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**AUSTRIA
and
BULGARIA**

**Exchange of letters constituting an agreement concerning
agricultural products (with annexes). Geneva, 29 March
1993**

Authentic text: English.

Registered by Austria on 11 January 1994.

**AUTRICHE
et
BULGARIE**

**Échange de lettres constituant un accord relatif aux produits
agricoles (avec annexes). Genève, 29 mars 1993**

Texte authentique : anglais.

Enregistré par l'Autriche le 11 janvier 1994.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE REPUBLIC OF BULGARIA CONCERNING AGRICULTURAL PRODUCTS

I

REPUBLIC OF AUSTRIA
FEDERAL MINISTRY FOR ECONOMIC AFFAIRS
VIENNA

Geneva, 29 March 1993

Sir,

I have the honour to refer to the bilateral negotiations concerning trade Agreement for agricultural products between the Republic of Austria (hereinafter called Austria) and the Republic of Bulgaria (hereinafter called Bulgaria), which have taken place in the framework of the negotiations on the Free Trade Agreement between the European Free Trade Association and Bulgaria,² and especially with a view to implement Article 13 of that Free Trade Agreement.

I hereby confirm that the results of these negotiations are as follows:

Article I

1. Tariff concessions granted by Austria to Bulgaria are set out in Annex Ia and Annex Ib to this letter.
2. Tariff concessions granted by Bulgaria to Austria are set out in Annex II to this letter.
3. The rules of origin for the application of this Agreement are set out in Annex III to this letter.

Article II

1. Austria and Bulgaria shall ensure that the concessions specified in this Agreement and its Annexes are not compromised by other import measures.
2. The tariff and levy concessions granted by the Parties to each other, shall not preclude the application of trade policy measures resulting from the GATT Uruguay Round³ or any other future change in the Parties import regimes for agricultural products.
3. Existing preference margins prior to these changes and current access opportunities shall be maintained.

Article III

1. In cases when a product subject to concessional treatment under this Agreement is imported in such increased quantities and under such conditions as to cause, or threaten to cause serious injury to domestic producers of like or directly competitive products in the territory of the importing Party, the both Parties will enter into consultations to find an appropriate solution.
2. Anyone of the Parties, whichever is concerned, may take appropriate measures *mutatis mutandis* under the conditions and in accordance with the procedure laid down in Article 25 of the Free Trade Agreement between the EFTA States and Bulgaria.

¹ Came into force on 1 September 1993, i.e., the date on which the Agreement between the European Free Trade Association States and Bulgaria entered into force in relation to Austria and Bulgaria, in accordance with article VI (2).

² United Nations, *Treaty Series*, vol. 1743, No. I-30372.

³ *Ibid.*, vols. 1867, 1868 et 1869, No. I-31874.

Article IV

1. The Parties shall examine any difficulties that might arise in their trade in agricultural products and shall endeavour to seek appropriate solutions.
2. The Parties undertake to continue their efforts with a view to achieving progressive liberalization of agricultural trade.
3. To this end, the Parties agree to review the contents of this Agreement at regular intervals.

Article V

1. The Parties will promote scientific and technical cooperation in agriculture and related fields on the basis of their mutual interests.
2. This cooperation may consist of i.a. exchange of information and documentation, exchange of experts in areas of interest for the Parties, as well as in the development of techniques and their implementation and organization of seminars and workshops on the above mentioned themes.

Article VI

1. This Agreement shall be approved by the Parties in accordance with their own procedures.
2. It shall enter into force at the same date as the entry into force of the Free Trade Agreement between the EFTA States and Bulgaria in relation to Austria and Bulgaria.
3. Should that date not coincide with the beginning of the calendar year, the annual import quotas, referred to in Annexes I and II to this Agreement, shall be applied pro rata temporis for the first year.

Article VII

1. This Agreement shall remain in force as long as the Parties to it are Parties to the Free Trade Agreement between the EFTA States and Bulgaria.
 2. A withdrawal by either Party from the Free Trade Agreement between the EFTA States and Bulgaria shall terminate this Agreement, which shall cease to be valid on the same date as the withdrawal takes effect.
- I should be obliged if you would confirm that Bulgaria is in agreement with the content of this letter.
- Please accept, Sir, the assurances of my highest consideration.

For the Republic of Austria:

JOSEF MAYER
Director

Stanislav Daskalov
Deputy Minister of Trade
Ministry of Trade
Sofia

Annex Ia¹

BULGARIA—AUSTRIA
Agricultural products originating in Bulgaria

Annex I b¹

BULGARIA—AUSTRIA

Austria is prepared to grant duty free treatment and appropriate permits for the following materials originating in the Republic of Bulgaria for inward processing purposes:

Annex II¹

Tariff concessions granted by the Government of the Republic of Bulgaria to the Republic of Austria

¹Not published herein in accordance with article 2 (2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations, as amended.

Annex III

**RULES OF ORIGIN IN THE BILATERAL AGREEMENT ON AGRICULTURAL PRODUCTS
BETWEEN AUSTRIA AND BULGARIA**

Article 1

(1) For the purpose of implementing the Agreement, a product shall be considered to be originating either in Bulgaria or in Austria if it has been wholly obtained there.

(2) The following shall be considered as wholly obtained either in Bulgaria or in Austria:

- a) vegetable products harvested there;
- b) live animals born and raised there;
- c) products from live animals raised there;
- d) products obtained by hunting or fishing conducted there;
- e) products of sea fishing and other products taken from the sea by its vessels;
- f) products made aboard its factory ships exclusively from products referred to in subparagraph e);
- g) goods produced there exclusively from products specified in subparagraphs a) to f).

(3) Packing materials and packing containers presented with a product therein shall not be included with this product for the purpose of determining whether it has been wholly obtained and it shall not be necessary to establish whether such packing materials or packing containers are originating or not.

Article 2

Notwithstanding Article 1, the products mentioned in columns 1 and 2 of the list in the Appendix, obtained either in Bulgaria or in Austria and incorporating materials which have not been wholly obtained there, shall also be considered as originating, provided that the conditions set out in column 3 concerning working or processing carried out on such materials have been fulfilled.

Article 3

(1) The preferential treatment provided for under the Agreement applies only to products which are transported directly from Bulgaria to Austria or from Austria to Bulgaria without passing through the territory of another country. However, products constituting one single shipment which is not split up may be transported through territory other than that of Austria or Bulgaria with, should the occasion arise, transshipment or temporary warehousing in such territory, provided that the crossing of the latter territory is justified for geographical reasons, that the products have remained under the surveillance of the customs authorities in the country of transit or of warehousing, that they have not entered in the commerce of such countries or been delivered for home use there and have not undergone operations other than unloading, reloading or any operation designed to preserve them in good condition.

(2) Evidence that the conditions referred to in subparagraph (1) have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 12 (6) of Protocol B to the Agreement between the EFTA States and Bulgaria.

Article 4

Originating products within the meaning of this Agreement shall, on importation into Bulgaria or Austria, benefit from the Agreement upon submission of either a movement certificate EUR. 1 or an invoice declaration issued or made out in accordance with the provisions of Protocol B to the Agreement between the EFTA States and Bulgaria.

Article 5

The provisions on drawback or exemption of duties, proof of origin and arrangements for administrative cooperation contained in Protocol B to the Agreement between the EFTA States and Bulgaria shall apply *mutatis mutandis*. It is understood that the prohibition of drawback of, or exemption from, customs duties contained in these provisions shall apply only in respect of materials which are of the kind to which the Agreement between the EFTA States and Bulgaria applies.

APPENDIX¹

List of products, referred to in Article 2, subject to other conditions than the wholly obtained criterion

¹ Not published herein in accordance with article 12 (2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations, as amended.

II

REPUBLIC OF BULGARIA
MINISTRY OF TRADE
SOFIA

Geneva, 29 March 1993

Sir,

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

[See letter I]

[Annexes as under letter I]

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

For the Government of the Republic of Bulgaria:

STANISLAV DASKALOV
Deputy Minister of Trade

Josef Mayer
Director
Federal Ministry for Economic Affairs
Vienna
