

No. 33521

---

**EUROPEAN ECONOMIC COMMUNITY  
AND EUROPEAN ATOMIC ENERGY COMMUNITY,  
and  
CZECH AND SLOVAK FEDERAL REPUBLIC**

**Agreement on trade and commercial and economic cooperation (with annexes). Signed at Brussels on 7 May 1990**

*Authentic texts: Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese and Czech.*

*Registered by the Secretary-General of the Council of the European Union, acting on behalf of the Parties, on 15 January 1997.*

---

**COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE  
ET COMMUNAUTÉ EUROPÉENNE DE L'ÉNERGIE  
ATOMIQUE,  
et  
RÉPUBLIQUE FÉDÉRATIVE TCHÈQUE ET  
SLOVAQUE**

**Accord concernant le commerce et la coopération commerciale et économique (avec annexes). Signé à Bruxelles le 7 mai 1990**

*Textes authentiques : espagnol, danois, allemand, grec, anglais, français, italien, néerlandais, portugais et tchèque.*

*Enregistré 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 THE CZECH AND SLOVAK FEDERAL REPUBLIC, OF THE OTHER PART, ON TRADE AND COMMERCIAL AND ECONOMIC CO-OPERATION

---

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

of the one part,

THE CZECH AND SLOVAK FEDERAL REPUBLIC,  
hereinafter called "Czechoslovakia",

of the other part,

RECOGNIZING that Czechoslovakia and the Community desire to promote and extend further the direct contractual relations established between them by the Agreement on trade in industrial products signed on 19 December 1988 and wish now to regulate aspects of trade in all products and to establish a framework for commercial and economic co-operation,

CONSIDERING the importance in the European context of the traditional links between the Community and Czechoslovakia,

TAKING INTO ACCOUNT the favourable implications for trade and economic relations between the Contracting Parties of the economic reform under way in Czechoslovakia,

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, non-discrimination, mutual benefit and reciprocity,

HAVING REGARD to the importance of giving full effect to the Final Act of the Conference on Security and Co-operation in Europe, the Concluding Document of the Madrid meeting and the Concluding Document of the Vienna meeting.

---

<sup>1</sup> Came into force on 1 November 1990 by notification, in accordance with article 22.

REAFFIRMING the commitment of the Contracting Parties to the General Agreement on Tariffs and Trade,

BELIEVING that a further impetus should be given to the trading and economic relationship between the Community and Czechoslovakia,

RECOGNIZING that the Community and Czechoslovakia 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:

THE EUROPEAN ECONOMIC COMMUNITY:

Gerard COLLINS

Minister for Foreign Affairs of Ireland,  
President-in-Office of the Council of the European Communities

Frans ANDRIESSEN

Vice-President of the Commission of the European Communities

THE EUROPEAN ATOMIC ENERGY COMMUNITY:

Frans ANDRIESSEN

Vice-President of the Commission of the European Communities

THE CZECH AND SLOVAK FEDERAL REPUBLIC:

Marian CALFA

Prime Minister of the Czech and Slovak Federal Republic

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

HAVE AGREED AS FOLLOWS:

#### ARTICLE 1

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

## TITLE I

Trade

## ARTICLE 2

The Contracting Parties reaffirm their commitment to accord each other most favoured nation treatment in accordance with the General Agreement on Tariffs and Trade (GATT).<sup>1</sup>

## ARTICLE 3

1. This Agreement shall apply to trade in all products originating in the Community or in Czechoslovakia with the exception of products covered by the Treaty establishing the European Coal and Steel Community.<sup>2</sup>

2. This Agreement shall not affect the provisions of the Agreement between the European Economic Community and Czechoslovakia on Trade in Textile Products which has been provisionally applied since 1 January 1987 nor the provisions of any Exchange of Letters and other arrangements on trade in textile products subsequently concluded, for the period of application of these provisions; furthermore in the event that the Community invokes paragraph 24 of the Protocol extending the Arrangement regarding International Trade in Textiles of 31 July 1986,<sup>3</sup> only the provisions of the said Arrangement shall apply to the exclusion of all dispositions of this Agreement.

Not later than six months before the expiry of the Agreement 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.

---

<sup>1</sup> United Nations, *Treaty Series*, vol. 55, p. 187.

<sup>2</sup> *Ibid.*, vol. 261, p. 140.

<sup>3</sup> *Ibid.*, vol. 930, p. 166, and vol. 1441, p. 284.

## ARTICLE 4

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 will adopt measures to ensure the harmonious development and the diversification of their mutual trade.
3. To that end, they confirm their resolve to consider in a spirit of co-operation each for its own part, suggestions made by the other Party, with a view to attaining these aims.

## ARTICLE 5

1. Each Contracting Party shall accord the highest degree of liberalization which it generally applies to third countries to imports of products originating in the territory of the other Party.
2. In order to proceed to grant to imports originating in Czechoslovakia the degree of liberalization which it generally applies to third countries, the Community shall take the measures described in Articles 6 to 8 below in relation to "specific quantitative restrictions", namely those quantitative restrictions applied by the Community to imports originating in Czechoslovakia under Regulation (EEC) No 3420/83 which concern products other than those to which quantitative restrictions are applied under Regulation (EEC) No 288/82.
3. The process of liberalization shall take account of the provisions of the GATT, of the development of trade between the Contracting Parties, of changes in market conditions and rules concerning trade in the Community or in Czechoslovakia and of progress made in implementing the Agreement.

## ARTICLE 6

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 I.

## ARTICLE 7

1. The Community undertakes to eliminate by 31 December 1992 at the latest the quantitative restrictions on imports into those regions of the Community and of those products listed in Annex II in accordance with the procedure specified therein. The list of quantitative restrictions covered by this Article may be amended by agreement between the Parties following consultations within the Joint Committee referred to in Article 19.

2. For 1991 and each subsequent calendar year, the Community shall open import quotas for the products listed in Annex II.

## ARTICLE 8

The Community:

- for each calendar year as from 1991 shall open import quotas for products which are of interest for Czechoslovakia and which are subject to specific quantitative restrictions for which no provisions have been made in Articles 6 and 7,
- shall, subject to exceptions, progressively and regularly increase these quotas with a view to the elimination of the specific quantitative restrictions in question by 31 December 1994 at the latest.

## ARTICLE 9

The Joint Committee set up pursuant to Article 19 shall, during its meeting in 1994, draw up the arrangements which shall apply for a prescribed period after 31 December 1994 to imports of the products subject to the exceptions referred to in Article 8.

## ARTICLE 10

Imports into the Community of products covered by this Agreement shall not be charged against the quotas referred to in Articles 7 and 8 provided that they are declared as being intended for re-export and are 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 11

Taking into account the importance of their trade in agricultural products and the implications of multilateral negotiations in the GATT framework, the Contracting Parties shall examine in the Joint Committee referred to in Article 19 the possibility of granting each other concessions, in the field of agricultural trade, product by product, on a reciprocal and harmonious basis and in accordance with Article 2 of this Agreement.

#### ARTICLE 12

The Contracting Parties will inform each other of any changes in their tariff or statistical nomenclature or of any decision taken, in accordance with the procedures in force, concerning the classification of products covered by this Agreement.

#### ARTICLE 13

The exchange of goods between the two Contracting Parties shall be effected at market-related prices.

#### ARTICLE 14

1. The Contracting Parties shall consult each other if any product is being imported in trade between the Community and Czechoslovakia 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 will supply the other Party with all the information required for a detailed examination of the situation.
3. The consultations requested pursuant to paragraph 1 will be held with due regard for the fundamental aims of the Agreement and will 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 it is necessary to prevent or remedy the injury. The other Contracting Party shall then be free to deviate from its obligations towards the first Party in respect of substantially equivalent trade.

6. In critical circumstances, where delay would 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 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 Czechoslovakia may refer the disagreement to the Contracting Parties of the GATT in accordance with Article XIX of the GATT.



## TITLE II

Commercial and economic co-operation

## ARTICLE 15

1. The Contracting Parties shall make every effort to promote, expand and diversify their commercial and economic co-operation on a basis of non-discrimination and reciprocity. The Joint Committee established under Article 19 of this Agreement will attach special importance to examining ways of encouraging the 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 regulations, facilities and practices for each other's firms or companies on their respective markets, inter alia by the measures specified in Annex III and by 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 plans or forecasts,
    - = general and sectoral import arrangements,
    - = economic and commercial law, including regulations on markets and companies
    - = macroeconomic information and statistics, including 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 firms, enterprises and other interested organizations of both sides which will contribute to realizing the aims of the Agreement;
  
  - encouraging contacts between business associations of the Community and Czechoslovakia.

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

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

#### ARTICLE 16

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 Czechoslovakia;
- 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) 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>1</sup>

---

<sup>1</sup> United Nations, *Treaty Series*, vol. 330, p. 3.

## TITLE III

Economic co-operation

## ARTICLE 17

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;
- to support structural changes in the Czechoslovakian economy which will increase and diversify trade in goods and services with the Community;
- to encourage environmentally sound policies;
- to encourage the participation of small and medium sized enterprises 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 areas 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,
- health,
- 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 Czechoslovakia 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, research, development, 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 of activities involving the provision of technical expertise in specific areas;
- facilitating the conduct of market research and other marketing activities on their respective territories;

- promoting the exchange of information and contacts on scientific subjects of mutual interest, in accordance with their respective legislations and policies;
- facilitating the conclusion, wherever this is deemed necessary, of specific agreements, in particular in fields of co-operation between firms, enterprises and institutions.

#### ARTICLE 18

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 Czechoslovakia in the field of economic co-operation and to conclude, where appropriate, new economic co-operation agreements with Czechoslovakia.

#### TITLE IV

##### Joint Committee

#### ARTICLE 19

1. (a) A Joint Committee shall be set up, comprising representatives of the Community, on the one hand, and representatives of Czechoslovakia 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 Prague alternately. Special meetings may be convened by mutual agreements, 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 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 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 diversification, the trade balance and the various forms of trade and trade promotion;
  - make recommendations on any trade or commercial or economic co-operation problem of mutual concern;
  - 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 Czechoslovakia;
  - exchange information on macroeconomic plans and forecasts for the economies of the two Parties which have an impact on trade and co-operation and by extension, on the scope for developing complementarity between their respective economies and also on proposed economic development programmes;
  - exchange information about 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 co-operation in the economic field between the Contracting Parties on a mutually advantageous basis, 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 firms established in the Community and those established in Czechoslovakia;
- 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 20

1. Upon its entry into force this Agreement shall replace the Agreement between the European Economic Community and Czechoslovakia on trade in industrial products signed in Brussels on 19 December 1988.
2. Subject to the provisions concerning economic co-operation in Article 18, the provisions of this Agreement shall replace the provisions of the Agreements concluded between the Member States of the Community and Czechoslovakia to the extent to which the latter provisions are either incompatible with, or identical to, the former.

#### ARTICLE 21

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Economic Community<sup>1</sup> and the European Atomic

---

<sup>1</sup>United Nations, *Treaty Series*, vol. 298, p. 3 (English translation); vol. 294, p. 3 (authentic French text); vol. 295, p. 2 (authentic German text); vol. 296, p. 2 (authentic Italian text); vol. 297, p. 2 (authentic Dutch text); vol. 1376, p. 138 (authentic Danish text); vol. 1377, p. 6 (authentic English text); vol. 1378, p. 6 (authentic Irish text); vol. 1383, p. 146 (authentic Greek text); vol. 1452, p. 306 (authentic Portuguese text), and vol. 1453, p. 332 (authentic Spanish text).

Energy Community<sup>1</sup> are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Czechoslovakia.

#### ARTICLE 22

The 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 ten 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 attached to this Agreement shall form an integral part thereof.

#### ARTICLE 23

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

*[For the testimonium and signatures, see p. 151 of this volume.]*

---

<sup>1</sup> United Nations, *Treaty Series*, vol. 298, p. 167 (English translation); vol. 294, p. 259 (authentic French text); vol. 295, p. 259 (authentic German text); vol. 296, p. 259 (authentic Italian text); vol. 297, p. 259 (authentic Dutch text); vol. 1376, p. 138 (authentic Danish text); vol. 1377, p. 6 (authentic English text); vol. 1378, p. 6 (authentic Irish text); vol. 1383, p. 146 (authentic Greek text); vol. 1452, p. 306 (authentic Portuguese text), and vol. 1453, p. 332 (authentic Spanish text).



EN FE DE LO CUAL, los plenipotenciarios abajo firmantes suscriben el presente Acuerdo.

TIL BEKRÆFTELSE HERAF har undertegnede befuldmægtigede underskrevet denne aftale.

ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

ΣΕ ΠΙΣΤΩΣΗ ΤΩΝ ΑΝΩΤΕΡΩ, οι κάτωθι πληρεξούσιοι υπέγραψαν την παρούσα συμφωνία.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Agreement.

EN FOI DE QUOI, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

IN FEDE DI CHE, i plenipotenziari sottoscritti hanno apposto le proprie firme in calce al presente accordo.

TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.

EM FÉ DO QUE, os plenipotenciários abaixo assinados apuseram as suas assinaturas no final do presente Acordo.

NA DŮKAZ TOHO níže podepsaní zmocněnci podepsali tuto Dohodu.

Hecho en Bruselas, el siete de mayo de mil novecientos noventa.

Udfærdiget i Bruxelles, den syvende maj nitten hundrede og halvfems.

Geschehen zu Brüssel am siebten Mai neunzehnhundertneunzig.

Έγινε στις Βρυξέλλες, στις εφτά Μαΐου χίλια εννιακόσια ενενήντα.

Done at Brussels on the seventh day of May in the year one thousand nine hundred and ninety.

Fait à Bruxelles, le sept mai mil neuf cent quatre-vingt-dix.

Fatto a Bruxelles, addì sette maggio millenovecentonovanta.

Gedaan te Brussel, de zevende mei negentienhonderd negentig.

Feito em Bruxelas, em sete de Maio de mil novecentos e noventa.

Dáno v Bruselu sedmédo dne května roku jeden tisíc devětset devadesát.

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  
 Za Evropské Hospodářské Společenství

*Gerard Collins*



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  
 Za Evropské Společenství Atomové energie



Por la República Federal Checa y Eslovaca  
 For Den Tjekkiske og Slovakiske Føderative Republik  
 Für die Tschechische und Slowakische Føderative Republik  
 Για την Τσεχική και Σλοβενική Ομοσπονδιακή Δημοκρατία  
 For the Czech and Slovak Federal Republic  
 Pour la République fédérative tchéque et slovaque  
 Per la Repubblica federativa ceca e slovacca  
 Voort de Tsjechische en Slowaakse Federatieve Republiek  
 Pela República Federativa Checa e Eslovaca  
 Za Českou a Slovenskou Federativní Republiku

*Marian Číž*

