultative committee and with the unanimous assent of the Council,

HAS ADOPTED THIS DECISION:

Article 1

The Commission may, with the assent of the Council, decide to refer to the Association Council established by the Agreement with regard to the measures provided for in Article 29 and Article 117(2) of the Agreement. Where necessary, the Commission shall adopt these measures in accordance with the same procedure.

The Commission may take the decisions to this end on its own initiative orat the request of a Member State.

Article 2

In the case of a practice that may justify application by the Community of the measures provided for in Article 9 of Protocol 2 to the Agreement, the Commission, after examining the case on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, it shall, with the assent of the Council, adopt safeguard measures, except in the case of public aids to which Decision N° 2424/88/ECSC applies, when measures shall be taken according to the procedures laid down in that Decision.

Such measures shall be taken under the conditions provided for in Article 9 of Protocol 2 to the Agreement.

2.In the case of a practice that may cause safeguard measures to be applied to the Community by Romania on the basis of Article 9 of Protocol 2 to the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall take appropriate decisions on the basis of the criteria laid down in Articles 65 and 66 of the ECSC Treaty and Article 85 of the Treaty establishing the European Community, and of the rules applicable to State aids, including secondary legislation.

Article 3

In the case of a practice which is liable to warrant the application, by the Community, of the measures provided for in Article 30 of the Agreement, the introduction of anti-dumping measures shall be decided upon in accordance with the provisions laid down in Decision N° 2424/88/ECSC and the procedure provided for in Articles 34(2) and 34(3)(b) or (d) of the Agreement.

Article 4

1.Where a Member State requests the Commission to apply safeguard measures as provided for in Articles 31 or 32 of the Agreement, and if the Commission decides not to apply them, the Commission shall inform the Council and the Member States accordingly within five working days of receipt of the request from the Member State.

Member States shall provide the Commission with the information needed to justify their requests to apply safeguard measures.

Any Member State may refer the decision of the Commission to the Council within ten working days of its notification.

If the Council, acting by the qualified majority referred to in Article 28(4) of the Treaty, indicates its intention to request a different decision, the Commission shall inform Romania thereof forthwith and shall notify it of the opening of the consultations within the Association Council as provided for in Article 34(2) and (3) of the Agreement.

The Council, acting by a qualified majority, may ask the Commission within one month of the conclusion of the consultations with Romania within the Association Council, to adopt safeguard measures.

2.Where the Commission, at the request of a Member State or on its own initiative, decides that the safeguard measures provided for in Articles 31 or 32 of the Agreement should be applied:

-it shall inform the Member States forthwith if acting on its own initiative or, if it is responding to a Member State's request, within five working days of the date of receipt of that request,

-it shall consult the committee mentioned in Article 4 of Commission Decision N° 264/94 ECSC (hereinafter referred to as 'the committee'),

-at the same time it shall inform Romania and notify the Association Council of the opening of consultations as referred to in Article 34(2)and (3) of the Agreement,

-at the same time it shall provide the Association Council with all the information necessary for these consultations.

3.In any event, the consultations within the Association Council shall be deemed to be completed 30 days after the notification referred to in the fourth subparagraph of paragraph 1 and in paragraph 2.

At the end of the consultations or on expiry of the period of 30 days, and if no other arrangement proves possible, the Commission, after consulting the Committee, may take appropriate measures to implement Articles 31 and 32 of the Agreement.

4.The decision referred to in paragraph 3 shall be notified forthwith to the Council, the Member States and Romania; it shall also be notified to the Association Council.

It shall be immediately applicable.

5.Any Member State may refer the Commission decision referred to in paragraph 3 to the Council within ten working days of receiving notification of the decision.

6.If the Commission has not taken a decision within the meaning of the second subparagraph of paragraph 3 within ten working days of the end of the consultations with the Association Council or, as the case may be, the end of the period of 30 days, any Member State which has referred the matter to the Commission in accordance with paragraph 2 may refer it to the Council.

7.In the cases referred to in paragraph 5 the Council, acting by a qualified majority, may, within one month, ask the Commission to adopt different safeguard measures, and in the cases mentioned in paragraph 6, ask the Commission to take measures.

Article 5

1.Where exceptional circumstances arise within the meaning of Article 34(3)(d) of the Agreement, the Commission may take immediate safeguard measures in the cases referred to in Articles 31 and 32 of the Agreement.

2.If the Commission receives a request from a Member State it shall take a decision thereon within five working days of receipt of the request.

The Commission shall notify the Council and the Member States of its decision.

3.Any Member State may refer the Commission's decision to the Council in accordance with the procedure provided for in Article 4(5).

The procedure set out in Article 4(5) to (7) shall be applicable.

If the Commission has not taken a decision within the time limit mentioned in paragraph 2, any Member State which has referred the matter to the Commission may refer it to the Council in accordance with the procedure laid down in the preceding subparagraphs.

Article 6

Notification to the Association Council by the Community as required by the Agreement shall be the responsibility of the Commission.

Article 7

This Decision shall enter into force on the same day as the Europe Agreement.

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

Done at Brussels,

For the Commission

ISSN 0254-1475

COM(94) 680 final

DOCUMENTS

EN

11 02

Catalogue number : CB-CO-94-701-EN-C

ISBN 92-77-84368-3

Office for Official Publications of the European Communities
L-2985 Luxembourg