

SECOND ADDITIONAL PROTOCOL

to the Europe Agreement between the European Communities and their Member States, of the one part, and Romania, of the other part, and to the 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

THE EUROPEAN COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY,
hereinafter referred to as 'the Community',

of the one part, and

ROMANIA,

of the other part,

WHEREAS the Europe Agreement establishing an association between the European Communities and their Member States and Romania (hereinafter referred to as 'the Europe Agreement') was signed in Brussels on 1 February 1993, and has not yet entered into force;

WHEREAS, pending the entry into force of the Europe Agreement, provisions thereof on trade and trade-related matters have been put into force since 1 May 1993 by the 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, (hereinafter called 'the Interim Agreement'), signed in Brussels on 1 February 1993;

WHEREAS the Europe Agreement and the Interim Agreement have been amended by the Additional Protocol signed on 21 December 1993, hereinafter referred to as the First Additional Protocol,

RECOGNIZING the crucial importance of trade in the transition to a market economy,

BEARING IN MIND the willingness of the Community to align the Romanian timetable of the trade provisions included in the Europe and Interim Agreements with that of the Visegrad associated countries,

BEARING IN MIND the objectives of the Europe Agreement and, in particular, those referred to in Article 1 thereof,

HAVING REGARD to the Interim Agreement,

HAVING DECIDED to conclude this Protocol and to this end have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY:

ROMANIA:

WHO, having exchanged their full powers found in good and due form, HAVE AGREED AS FOLLOWS:

Article 1

Article 4 (3) of the Interim Agreement and Article 10 (3) of the Europe Agreement as amended by the First Additional Protocol shall be replaced by the following text:

'3. The products of Romanian origin listed in Annex III shall benefit from a suspension of customs duties on imports within the limits of annual Community tariff quotas or ceilings increasing progressively in accordance with the conditions defined in that Annex so as to arrive at a complete abolition of customs duties on imports of the products concerned by the end of the second year after the date of entry into force of the Agreement. At the same time customs duties on imports to be applied when the quotas have been exhausted or when the levying of customs duties has been re-established with respect to products covered by a tariff ceiling, shall be progressively dismantled from the entry into force of the Agreement by annual reductions of 15 % of the basic duty. By the end of the second year, remaining duties shall be abolished.'

Article 2

The footnotes of Annex III to the Interim Agreement and of Annex III to the Europe Agreement are no longer applicable.

Article 3

The following text shall replace point 1 (b) of the introductory paragraph introduced into Annexes XIa, XIIIa and XIIIb to the Interim Agreement and to Annexes XIa, XIIa and XIIb to the Europe Agreement by the First Additional Protocol:

- '1. (b) The quantities in tonnes set out for year 4 shall not apply and the quantities set out for year 5 shall be applicable for year 4 which begins on 1 July 1995.'

Article 4

1. In the introductory paragraph to Article 2 (1) of Protocol 1 on textile and clothing products to the Interim Agreement and Protocol 1 on textile and clothing products to the Europe Agreement as amended by the First Additional Protocol, 'elimination at the end of a period of five years' shall be replaced by 'elimination at the end of a period of four years'.

2. The last two indents of Article 2 (1) of Protocol 1 on textile and clothing products to the Interim Agreement and of Protocol 1 on textiles and clothing products to the Europe Agreement as amended by the First Additional Protocol, shall be replaced by the following text:

'at the start of the fifth year the remaining duties shall be eliminated'.

Article 5

Article 2 (2) of Protocol 2 on ECSC products to the Interim Agreement and of Protocol 2 on ECSC products to the Europe Agreement as amended by the First Additional Protocol shall be replaced by the following text:

- '2. Further reductions to 60, 40 and 0 % of the basic duty shall be made at the beginning of the second, third and fourth years respectively after the entry into force of the Agreement.'

Article 6

In Annex A of Protocol 3 on processed agricultural products to the Interim Agreement and of Protocol 3 on processed agricultural products to the Europe Agreement, the number of years after which the final rate of duty is applicable, as set out in column 7, shall be changed from four to three years for the products falling within CN codes 1803, 1804 00 00 and 1805 00 00 and 1806 10 10 — other.

In Annex B of Protocol 3 on processed agricultural products to the Interim Agreement and of Protocol 3 on processed agricultural products to the Europe Agreement, the quantities in tonnes set out for 1996 shall be deleted and the quantities in tonnes set out for 1997 onwards shall be applicable from 1996 onwards.

Article 7

In Annex II and in the Annex to Appendix B of the Additional Protocol to the Europe Agreement on trade in textile products between the European Economic Community and the Republic of Romania, the quantitative limits set out for 1998 shall be deleted.

In the Agreed Minute No 5, 'a five-year period starting from 1 January 1994' shall be replaced by 'a four-year period starting from 1 January 1994'.

Article 8

This Protocol shall form an integral part of the Interim Agreement and of the Europe Agreement.

Article 9

This Protocol shall enter into force on the first day of the month following the date upon which the Parties notify each other of the completion of the procedures necessary for that purpose. This Protocol shall apply from 1 January 1995.

If this Protocol should enter into force after 1 January 1995, any duties paid which would not have been payable in the Protocol had entered into force and its provisions had been implemented on that date shall be refunded and such refund shall be deemed to constitute full compliance with the obligation not to impose such duties.

On behalf of the Community

Article 10

This Protocol shall be drawn up in two copies in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and the Romanian languages, each of these texts being equally authentic.

For Romania