

No. 33523

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**EUROPEAN ECONOMIC COMMUNITY  
AND EUROPEAN ATOMIC ENERGY COMMUNITY  
and  
ROMANIA**

**Agreement on trade and commercial and economic cooperation (with annexes, exchange of letters and joint declaration). Signed at Luxembourg on 22 October 1990**

**Termination of the above-mentioned Agreement**

*Authentic texts of the Agreement: Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese and Romanian.*

*The Agreement and the termination were registered by the Secretary-General of the Council of the European Union, acting on behalf of the Parties, on 15 January 1997.*

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**COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE  
ET COMMUNAUTÉ EUROPÉENNE  
DE L'ÉNERGIE ATOMIQUE  
et  
ROUMANIE**

**Accord concernant le commerce et la coopération commerciale et économique (avec annexes, échange de lettres et déclaration commune). Signé à Luxembourg le 22 octobre 1990**

**Abrogation de l'Accord susmentionné**

*Textes authentiques de l'Accord: espagnol, danois, allemand, grec, anglais, français, italien, néerlandais, portugais et roumain.*

*L'Accord et l'abrogation ont été enregistrés par le Secrétaire général du Conseil de l'Union européenne, agissant au nom des Parties, le 15 janvier 1997.*

AGREEMENT<sup>1</sup> BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART, AND ROMANIA, OF THE OTHER PART, ON TRADE AND COMMERCIAL AND ECONOMIC CO-OPERATION

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THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter together called "the Community",

of the one part,

ROMANIA,

of the other part,

RECOGNIZING that Romania and the Community desire to promote and extend further the direct contractual relations established between them by the agreements on the establishment of the Joint Committee and on trade in industrial products signed on 28 July 1980 and to establish a wider framework for commercial and economic co-operation,

RECALLING the traditional trade and economic links between the Community and Romania, and taking into account the Parties' respective levels of economic development,

TAKING INTO ACCOUNT the favourable implications for trade and economic relations between the Contracting Parties of the economic reforms under way in Romania and of the Parties' respective economic policies,

DESIROUS of creating favourable conditions for the harmonious development and diversification of trade and the promotion of commercial and economic co-operation in areas of mutual interest on the basis of equality, mutual benefit and reciprocity,

HAVING REGARD to the particular importance of foreign trade and other forms of international economic co-operation as factors of economic and social development,

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<sup>1</sup> Came into force on 1 May 1991 by notification, in accordance with article 25.

HAVING REGARD to the importance of giving full effect to the Final Act of the Conference on Security and Co-operation in Europe,<sup>1</sup> the Concluding Document of the Madrid meeting<sup>2</sup> and the Concluding Document of the Vienna meeting,<sup>3</sup>

REAFFIRMING the commitment of the Contracting Parties to the General Agreement on Tariffs and Trade<sup>4</sup> and to the Protocol for the accession of Romania<sup>5</sup> thereto,

BELIEVING that a further impetus should be given to the trading and economic relationship between the Community and Romania, in the spirit of the concluding Document of the Bonn CSCE Conference on economic co-operation in Europe,<sup>6</sup>

RECOGNIZING that the Community and Romania desire to establish wider-ranging and closer contractual links that permit further development at a later stage,

HAVE DECIDED to conclude this Agreement, and to this end have designated as their plenipotentiaries;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

#### ARTICLE 1

The Contracting Parties agree to facilitate and promote trade and economic co-operation with each other.

#### ARTICLE 2

1. This Agreement shall apply to trade in all products originating in the Community or in Romania, with the exception of products covered by the Treaty establishing the European Coal and Steel Community.<sup>7</sup>

<sup>1</sup> *International Legal Materials*, vol. XIV (1975), p. 1292 (American Society of International Law).

<sup>2</sup> *Ibid.*, vol. XXII (1983), p. 1395 (American Society of International Law).

<sup>3</sup> *Ibid.*, vol. XXVIII (1989), p. 527 (American Society of International Law).

<sup>4</sup> United Nations, *Treaty Series*, vol. 55, p. 187.

<sup>5</sup> *Ibid.*, vol. 807, p. 312.

<sup>6</sup> *International Legal Materials*, vol. XXIX, No. 4 (1990), p. 1054 (American Society of International Law).

<sup>7</sup> United Nations, *Treaty Series*, vol. 261, p. 140.

2. This Agreement shall not affect the provisions of the existing Agreement between the European Economic Community and Romania on Trade in Textile Products, which has been provisionally applied since 1 January 1987, nor the provisions of Exchanges of Letters or other arrangements on trade in textile products concluded subsequently, for the period of application of these provisions; furthermore, should the Community invoke paragraph 24 of the Protocol extending the arrangement regarding International Trade in Textiles of 31 July 1986,<sup>1</sup> only the provisions of the said Arrangement shall apply, to the exclusion of all provisions of this Agreement.

Not later than six months before the expiry of the Agreements concerning trade in textile products referred to above, the Contracting Parties shall consult each other with a view to determining the arrangements to be applied to trade in textile products after the expiry of the said Agreements.

3. This Agreement shall not affect specific agreements or arrangements covering agricultural products in force between the Contracting Parties, or any successor agreements or arrangements.

#### TITLE 1

#### Trade

#### ARTICLE 3

1. Unless otherwise specified in this Agreement, trade between the Contracting Parties shall be conducted in compliance with their respective regulations.

2. In the framework of their respective laws and regulations, the Contracting Parties shall adopt measures to ensure the harmonious development and the diversification of their mutual trade.

3. To that end, each Party confirms its resolve to consider in a spirit of co-operation suggestions made by the other in connection with attaining these aims.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1441, p. 284.

## ARTICLE 4

The Contracting Parties reaffirm their commitment to according each other most-favoured nation treatment in accordance with the General Agreement on Tariffs and Trade (GATT) and the Protocol for the accession of Romania thereto.

## ARTICLE 5

Each Contracting Party shall accord the highest degree of liberalization which it generally applies to third countries to imports of the other's products, taking into account the provisions of the GATT and of the Protocol for the accession of Romania thereto; to this end, the Community undertakes to phase out the quantitative restrictions referred to in Article 3(a) of the Protocol for the accession of Romania to the GATT in accordance with the provisions and in respect of the products referred to in Articles 7 to 11 of this Agreement.

## ARTICLE 6

The process of liberalization shall take account of the provisions of the GATT, the trend of trade between the two Parties, any changes in market conditions and rules concerning trade in Romania or in the Community and progress made in applying the Agreement.

## ARTICLE 7

The Community undertakes to eliminate, by the end of the first year following the entry into force of this Agreement at the latest, the quantitative restrictions on imports into those regions of the Community and of those products listed in Annex 1.

## ARTICLE 8

The Community undertakes to suspend within one year of the entry into force of the Agreement the application of the quantitative restrictions on imports of the products listed in Annex II into the regions indicated in that Annex on the conditions specified therein.

## ARTICLE 9

1. For each calendar year, the Community shall open import quotas for products which are of interest for Romania and which are subject to quantitative restrictions.

2. The two Parties shall hold consultations each year in the Joint Committee referred to in Article 22 to determine what further liberalization there should be for the following year and, barring exceptions, to determine gradual and regular increases in the quotas for products subject to the quantitative restrictions referred to in Article 5.

## ARTICLE 10

Before the end of June 1992 the Contracting Parties shall examine in the framework of the Joint Committee referred to in Article 22 those of the quantitative restrictions referred to in Article 5 still maintained at that time, with a view to determining what changes might be made to the existing import arrangements.

## ARTICLE 11

The Community undertakes to eliminate by 31 December 1995 at the latest those of the quantitative restrictions referred to in Article 5 which still remain, with the exception of those relating to a limited number of products which might be deemed sensitive at that time.

Should the need arise, the Joint Committee set up pursuant to Article 22 shall, during its meeting in 1995, draw up the arrangements which shall apply for a prescribed period after 31 December 1995 to imports of these products.

## ARTICLE 12

Imports into the Community of products covered by this Agreement shall not be charged against the quotas referred to in Article 9 where they are declared as being intended for re-export and are actually re-exported from the Community either in the unaltered state or after inward processing under the administrative control arrangements in force in the Community.

## ARTICLE 13

Taking into account the importance of their trade in agricultural products and the implications of multilateral negotiations in the GATT, the Contracting Parties shall examine in the Joint Committee referred to in Article 22 the possibility of giving their assent to agricultural trade concessions, product-by-product and on the basis of Article 4 of this Agreement, in a reciprocal and orderly manner.

## ARTICLE 14

Goods shall be traded between the two Contracting Parties at market-related prices.

## ARTICLE 15

1. The Contracting Parties shall consult each other if any product is being imported in trade between the Community and Romania in such increased quantities or under such conditions as to cause or threaten to cause serious injury to domestic producers of like or directly competitive products.
2. The Contracting Party requesting the consultations shall supply the other Party with all the information required for a detailed examination of the situation.
3. The consultations requested pursuant to paragraph 1 shall be held with due regard for the fundamental aims of the Agreement and shall be completed not later than 30 days from the date of notification of the request by the party concerned, unless the Parties agree otherwise.
4. If, as a result of such consultations, it is agreed that the situation referred to in paragraph 1 exists, exports shall be limited or such other action taken as will prevent or remedy the injury, which may include action with respect to the price at which the exports are sold.
5. If, following action under paragraphs 1 to 4 above, agreement is not reached between the Contracting Parties, the Contracting Party which requested the consultations shall be free to restrict the imports of the products

concerned to the extent and for such time as is necessary to prevent or remedy the injury. The other Contracting Party shall then be free to depart from its obligations towards the first Party in respect of substantially equivalent trade.

6. In critical circumstances, where delay could cause damage difficult to repair, such preventive or remedial action may be taken provisionally without prior consultation, on the condition that consultation shall be effected immediately after taking such action.

7. In the selection of the measures under this Article, the Contracting Parties should give priority to those which cause the least disturbance to the functioning of this Agreement.

8. Where necessary, the Contracting Parties may hold consultations to determine when the measures adopted pursuant to paragraphs 4, 5 and 6 shall cease to apply.

9. If, after the procedures provided for in this Article have been exhausted, the Contracting Parties still disagree about measures adopted pursuant to this Article, the Community and Romania may refer the disagreement to the Contracting Parties of the GATT in accordance with Article XIX of the GATT and Article 4 of the Protocol for the accession of Romania to the GATT.

#### ARTICLE 16

The Contracting Parties shall inform each other of any changes in their tariff or statistical nomenclature or of any decision adopted in accordance with the procedures in force which relates to the classification of products covered by this Agreement.



TITLE IICommercial co-operation

## ARTICLE 17

1. The Contracting Parties shall make every effort to promote, expand and diversify their commercial and economic co-operation on the basis of non-discrimination and reciprocity. The Joint Committee established under Article 22 of this Agreement will attach special importance to examining ways of encouraging a reciprocal and harmonious expansion of trade.

2. In furtherance of the aims of this Article and within the limits of their respective powers, the Contracting Parties agree that they shall maintain and improve favourable business relations, facilities and practices for each other's firms or companies on their respective markets, by means of the following measures:

- ensuring publication and facilitating exchanges of commercial and economic information on all matters which would assist the development of trade and economic co-operation, for example:
  - economic development programmes or forecasts,
  - general and sectoral import arrangements,
  - economic and commercial law, including regulations on markets and companies,
  - macroeconomic information and statistics, in particular production, consumption and foreign trade statistics;
- facilitating co-operation between their respective customs services, in particular in the field of vocational training;
- encouraging the development of contacts and links between companies, undertakings and other interested organizations of both sides which would contribute to realizing the aims of the Agreement;

- encouraging contacts between business associations of the Community and Romania.

3. In furtherance of the aims of this Article, the Contracting Parties agree to maintain and improve favourable business regulations, facilities and practices for each other's firms or companies in their respective markets, inter alia as indicated in Annex III.

#### ARTICLE 18

Within the limits of their respective powers, the Contracting Parties undertake to:

- ensure suitable protection and the enforcement of industrial, commercial and intellectual property rights;
- ensure that their international commitments regarding industrial, commercial and intellectual property rights are honoured;
- encourage appropriate arrangements between undertakings and institutions within the Community and Romania with a view to due protection of industrial, commercial and intellectual property rights;
- encourage co-operation and exchanges of views between organizations and institutions responsible for industrial, commercial and intellectual property.

#### ARTICLE 19

Within the limits of their respective powers, the Contracting Parties:

- shall encourage the adoption of arbitration for the settlement of disputes arising out of commercial and co-operation transactions concluded by companies or firms, enterprises and economic organizations of the Community and those of Romania;

- agree that when a dispute is submitted to arbitration, each party to the dispute may freely choose its own arbitrator, irrespective of his nationality, and that the presiding third arbitrator or the sole arbitrator may be a citizen of a Third State;
- shall encourage recourse to the arbitration rules elaborated by the United Nations Commission on International Trade Law (UNCITRAL)<sup>1</sup> and to arbitration by any Centre of a State Signatory to the Convention on Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958.<sup>2</sup>

### TITLE III

#### Economic co-operation

#### ARTICLE 20

1. In the light of their respective economic policies and objectives, the Contracting Parties shall foster economic co-operation on as broad a base as possible, in all fields deemed to be in their mutual interest.

The objectives of such co-operation shall be, inter alia:

- to reinforce and diversify economic links between the Contracting Parties;
- to contribute to the development of their respective economies and standards of living;
- to open up new sources of supply and new markets;
- to encourage co-operation between economic operators, with a view to promoting investment, joint ventures, licensing agreements and other forms of industrial co-operation to develop their respective industries;
- to encourage scientific and technological progress;

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<sup>1</sup> United Nations, *Official Records of the General Assembly, Thirty-first Session, Supplement No. 17, (A/31/17)*, p. 34.

<sup>2</sup> United Nations, *Treaty Series*, vol. 330, p. 3.

- to support structural changes in the Romanian economy in order to increase and diversify trade in goods and services within the Community;
- to encourage environmentally sound policies;
- to encourage the participation of small and medium-sized undertakings in trade and industrial co-operation.

2. In order to achieve these objectives, the Contracting Parties shall make efforts to encourage and promote economic co-operation in areas of mutual interest, in particular in the following sectors:

- industry and mining,
- agriculture, including the food-processing industries,
- research, development, science and technology in sectors in which the Contracting Parties are active and which they consider to be of mutual interest, including nuclear research,
- energy, including nuclear energy and nuclear safety (physical safety and radiation protection),
- environmental protection and the management of natural resources,
- transport, tourism and other service activities,
- telecommunications,
- economic, monetary, banking, insurance and financial services,
- vocational and management training,
- medical services and health care,
- standards,
- statistics.

3. To give effect to the objectives of economic co-operation, and within the limits of their respective powers, the Contracting Parties shall encourage the adoption of measures aimed at creating favourable conditions for economic and industrial co-operation, in particular by:

- fostering a favourable climate for investment, joint ventures and licensing arrangements, notably by the extension by the Member States of the Community and Romania of arrangements for investment promotion and protection, in particular for the transfer of profits and the repatriation of invested capital, on the basis of the principles of non-discrimination and reciprocity;
- facilitating exchanges and contacts between persons and delegations representing commercial, economic, educational, training or other relevant organizations;
- encouraging and facilitating trade promotion activities, such as the organization of seminars, fairs or exhibitions, symposia and business weeks;
- promoting activities involving the provision of technical expertise in specific areas;
- facilitating the conduct of market research and other marketing activities on their respective territories;
- encouraging, in accordance with the respective laws and policies of the Contracting Parties, joint research and development activities, the exchange of information and contacts between scientists, research and educational establishments and businesses;
- facilitating co-operation between businesses on the markets of third countries.

## ARTICLE 21

Without prejudice to the relevant provisions of the Treaties establishing the European Communities, this Agreement and any action taken pursuant to it shall in no way affect the powers of the Member States of the Community to undertake bilateral activities with Romania in the field of economic co-operation and to conclude, where appropriate, new economic co-operation agreements with Romania.

TITLE IVJoint Committee

## ARTICLE 22

1. (a) A Joint Committee shall be set up, comprising representatives of the Community, on the one hand, and representatives of Romania, on the other.
- (b) The Joint Committee shall formulate recommendations by mutual agreement between the Contracting Parties.
- (c) The Joint Committee shall, as necessary, adopt its own rules of procedure and programme of work.
- (d) The Joint Committee shall meet once a year in Brussels and Bucharest alternately. Special meetings may be convened by mutual agreement, at the request of either Contracting Party. The Joint Committee shall be chaired alternately by each of the Contracting Parties. Wherever possible, the agenda for the meetings of the Joint Committee shall be agreed beforehand.
- (e) The Joint Committee may decide to set up working groups to assist it in carrying out its duties.

2. (a) The Joint Committee shall ensure the proper functioning of this Agreement and the arrangements connected with it, and shall devise and recommend practical measures for achieving its objectives, keeping in view the economic and social policies of the Contracting Parties.
- (b) The Joint Committee shall endeavour to find ways of encouraging the development of trade and commercial and economic co-operation between the Contracting Parties. In particular it shall:
- examine the various aspects of trade between the Parties, notably its overall pattern, rate of growth, structure and diversity, the trade balance and the various forms of trade and trade promotion,
  - make recommendations on any issue of mutual concern relating to trade or commercial or economic co-operation;
  - seek appropriate means of avoiding possible difficulties in the fields of trade and co-operation, and encourage various forms of commercial and economic co-operation in areas of mutual interest;
  - consider measures likely to develop and diversify trade and economic co-operation, notably by improving import opportunities in the Community and in Romania;
  - exchange information on the macroeconomic forecasts relating to the two Parties' economies which have an impact on trade and co-operation and, by extension, on the scope for developing complementarity between their respective economies and on proposed economic development programmes;
  - exchange information relating to amendments and developments in the laws, regulations and formalities of the Contracting Parties in the areas covered by this Agreement;
  - seek methods of arranging and encouraging the exchange of information and contacts in matters relating to economic co-operation between the Contracting Parties on a basis of mutual advantage, and work towards the creation of favourable conditions for such co-operation;

- examine favourably ways of improving conditions for the development of direct contacts between undertakings established in the Community and those established in Romania;
- formulate and submit to the authorities of both Contracting Parties recommendations for solving any problems that arise, where appropriate by means of the conclusion of arrangements or agreements.

#### TITLE V

#### General and Final Provisions

#### ARTICLE 23

1. Upon its entry into force this Agreement shall replace the existing agreements between the European Economic Community and Romania on the establishment of the Joint Committee and on trade in industrial products, done at Bucharest on 28 July 1980.

2. Subject to the provisions concerning economic co-operation in Article 21, the provisions of this Agreement shall replace the provisions of the Agreements concluded between the Member States of the Community and Romania to the extent to which the latter provisions are either incompatible with or identical to the former.

#### ARTICLE 24

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Economic Community and the European Atomic Energy Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Romania.

#### ARTICLE 25

This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties have notified each other that the legal procedures necessary to this end have been completed. The



Agreement shall be concluded for an initial period of five years. The Agreement shall be automatically renewed year by year provided that neither Contracting Party gives the other Party written notice of denunciation of the Agreement six months before it expires.

The Contracting Parties may expand and/or amend this Agreement or elaborate further on its specific provisions by mutual consent in order to take account of new developments.

The Annexes, the Agreement in the form of an Exchange of Letters (Testausschreibung) and the Joint Declaration on Article 9 attached to this Agreement shall form an integral part thereof.

#### ARTICLE 26

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Romanian languages, each text being equally authentic.

*[For the testimonium and signatures, see p. 170 of this volume.]*

Hecho en Luxemburgo, el veintidós de octubre de mil novecientos noventa.

Udfærdiget i Luxembourg, den toogtyvende oktober nitten hundrede og halvfems.

Geschehen zu Luxembourg am zweiundzwanzigsten Oktober neunzehnhundertneunzig.

Έγινε Λουξεμβούργο, στις είκοσι δύο Οκτωβρίου χίλια εννιακόσια ενενήντα.

Done at Luxembourg on the twenty-second day of October in the year one thousand nine hundred and ninety.

Fait à Luxembourg, le vingt-deux octobre mil neuf cent quatre-vingt-dix.

Fatto a Lussemburgo, addi' ventidue ottobre millenovecentonovanta.

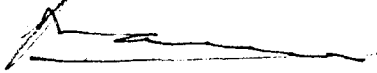
Gedaan te Luxemburg, de tweeëntwintigste oktober negentienhonderd negentig.

Feito em Luxemburgo, em vinte e dois de Outubro de mil novecentos e noventa.

Făcut la Luxemburg, douăzeci și doi octombrie una mie nouă sute nouăzeci

Por la Comunidad Económica Europea  
 For Det Europæiske Økonomiske Fællesskab  
 Für die Europäische Wirtschaftsgemeinschaft  
 Για την Ευρωπαϊκή Οικονομική Κοινότητα  
 For the European Economic Community  
 Pour la Communauté économique européenne  
 Per la Comunità Economica Europea  
 Voor de Europese Economische Gemeenschap  
 Pela Comunidade Económica Europeia  
 Pentru Comunitatea Economică Europeană

*Gi. De Michelis*<sup>1</sup>



Por la Comunidad Europea de la Energía Atómica  
 For Det Europæiske Atomenergifællesskab  
 Für die Europäische Atomgemeinschaft  
 Για την Ευρωπαϊκή Κοινότητα Ατομικής Ενέργειας  
 For the European Atomic Energy Community  
 Pour la Communauté Européenne de l'Énergie Atomique  
 Per la Comunità Europea dell'Energia Atomica  
 Voor de Europese Gemeenschap voor Atoomenergie  
 Pela Comunidade Europeia da Energia Atómica  
 Pentru Comunitatea Europeană a Energiei Atomice

*Frans Andriessen*<sup>2</sup>

Por Rumania  
 For Rumænien  
 Für Rumänien  
 Για τη Ρουμανία  
 For Romania  
 Pour la Roumanie  
 Per la Romania  
 Voor Roemenië  
 Pela Roménia  
 Pentru România

*Peter Roman*<sup>3</sup>

<sup>1</sup> Gianni De Michelis.

<sup>2</sup> Frans Andriessen.

<sup>3</sup> Peter Roman.

ANNEX I

referred to in Article 7

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3920 72 00  
    73 10  
    50  
    90  
3921 14 00  
  
4002 99 10  
4005 20 00  
4012 90 10  
4104 39 90  
4407 99 31  
    39  
4501 10 00  
    90 00  
4802 20 00  
4804 39 91  
4805 60 10

6401 10 10  
90  
6402 30 10  
90  
99 93  
96  
98

Italy

6403 91 13  
16  
18  
93  
96  
98  
99 33  
36  
38  
93  
96  
98  
6404 20 10  
6904 10 00  
90 00  
6907 10 00  
90 10  
91  
93  
99  
6908 90 11  
7207 19 39  
7211 30 90  
49 99  
7212 10 99  
21 90  
29 90  
30 90  
50 10  
85  
60 93  
7215 20 10  
90  
7216 90 91  
7303 00 10  
7304 31 10  
39 10  
20  
30  
41 10  
49 10  
30  
51 11  
30

7304 59 10  
31  
50  
90 10

Italy

7306 30 10  
40 10  
50 10  
60 10  
7312 90 10  
7604 10 10  
10 90  
21 00  
29 10  
29 90  
7605  
7606  
7607  
7608 10 10  
91  
99  
20 10  
91  
7609 00 00  
7903 90 00  
7904 00 00  
7905 00 11  
19  
90  
7906 00 00  
7907 90 00  
8104 11 00  
19 00  
8110 00 11  
8407 10 90  
21 11  
19  
91  
99  
29 30  
50  
70  
8408  
8443 12 00  
21 00  
29 00  
30 00  
40 00  
60 00  
90 10  
90

8452 40 00  
8469 29 00  
39 00

Italy

8543 10 00  
80 10  
90 10  
8546 90 10  
8705 10 00  
40 00  
90 10  
8706  
8707  
8708  
8710 00 00  
8714 20 00  
91 10  
30  
90  
92 10  
90  
93 10  
90  
94 10  
30  
95 00  
96 10  
90  
99 10  
30  
50  
9306 10 00  
29 10  
30  
50  
90  
30 30  
95  
99  
90 10  
90

Textile Category 161

United Kingdom

0701 90 51  
59  
0702 00 90  
0705 11 90  
19 00  
29 00  
0708 20 10  
90  
0712 10 00  
  
1105 10 00  
  
2005 20 10  
90  
  
8528 20 20  
71  
73  
79  
91  
99

ANNEX II

referred to in Article 8

Benelux (system : automatic licensing arrangement - TLA)

6401 10 10  
 91 10  
 92 10  
 99 10  
 6402 30 10  
 91 10  
 99 10  
 7004 90 95  
 90 99

Textile Category 125 A

Italy

(system : Automatic licensing arrangement - TLA)

4002 19 00  
 6403 19 00

(System : double checking in accordance with the procedure in the Protocol to the Agreement of 28 July 1980 between the European Economic Community and the Socialist Republic of Romania on trade in industrial products, which Protocol will continue to be operational after the entry into force of this Agreement).

2917 34 10  
 35 00  
 4410 10 10  
 10 30  
 4804 11 11  
 11 15  
 11 19  
 19 11  
 19 15  
 19 19  
 19 31  
 19 35  
 19 39  
 21 10  
 29 10  
 31 10  
 31 51  
 31 59

Italy

4804 39 10  
39 51  
39 59  
41 10  
42 10  
49 10  
51 10  
52 10  
59 10  
4809 90 00  
  
7003 11 90  
19 90  
20 10  
20 90  
30 00  
7004 10 30  
10 50  
10 90  
90 50  
90 70  
90 91  
90 93  
90 95  
90 99  
7005 10 10  
10 31  
10 33  
10 35  
10 91  
10 93  
10 95  
21 10  
21 20  
21 30  
21 40  
21 50  
21 90  
29 10  
29 31  
29 33  
29 35  
29 91  
29 93  
29 95  
30 00  
7006 00 90  
7016 90 10



ANNEX III

relating to Article 17 of the Agreement

Romania shall undertake to create conditions which facilitate trade co-operation, and inter alia to:

1. grant non-discriminatory treatment for imports of products originating in the Community, particularly as regards the issuing of licenses and the provision of foreign exchange to pay for such imports;
2. provide the Community with appropriate information, notably on import and investment intentions regarding sectors of Romanian industry that may be of interest to Community exporters;
3. encourage the activities of Community businessmen in Romania, establishing in particular closer contacts between representatives and experts of Community firms and their Romanian counterparts and final users;
4. encourage and facilitate, especially by practical means, trade promotion activities such as fairs and exhibitions in Romania;
5. promoting visits of individuals, groups and delegations involved in trade between the two Parties;
6. facilitate the entry, stay and movement of Community businessmen in Romania; facilitate free movement for Community businessmen and their families living in the country;
7. create the appropriate legislative framework to permit and encourage direct investment by Community firms in Romania;
8. facilitate the establishment and operation of offices of Community firms in Romania, particularly in connection with renting commercial premises; ensure non-discriminatory pricing relative to any third country for such facilities;

9. discourage countertrade or, at the very least, stress that the practice should be regarded as temporary and exceptional; if such transactions are unavoidable, all relevant information on the conditions and regulations governing them should be provided;
10. ensure non-discriminatory treatment in the award of contracts for the supply of goods or services consequent on international invitations to tender;
11. in connection with the activities covered by this Agreement, provide natural and legal persons from the Community with guarantees as to their individual and property rights, including the right of access in defence of these rights to the courts and appropriate administrative bodies, and ensure that all the relevant laws, rules and regulations are published.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS BETWEEN  
THE EUROPEAN ECONOMIC COMMUNITY AND ROMANIA CON-  
CERNING A NEW EXPERIMENTAL IMPORT SCHEME (TESTAUS-  
SCHREIBUNG)

A. Letter from the Community

Brussels,

Sir,

Since the beginning of 1980 a new import scheme aimed at subsequent further liberalization (Testausschreibung) has been introduced by the Federal Republic of Germany covering almost half of the industrial products still subject to quantitative restrictions (apart from textile and steel products). This scheme provides on an experimental and temporary basis for the issue of import licences above and beyond the limits set by the quotas.

The Testausschreibung is intended to permit an assessment, in the course of future years, of the sectors in which quantitative restrictions on imports of industrial products might be removed. During the examination of the results of the Testausschreibung, the particular importance which Romania attaches to the expansion of economic relations and Romania's contractual relations with the Community will be taken into consideration.

If, in particular instances, as a result of Romanian exports to the Federal Republic of Germany, market trends make it necessary to discontinue this practice, Romania will be informed to this effect immediately and prior consultation may take place if Romania so requests.

I should be obliged if you would confirm that your Government is in agreement with the above.

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

On behalf of  
the Council of the European Communities

B. Letter from Romania

Brussels,

Sir,

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

*[See letter I]*

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

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

For the Government of  
Romania

## JOINT DECLARATION ON ARTICLE 9

The Community and Romania agree that the obligation contained in Article 9 for the Community to open quotas for imports from Romania of the products referred to in the said Article in no way prejudices the volume of the said import quotas.

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TERMINATION OF THE AGREEMENT OF 22 OCTOBER 1990 BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART, AND ROMANIA, OF THE OTHER PART, ON TRADE AND COMMERCIAL AND ECONOMIC COOPERATION<sup>1</sup>

ABROGATION DE L'ACCORD DU 22 OCTOBRE 1990 ENTRE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE ET LA COMMUNAUTÉ EUROPÉENNE DE L'ÉNERGIE ATOMIQUE, D'UNE PART, ET LA ROUMANIE, D'AUTRE PART, CONCERNANT LE COMMERCE ET LA COOPÉRATION COMMERCIALE ET ÉCONOMIQUE<sup>1</sup>

The above-mentioned Agreement ceased to have effect on 1 February 1995, the date of entry into force of the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part, concluded at Brussels on 1 February 1993,<sup>2</sup> in accordance with article 125 of the latter Agreement.

L'Accord susmentionné a cessé d'avoir effet le 1<sup>er</sup> février 1995, date de l'entrée en vigueur de l'Accord européen établissant une Association entre les Communautés européennes et leurs Etats Membres, d'une part, et la Roumanie, d'autre part, conclu à Bruxelles le 1<sup>er</sup> février 1993<sup>2</sup>, conformément à l'article 125 de ce dernier Accord.

<sup>1</sup> See p. 71 of this volume.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1874 and vol. 1875, p. 2.

<sup>1</sup> Voir p. 87 du présent volume.

<sup>2</sup> Nations Unies, *Recueil des Traités*, vol. 1874 et vol. 1875, p. 3.