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Legislation

Contents

I *Acts whose publication is obligatory*

.....

II *Acts whose publication is not obligatory*

Council

93/239/EEC:

- ★ Council Decision of 15 March 1993 concerning the conclusion of the Agreements in the form of exchanges of letters between the European Economic Community, of the one part, and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway and the Kingdom of Sweden, of the other part, on the provisional application of the Agreements on certain arrangements in the field of agriculture, signed by the said parties in Oporto on 2 May 1992 1
- Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria on the provisional application of the Agreement on certain arrangements in the field of agriculture 2
- ★ Information on the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria on the provisional application of the Agreement on certain arrangements in the field of agriculture 17
- Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Finland on the provisional application of the Agreement on certain arrangements in the field of agriculture 18
- ★ Information on the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Finland on the provisional application of the Agreement on certain arrangements in the field of agriculture 31

Price: ECU 18

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Contents (continued)

Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Iceland on the provisional application of the Agreement on certain arrangements in the field of agriculture	32
★ Information on the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Iceland on the provisional application of the Agreement on certain arrangements in the field of agriculture	42
Agreement in the form of an exchange of letters between the European Economic Community and the Kingdom of Norway on the provisional application of the Agreement on certain arrangements in the field of agriculture	43
★ Information on the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Kingdom of Norway on the provisional application of the Agreement in certain arrangements in the field of agriculture	58
Agreement in the form of an exchange of letters between the European Economic Community and the Kingdom of Sweden on the provisional application of the Agreement on certain arrangements in the field of agriculture	59
★ Information on the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Kingdom of Sweden on the provisional application of the Agreement on certain arrangements in the field of agriculture	74

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 15 March 1993

concerning the conclusion of the Agreements in the form of exchanges of letters between the European Economic Community, of the one part, and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway and the Kingdom of Sweden, of the other part, on the provisional application of the Agreements on certain arrangements in the field of agriculture, signed by the said parties in Oporto on 2 May 1992

(93/239/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, during the discussion on the adjustment of the Agreement on the European Economic Area (EEA) following the decision of the Swiss Confederation not to ratify that Agreement, it proved possible to negotiate Agreements in the form of exchanges of letters between the European Economic Community, of the one part, and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway and the Kingdom of Sweden, of the other part, on the provisional application, as from 15 April 1993, of the bilateral agreements on certain arrangements in the field of agriculture, signed by the same parties in Oporto on 2 May 1992;

Whereas the Agreements in the form of exchanges of letters refer to Article 15 of the Free Trade Agreements between the European Economic Community and each of those countries;

Whereas the Agreements in question should be approved,

Article 1

The Agreements in the form of exchanges of letters between the European Economic Community, of the one part, and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway and the Kingdom of Sweden, of the other part, on the provisional application as from 15 April 1993 of the bilateral agreements on certain arrangements in the field of agriculture, signed by the said parties in Oporto on 2 May 1992 ⁽¹⁾ are hereby approved by the Community.

The texts of the Agreements are attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreements in order to bind the Community.

Done at Brussels, 15 March 1993.

For the Council
The President
M. JELVED

⁽¹⁾ See pages 2, 18, 32, 43 and 59 of this Official Journal.

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Republic of Austria on the provisional application of the Agreement on certain arrangements in the field of agriculture

Letter No 1

Brussels, 17 March 1993.

Sir,

I have the honour to refer to the discussions concerning the provisional application of the Agreement concerning certain arrangements in the field of agriculture, between the European Economic Community and Austria, signed in Oporto on 2 May 1992, which have taken place in the framework of the discussions on a Protocol adjusting the Agreement on the European Economic Area.

I hereby confirm that these discussions have resulted in the arrangement between the European Economic Community and Austria the text of which is set out below:

'Arrangement between the European Economic Community and the Republic of Austria in the field of agriculture

1. Taking into account the determination of the Contracting Parties to the EEA Agreement to bring that Agreement into force by 1 July 1993, and with reference to Article 15 of the Free Trade Agreement between the European Economic Community and the Republic of Austria, the European Economic Community and the Republic of Austria agree that the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning certain arrangements in the field of agriculture, signed in Oporto on 2 May 1992, shall be applied provisionally as from 15 April 1993. If the EEA Agreement has not entered into force on 1 January 1994, this arrangement shall be terminated then, unless the Contracting Parties decide otherwise.
2. For the purpose of the abovementioned provisional application and pending the entry into force of the EEA Agreement, the provisions of points 3.2, 4 and 5 of Annex VI on rules of origin of the Agreement signed in Oporto on 2 May 1992 shall be replaced by those which are set out below:
 - "3.2. Evidence that the conditions referred to in point 3.1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 12 (6) of Protocol 3 of the Free Trade Agreement between the European Economic Community and the Republic of Austria concerning the definition of the concept of originating products and methods of administrative cooperation.
 - 4.1. Originating products within the meaning of this Annex shall, on importation into the Community or Austria, benefit from the Agreement upon submission of a proof of origin issued or made out in accordance with the provisions of Title II of Protocol 3 of the Free Trade Agreement.
 - 4.2. Notwithstanding point 4.1, the certificates referred to in Annex I to the Agreement in the form of an exchange of letters concerning cheese, and in Annex III concerning wines respectively shall be accepted as valid proof of origin within the meaning of this Agreement without it being necessary to submit a separate proof of origin as specified in point 4.1.
5. The provisions of Protocol 3 of the Free Trade Agreement concerning drawback, proof of origin and arrangements for administrative cooperation shall apply. As far as the provision concerning drawback is concerned, it is understood that the prohibition of drawback shall apply only in respect of materials which are of the kind to which the Free Trade Agreement applies."

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Republic of Austria is in agreement with the contents of this letter.

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

*On behalf of the Council
of the European Communities*

Henry. Kuster



Letter No 2

Brussels, 17 March 1993.

Sir,

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

I have the honour to refer to the discussions concerning the provisional application of the Agreement concerning certain arrangements in the field of agriculture, between the European Economic Community and Austria, signed in Oporto on 2 May 1992, which have taken place in the framework of the discussions on a Protocol adjusting the Agreement on the European Economic Area.

I hereby confirm that these discussions have resulted in the arrangement between the European Economic Community and Austria the text of which is set out below:

"Arrangement between the European Economic Community and the Republic of Austria in the field of agriculture

1. Taking into account the determination of the Contracting Parties to the EEA Agreement to bring that Agreement into force by 1 July 1993, and with reference to Article 15 of the Free Trade Agreement between the European Economic Community and the Republic of Austria, the European Economic Community and the Republic of Austria agree that the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning certain arrangements in the field of agriculture, signed in Oporto on 2 May 1992, shall be applied provisionally as from 15 April 1993. If the EEA Agreement has not entered into force on 1 January 1994, this arrangement shall be terminated then, unless the Contracting Parties decide otherwise.
2. For the purpose of the abovementioned provisional application and pending the entry into force of the EEA Agreement, the provisions of points 3.2, 4 and 5 of Annex VI on rules of origin of the Agreement signed in Oporto on 2 May 1992 shall be replaced by those which are set out below:
 - 3.2. Evidence that the conditions referred to in point 3.1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 12 (6) of Protocol 3 of the Free Trade Agreement between the European Economic Community and the Republic of Austria concerning the definition of the concept of originating products and methods of administrative cooperation.
 - 4.1. Originating products within the meaning of this Annex shall, on importation into the Community or Austria, benefit from the Agreement upon submission of a proof of origin issued or made out in accordance with the provisions of Title II of Protocol 3 of the Free Trade Agreement.
 - 4.2. Notwithstanding point 4.1, the certificates referred to in Annex I to the Agreement in the form of an exchange of letters concerning cheese, and in Annex III concerning wines respectively shall be accepted as valid proof of origin within the meaning of this Agreement without it being necessary to submit a separate proof of origin as specified in point 4.1.
5. The provisions of Protocol 3 of the Free Trade Agreement concerning drawback, proof of origin and arrangements for administrative cooperation shall apply. As far as the provision concerning drawback is concerned, it is understood that the prohibition of drawback shall apply only in respect of materials which are of the kind to which the Free Trade Agreement applies."

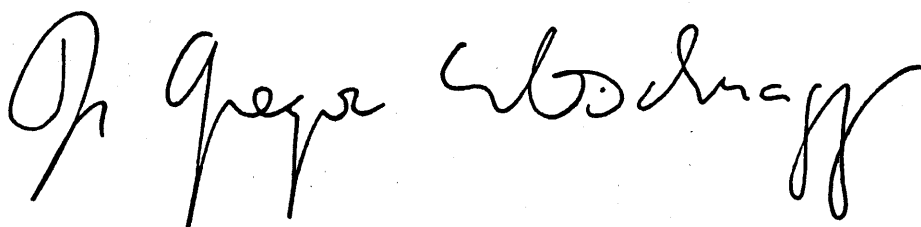
This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Republic of Austria is in agreement with the contents of this letter.'

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

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

*For the Government of
the Republic of Austria*

A handwritten signature in black ink, appearing to read 'Franz Schlegel', written in a cursive style.

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning certain arrangements in agriculture

Oporto, 2 May 1992.

Sir,

I have the honour to refer to the discussions concerning trade arrangements for certain agricultural products between the Community and Austria, which have taken place in the framework of the negotiations on an EEA Agreement, and to Protocol 42 attached to that Agreement.

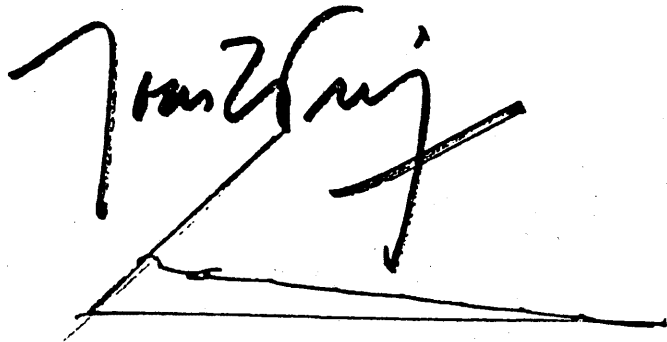
I hereby confirm that the results of these negotiations were as follows:

- I. an arrangement between the Community and Austria on reciprocal trade in cheese. The text of this arrangement is set out in Annex I to this letter;
- II. an arrangement between the Community and Austria on reciprocal tariff quotas for fruit and vegetable juices. The text of this arrangement is set out in Annex II to this letter;
- III. an arrangement between the Community and Austria on reciprocal tariff quotas for certain wines. The text of this arrangement is set out in Annex III to this letter;
- IV. an arrangement between the Community and Austria on reciprocal tariff quotas in the pigmeat sector. The text of this arrangement is set out in Annex IV to this letter;
- V. tariff concessions granted by Austria to the Community. These concessions are set out in Annex V to this letter;
- VI. rules of origin for the purpose of implementing the abovementioned arrangements and concessions. These rules are set out in Annex VI to this letter.

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Republic of Austria is in agreement with the contents of this letter.

*On behalf of the Council
of the European Communities*



Oporto, 2 May 1992.

Sir,

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

'I have the honour to refer to the discussions concerning trade arrangements for certain agricultural products between the Community and Austria, which have taken place in the framework of the negotiations on an EEA Agreement, and to Protocol 42 attached to that Agreement.

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

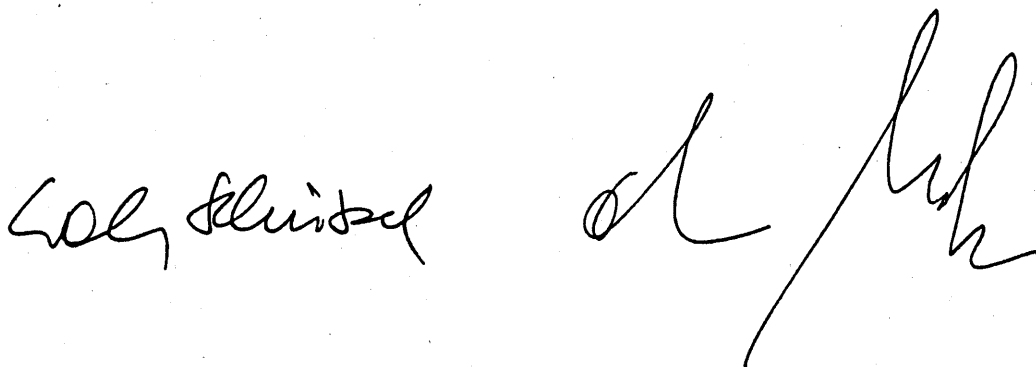
- I. an arrangement between the Community and Austria on reciprocal trade in cheese. The text of this arrangement is set out in Annex I to this letter;
- II. an arrangement between the Community and Austria on reciprocal tariff quotas for fruit and vegetable juices. The text of this arrangement is set out in Annex II to this letter;
- III. an arrangement between the Community and Austria on reciprocal tariff quotas for certain wines. The text of this arrangement is set out in Annex III to this letter;
- IV. an arrangement between the Community and Austria on reciprocal tariff quotas in the pigmeat sector. The text of this arrangement is set out in Annex IV to this letter;
- V. tariff concessions granted by Austria to the Community. These concessions are set out in Annex V to this letter;
- VI. rules of origin for the purpose of implementing the abovementioned arrangements and concessions. These rules are set out in Annex VI to this letter.

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Republic of Austria is in agreement with the contents of this letter.'

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 Austria*



ANNEX I

ARRANGEMENT

between the European Economic Community and the Republic of Austria on reciprocal trade in cheese

With the aim of fostering the harmonious development of trade in agricultural products, and taking into account the discussions which have taken place in the framework of the negotiations on an EEA Agreement, the European Economic Community and the Republic of Austria have agreed to conclude a new arrangement concerning their reciprocal trade in cheese, the provisions of this arrangement being as follows:

1. Austria and the Community will open the annual zero-duty tariff quotas indicated below:

A. On importation into Austria

Cheese falling within HS code ex 0406, originating in the Community, accompanied by an approved certificate:

		Annual quantity (tonnes)
0406 30	— Processed cheese, not grated or powdered	2 000
ex 0406	— Cheese, other than processed cheese	10 600

B. On importation into the Community

Cheese falling within HS code ex 0406, originating in Austria, accompanied by an approved certificate:

		Annual quantity (tonnes)
0406 30	— Processed cheese, not grated or powdered	3 750
ex 0406	— Cheese, other than processed cheese	13 950

2. Austria undertakes to take the necessary measures to ensure that:

- approved certificates will be delivered only for quantities it has agreed to export to the Community, as laid down in B,
- the licences for import into Austria will be granted on a regular basis and in such a way that the quantities agreed for import into Austria from the Community can actually be imported.

The provisions concerning this matter and in particular the procedures of the distribution of licences, and any possible changes, will be brought to the notice of the Commission of the European Communities and of exporters and/or importers.

The Community and Austria will take steps to ensure that the benefits which they grant each other will not be jeopardized by other import measures.

3. Austria and the Community undertake, each on its own behalf, to ensure that the prices charged by their exporters are not such as to create difficulties on the importing country's market.

They agree, in this connection, to exchange at regular intervals price quotations and any other useful information concerning the market in domestic and imported cheeses.

Should difficulties arise concerning the price charged, consultations will be held at the request of either Party, as promptly as possible, with a view to the adoption of appropriate corrective measures.

4. The two Parties may consult each other at any stage concerning the operation of this arrangement, and, where necessary, change it, by common accord, in the light, in particular, of market price trends, production, marketing and consumption of domestic and imported cheese.

In particular, if a substantial increase in imports of cheese into the Community and/or Austria is observed, the two Parties will hold consultations, at the request of either Party, in order to examine whether the quantities laid down by this arrangement may be changed.

5. This arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Austria.
6. This arrangements shall enter into force on the same date as the EEA Agreement.

Should that date not coincide with the beginning of the calendar year, the provisions referred to in point 1 shall be applied *pro rata temporis* for the first year.
7. The arrangement between the European Economic Community and the Republic of Austria concerning reciprocal trade in cheese, signed on 31 July 1987, shall lapse at the time of entry into force of this arrangement.

ANNEX II

ARRANGEMENT

between the European Economic Community and the Republic of Austria on the reciprocal establishment of tariff quotas for fruit and vegetable juices

With the aim of fostering the harmonious development of trade in agricultural products, and taking into account the discussions which have taken place in the framework of the negotiations on an EEA Agreement, the European Economic Community and the Republic of Austria have agreed to conclude an arrangement concerning their reciprocal trade in fruit and vegetable juices, the provisions of this arrangement being as follows:

1. Austria shall open an annual zero-duty tariff quota of 10 000 tonnes for fruit and vegetable juices, falling within HS code 2009, originating in the Community.
2. For as long as Austria imposes quantitative restrictions on imports of fruit and vegetable juices, the quantity reserved for the Community in the annual quota opened by Austria shall be at least equal to the quota of 10 000 tonnes referred in point 1.
3. The Community shall open an annual zero-duty tariff quota of 10 000 tonnes of fruit and vegetable juices originating in Austria, falling within HS code 2009, of which a maximum of 500 tonnes of juice other than apple and pear juices.
4. The Contracting Parties reserve the possibility to apply, where appropriate, a price compensation for added sugar.
5. The Contracting Parties shall ensure that the agreed mutual advantages are not compromised by other measures.
6. Consultations shall be held at the request of either Party on any problem relating to the operation of this arrangement, which may be amended by agreement between the Parties.
7. This arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Austria.
8. This arrangement shall enter into force on the same date as the EEA Agreement.

However, should that date not coincide with the beginning of the calendar year, the provisions referred to in points 1 and 3 shall be applied *pro rata temporis* for the first year.

ANNEX III

ARRANGEMENT

between the European Economic Community and the Republic of Austria on the reciprocal establishment of tariff quotas for certain wines

With the aim of fostering the harmonious development of trade in agricultural products, and taking into account the discussions which have taken place in the framework of the negotiations on an EEA Agreement, the European Economic Community and the Republic of Austria have agreed to conclude a new arrangement concerning their reciprocal trade in certain wines, the provisions of this arrangements being as follows:

1. Austria shall open an annual zero-duty tariff quota for 150 000 hectolitres of 'quality wines produced in specified regions', as referred to in Regulation (EEC) No 823/87, other than sparkling wines, originating in the Community, in containers holding two litres or less, as well as 'Retsina' wine in the same containers, both falling within subheading ex 2204 21 A of the Austrian Customs Tariff.
2. For as long as Austria imposes quantitative restrictions on imports of wine, the quantity reserved for the Community in the annual quota opened by Austria for quality wines and 'Retsina' wine shall be at least equal to the quota of 150 000 hectolitres referred to in point 1.
3. Austria shall also open an annual zero-duty tariff quota for 4 000 hectolitres of 'quality sparkling wines produced in specified regions', as referred to in Regulation (EEC) No 823/87, originating in the Community, in containers holding two litres or less, falling within subheading ex 2204 10 of the Austrian Customs Tariff.
4. The Community shall open an annual zero-duty tariff quota for 150 000 hectolitres of quality wines as referred to in the Republic of Austria's 1985 law on wine, originating in Austria, in containers holding two litres or less, falling within HS code ex 2204 21.

However, imports into Portugal of wine originating in Austria shall be subject to duties equal to those applied by Portugal to imports from the Community as constituted on 30 December 1985.

5. The Community shall also open an annual zero-duty tariff quota for 4 000 hectolitres of sparkling quality wines as referred to in the Republic of Austria's 1985 law on wine, originating in Austria, in containers holding two litres or less, falling within HS code ex 2204 10.

However, imports into Portugal of sparkling quality wines originating in Austria shall be subject to duties equal to those applied by Portugal to imports from the Community as constituted on 31 December 1985.

6. Consignments of wine covered by the concessions provided for in this arrangement are dependent on the presentation of an import licence, which shall be valid from the date of issue until the end of the fourth month of issue but not valid after the end of the quota year. The system for granting licences shall be administered in a way which permits the agreed quantities to be imported. To that end, the two Parties shall regularly exchange information on the number of licences issued and used. It is further agreed that the granting of an import licence may not be linked to any undertaking to buy a given quantity of local wine.

The wine in question must be moreover accompanied by a certificate issued by a mutually recognized official body certifying that it complies with the provisions of points 1 to 5; the list of official bodies shall be drawn up by agreement between the Parties.

The issue and, in the framework of administrative cooperation, the verification of the certificates referred to in the second subparagraph of this point shall be carried out by the respective competent authorities.

7. The Contracting Parties shall ensure that the agreed mutual advantages are not jeopardized by other measures.
8. Consultations shall be held at the request of either Party on any problem relating to the operation of this Agreement, which may be amended by agreement between the Parties.

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9. This arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Austria.
 10. This arrangement shall enter into force on the same date as the EEA Agreement. However, should that date not coincide with the beginning of the calendar year, the provisions referred to in points 1 to 5 shall be applied *pro rata temporis* for the first year.
 11. This arrangement shall replace the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria on the reciprocal establishment of tariff quotas for certain quality wines, signed on 23 December 1988.
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ANNEX IV

ARRANGEMENT

between the European Economic Community and the Republic of Austria on reciprocal trade in the pigmeat sector

With the aim of fostering the harmonious development of trade in agricultural products, and taking into account the discussions which have taken place in the framework of the negotiations on an EEA Agreement, the European Economic Community and the Republic of Austria have agreed to conclude an arrangement for certain products in the pigmeat sector, the provisions of this arrangement being as follows:

1. As from the date of entry into force of the EEA Agreement, the Community and Austria will open, on a reciprocal basis, annual tariff quotas for the following products originating in the other Contracting Party:

CN code	Austrian Customs Tariff	Description	Quantity (t)	Import levy
1601 00 91 1601 00 99	ex 1601 A ex 1601 B	} Salami and other sausages	200	50 % of the full levy
0210 11 31 0210 19 81	ex 0210 11 ex 0210 19	} Ham, dried or smoked	200	50 % of the full levy
0210 12 19	ex 0210 12	Bacon, dried or smoked	200	50 % of the full levy

2. For imports into the Community, the Commission of the European Communities will administer the relevant quotas on a quarterly basis by a system of import licences.
3. If the actual entry into force does not coincide with the beginning of the calendar year, the quantities referred to in point 1 shall be applied on a *pro rata temporis* basis for the first year.

ANNEX V

TARIFF CONCESSIONS GRANTED BY THE REPUBLIC OF AUSTRIA TO THE EUROPEAN COMMUNITY

As from the date of the entry into force of the EEA Agreement, the Republic of Austria will abolish import duties for the products listed below originating in the European Community.

0603	— —	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared:
	10	— Fresh: ex 10 — Strelitzia, Anthurium, Protea, Ornithogallum
0709	— —	Other vegetables, fresh or chilled:
	30	— Aubergines (eggplants)
	90	— other: A — Pumpkins of all kinds: ex A — Courgettes
0802	— —	Other nuts, fresh or dried, whether or not shelled or peeled:
	(10)	— Almonds:
	11	— — in shell
	12	— — shelled
	(20)	— Hazelnuts or filberts (<i>Corylus</i> spp.):
	21	— — in shell
	22	— — shelled
	(30)	— Walnuts:
	31	— — in shell
	32	— — shelled
	90	— other: A — Pine-kernels
0803	00	Bananas, including plantains, fresh or dried
0804	— —	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried:
	20	— Figs: B — dried
	30	— Pineapples
0805	— —	Citrus fruit, fresh or dried:
	10	— Oranges
	20	— Mandarines (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids
	30	— Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) and limes (<i>Citrus aurantifolia</i>)
0806	— —	Grapes, fresh or dried:
	20	— dried
0812	— —	Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:
	90	— other: ex 90 — Apricots
0813	— —	Fruit, dried, other than that of heading Nos 0801 to 0806; mixtures of nuts or dried fruits of this Chapter:
	10	— Apricots
	50	— Mixtures of nuts or dried fruits of this Chapter
0905	00	Vanilla
0910	— —	Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices:
	20	— Saffron

1211	- -	Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh or dried, whether or not cut, crushed or powdered:
	10	- Licorice roots
	20	- Ginseng roots
	90	- Other
1509	- -	Olive oil and its fractions, whether or not refined, but not chemically modified:
	10	- virgin
	90	- other
2002	- -	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid:
	10	- Tomatoes, whole or in pieces
2005	- -	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen:
	70	- Olives
	90	- other vegetables and mixtures of vegetables:
		A - other vegetables:
		3 - Capers
		5 - Artichokes
2008	- -	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:
	20	- Pineapples ⁽¹⁾
	30	- Citrus fruit ⁽¹⁾
2208	- -	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages; compound alcoholic preparations of a kind used for the manufacture of beverages:
	30	- Whiskies:
		ex 30 - Irish Whiskey ⁽²⁾
	40	- Rum and taffia ⁽²⁾
	90	- other:
		ex D - Spirituous beverages containing eggs, egg yolk or sugar (sucrose or invert sugar):
		1 - Irish cream liqueurs ⁽²⁾
		2 - Ouzo ⁽²⁾

⁽¹⁾ Subject to price compensation for added sugar.

⁽²⁾ Subject to conditions to be determined by the competent authorities.

ANNEX VI

RULES OF ORIGIN

1. 1. For the purpose of implementing the Agreement, a product shall be considered to be originating either in the Community or in Austria if it has been wholly obtained there.
2. The following shall be considered as wholly obtained either in the Community or in Austria:
 - (a) vegetable products harvested there;
 - (b) live animals born and raised there;
 - (c) products from live animals raised there;
 - (d) goods produced there exclusively from products specified in (a) to (c).
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.
2. Notwithstanding paragraph 1, the products mentioned in columns 1 and 2 of the list in the Appendix, obtained either in the Community 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.
3. 1. The preferential treatment provided for under the Agreement applies only to products which are transported directly from the Community to Austria or from Austria to the Community without passing through the territory of another country. However, products constituting one single consignment may be transported through territory other than that of the Community and Austria with, should the occasion arise, transshipment or temporary warehousing in such territory, provided that the products have remained under the surveillance of the customs authorities in the country of transit or of warehousing and that they have not undergone operations other than unloading, reloading or any other 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 13 (2) of Protocol 4 to the EEA Agreement.
4. 1. Originating products within the meaning of this Annex shall, on importation into the Community 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 Title V of Protocol 4 to the EEA Agreement.
2. The documents referred to in subparagraph 1 shall clearly indicate the origin of the products concerned by using the words 'Community' or 'Austria', in one of the languages in which the Agreement is drawn up, followed by the letters 'AGRI' inserted between brackets. In the case of the invoice declaration, this indication shall replace the reference to 'EEA preferential origin' in the text of the declaration given in Appendix IV of Protocol 4 to the EEA Agreement.
3. Notwithstanding subparagraphs 1 and 2, the certificates respectively referred to in Annex I for cheese and Annex III for wines shall be accepted as valid proof of origin within the meaning of this Agreement without it being necessary to submit a movement certificate EUR.1 or an invoice declaration.
5. The provisions of Titles IV (drawback or exemption), V (proof of origin) and VI (arrangements for administrative cooperation) of Protocol 4 to the EEA Agreement shall apply *mutatis mutandis*. As far as the provisions of Title IV are concerned, 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 EEA Agreement applies.

Appendix

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

HS heading No	Description of products	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
ex 0210	Ham and bacon, dried or smoked	Manufacture in which all the materials of heading No 0103, 0203 or 0210 used must be wholly obtained
ex 0406	Cheese	Manufacture in which all the materials of Chapter 4 used must be wholly obtained
ex 1601	Salami and other sausages	Manufacture in which all the materials of Chapters 1, 2 and 16 used must be wholly obtained
ex 2002	Tomatoes prepared or preserved otherwise than by vinegar and acetic acid, whole or in pieces	Manufacture in which all the tomatoes of Chapter 7 or 20 used must be wholly obtained
ex 2005	Olives, capers and artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen	Manufacture in which all the olives, capers and artichokes used must be wholly obtained
ex 2008	Pineapples and citrus fruit otherwise prepared or preserved	Manufacture in which all the fruits used must be wholly obtained
2009	Fruit and vegetable juices	Manufacture in which all the materials used are classified in a heading other than that of the product. However, materials of heading No 2009 wholly obtained in the other Contracting Party may be used.
ex 2204	Quality wines, including quality sparkling wines and 'Retsina' wine, in containers holding two litres or less	Manufacture in which all the grapes or any material derived from grapes used must be wholly obtained
ex 2208	Irish whiskey, rum and taffia, Irish cream liqueurs and ouzo	Manufacture: — from materials not classified within heading No 2207 or 2208 and — in which all the grapes or any material derived from grapes used must be wholly obtained

Information on the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria on the provisional application of the Agreement on certain arrangements in the field of agriculture ⁽¹⁾

The procedures necessary for the entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria on the provisional application of the Agreement on certain arrangements in the field of agriculture were completed on 17 March 1993 and the Agreement entered into force on the same date.

⁽¹⁾ See page 2 of this Official Journal.

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Republic of Finland on the provisional application of the Agreement on certain arrangements in the field of agriculture

Letter No 1

Brussels, 17 March 1993.

Sir,

I have the honour to refer to the discussions concerning the provisional application of the Agreement concerning certain arrangements in the field of agriculture, between the European Economic Community and Finland, signed in Oporto on 2 May 1992, which have taken place in the framework of the discussions on a Protocol adjusting the Agreement on the European Economic Area.

I hereby confirm that these discussions have resulted in the arrangement between the European Economic Community and Finland the text of which is set out below:

'Arrangement between the European Economic Community and the Republic of Finland in the field of agriculture

1. Taking into account the determination of the Contracting Parties to the EEA Agreement to bring that Agreement into force by 1 July 1993, and with reference to Article 15 of the Free Trade Agreement between the European Economic Community and the Republic of Finland, the European Economic Community and the Republic of Finland agree that the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Finland concerning certain arrangements in the field of agriculture, signed in Oporto on 2 May 1992, shall be applied provisionally as from 15 April 1993. If the EEA Agreement has not entered into force on 1 January 1994, this arrangement shall be terminated then, unless the Contracting Parties decide otherwise.
2. For the purpose of the abovementioned provisional application and pending the entry into force of the EEA Agreement, the provisions of points 3.2, 4 and 5 of Annex IV on rules of origin of the Agreement signed in Oporto on 2 May 1992 shall be replaced by those which are set out below:
 - "3.2. Evidence that the conditions referred to in point 1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 12 (6) of Protocol 3 of the Free Trade Agreement between the European Economic Community and the Republic of Finland concerning the definition of the concept of originating products and methods of administrative cooperation.
 - 4.1. Originating products within the meaning of this Annex shall, on importation into the Community or Finland, benefit from the Agreement upon submission of a proof of origin issued or made out in accordance with the provisions of Title II of Protocol 3 of the Free Trade Agreement.
 - 4.2. Notwithstanding point 4.1, the certificates referred to in Section IV of the Agreement in the form of an exchange of letters concerning vodka, and in Annex I concerning cheese respectively shall be accepted as valid proof of origin within the meaning of this Agreement without it being necessary to submit a separate proof of origin as specified in point 4.1.
5. The provisions of Protocol 3 of the Free Trade Agreement concerning drawback, proof of origin and arrangements for administrative cooperation shall apply. As far as the provision concerning drawback is concerned, it is understood that the prohibition of drawback shall apply only in respect of materials which are of the kind to which the Free Trade Agreement applies."

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Republic of Finland is in agreement with the contents of this letter.

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

*On behalf of the Council
of the European Communities*

Henry Kinnear

[Signature]

Letter No 2

Brussels, 17 March 1993.

Sir,

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

"I have the honour to refer to the discussions concerning the provisional application of the Agreement concerning certain arrangements in the field of agriculture, between the European Economic Community and Finland, signed in Oporto on 2 May 1992, which have taken place in the framework of the discussions on a Protocol adjusting the Agreement on the European Economic Area.

I hereby confirm that these discussions have resulted in the arrangement between the European Economic Community and Finland the text of which is set out below:

"Arrangement between the European Economic Community and the Republic of Finland in the field of agriculture

1. Taking into account the determination of the Contracting Parties to the EEA Agreement to bring that Agreement into force by 1 July 1993, and with reference to Article 15 of the Free Trade Agreement between the European Economic Community and the Republic of Finland, the European Economic Community and the Republic of Finland agree that the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Finland concerning certain arrangements in the field of agriculture, signed in Oporto on 2 May 1992, shall be applied provisionally as from 15 April 1993. If the EEA Agreement has not entered into force on 1 January 1994, this arrangement shall be determined then, unless the Contracting Parties decide otherwise.
2. For the purpose of the abovementioned provisional application and pending the entry into force of the EEA Agreement, the provisions of points 3.2, 4 and 5 of Annex IV on rules of origin of the Agreement signed in Oporto on 2 May 1992 shall be replaced by those which are set out below:
 - '3.2. Evidence that the conditions referred to in point 1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 12 (6) of Protocol 3 of the Free Trade Agreement between the European Economic Community and the Republic of Finland concerning the definition of the concept of originating products and methods of administrative cooperation.
 - 4.1. Originating products within the meaning of this Annex shall, on importation into the Community or Finland, benefit from the Agreement upon submission of a proof of origin issued or made out in accordance with the provisions of Title II of Protocol 3 of the Free Trade Agreement.
 - 4.2. Notwithstanding point 4.1, the certificates referred to in Section IV of the Agreement in the form of an exchange of letters concerning vodka, and in Annex I concerning cheese respectively shall be accepted as a valid proof of origin within the meaning of this Agreement without it being necessary to submit a separate proof of origin as specified in point 4.1.
5. The provisions of Protocol 3 of the Free Trade Agreement concerning drawback, proof of origin and arrangements for administrative cooperation shall apply. As far as the provision concerning drawback is concerned, it is understood that the prohibition of drawback shall apply only in respect of materials which are of the kind to which the Free Trade Agreement applies."

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Republic of Finland is in agreement with the contents of this letter.'

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

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

*For the Government of
the Republic of Finland*



AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Republic of Finland concerning certain arrangements in agriculture

Oporto, 2 May 1992.

Sir,

I have the honour to refer to the discussions concerning trade arrangements for certain agricultural products between the Community and Finland which have taken place in the framework of the negotiations on an EEA Agreement, and to Protocol 42 attached to that Agreement.

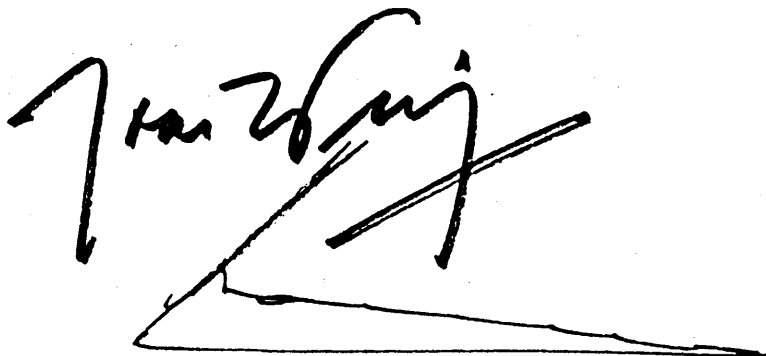
I hereby confirm that the results of these negotiations were as follows:

- I. an arrangement concerning trade in cheese between the Community and Finland. The text of this arrangement is set out in Annex I to this letter;
- II. an arrangement concerning trade in beef and pigmeat between the Community and Finland. The text of this arrangement is set out in Annex II to this letter;
- III. tariff concessions granted by Finland to the Community. These concessions are set out in Annex III to this letter;
- IV. tariff concessions granted by the Community to Finland on certain alcoholic beverages:
 - from 1 January 1993, the Community shall abolish the import duty on vodka in bottles, falling within CN codes 2208 90 31 and ex 2208 90 53, originating in Finland and accompanied by a certificate of authenticity;
- V. rules of origin for the purpose of implementing the abovementioned arrangements and concessions. These rules are set out in Annex IV to this letter.

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Republic of Finland is in agreement with the contents of this letter.

*On behalf of the Council
of the European Communities*



Oporto, 2 May 1992.

Sir,

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

I have the honour to refer to the discussions concerning trade arrangements for certain agricultural products between the Community and Finland which have taken place in the framework of the negotiations on an EEA Agreement, and to Protocol 42 attached to that Agreement.

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

- I. an arrangement concerning trade in cheese between the Community and Finland. The text of this arrangement is set out in Annex I to this letter;
- II. an arrangement concerning trade in beef and pigmeat between the Community and Finland. The text of this arrangement is set out in Annex II to this letter;
- III. tariff concessions granted by Finland to the Community. These concessions are set out in Annex III to this letter;
- IV. tariff concessions by the Community to Finland on certain alcoholic beverages:
 - from 1 January 1993, the Community shall abolish the import duty on vodka in bottles, falling within CN codes 2208 90 31 and ex 2208 90 53, originating in Finland and accompanied by a certificate of authenticity;
- V. rules of origin for the purpose of implementing the abovementioned arrangements and concessions. These rules are set out in Annex IV to this letter.

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Republic of Finland is in agreement with the contents of this letter.'

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 Finland*



ANNEX I

ARRANGEMENT

concerning trade in cheese between the European Economic Community and the Republic of Finland

With the aim of fostering the harmonious development of trade in agricultural products, and taking into account the discussions which have taken place in the framework of the negotiations on an EEA Agreement, the European Economic Community and the Republic of Finland have agreed to conclude a new arrangement concerning their reciprocal trade in cheese, the provisions of this arrangement being as follows:

1. The import levies for the annual quantities of cheeses defined below shall be restricted to the following levels:

(a) *Imports into the Community*

Cheeses falling within HS code 0406, originating in Finland and accompanied by an approved certificate:

	Import levy (ECU/100 kg)	Quantity (tonnes)
All cheeses	18	9 850

(b) *Imports into Finland*

Cheeses falling within HS code 0406, originating in the Community and accompanied by an approved certificate:

	Import levy	Quantity (tonnes)
Edam cheese or cheese of the Edam type falling within subheading 0406 90 of the Finnish Customs Tariff	$\frac{3}{4}$ of the full levy	2 700
Emmentaler cheese or cheese of the Emmentaler type falling within subheading 0406 90 of the Finnish Customs Tariff	$\frac{2}{3}$ of the full levy	
Other cheeses	$\frac{1}{6}$ of the full levy	

2. The Republic of Finland undertakes to take the necessary measures in order to guarantee that:

- the quantities exported from Finland to the European Economic Community (see point 1 (a)) are not exceeded,
- import licences are granted regularly and in such a way that imports from the European Economic Community can be realized within the quantities agreed (see point 1 (b)).

Finland and the Community shall ensure that the mutually granted benefits are not compromised by other import measures.

3. Finland and the Community undertake, each on its own behalf, to ensure that the prices practised by their exporters do not cause difficulties in the market of the importing country. In this context, particular attention shall be given to the prices of the 'Finlandia' cheese practised by the Finnish exporters which should not undercut those of the Emmentaler cheese on the Community market.

They agree, in this connection, to exchange at regular intervals price quotations and any other useful information concerning the market in domestic and imported cheeses.

If difficulties related to prices occur, consultations shall be held at the request of either Party as soon as possible with a view to agreeing on appropriate corrective action.

4. Both Parties may consult at any time on the functioning of the arrangement and, if necessary, modify it by mutual agreement, taking into account, in particular, development in prices, production, sales and consumption of cheeses in their respective markets.

In particular if, in imports into Finland and/or into the Community, the agreed quotas are reached during any quota year, the Parties shall enter into consultations at the request of either in order to examine the possibility of modifying the originally agreed import quantities.

5. This arrangement shall be without prejudice to the provisions of the arrangements between the European Economic Community and the Republic of Finland consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community, signed on 14 July 1986.
6. This arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Finland.
7. This arrangement shall enter into force on the same date as the EEA Agreement.

Should that date not coincide with the beginning of the calendar year, the provisions referred to point 1 shall be applied *pro rata temporis* for the first year.

8. The mutual restraint arrangement between the European Economic Community and the Republic of Finland on trade in cheese, signed on 23 December 1985, shall lapse at the time of entry into force of this arrangement.
-

ANNEX II

ARRANGEMENT

concerning trade in beef and pigmeat between the European Economic Community and the Republic of Finland

With the aim of fostering the harmonious development of trade in agricultural products, and taking into account the discussions which have taken place in the framework of the negotiations on an EEA Agreement, the European Economic Community and the Republic of Finland have agreed to conclude a bilateral arrangement regulating trade in beef and pigmeat between the Community and Finland as follows:

1. For the annual quantities of beef and pigmeat defined below, the import levies shall be reduced to the following levels:

(a) Imports into the Community

Pigmeat falling within HS code 0203, originating in Finland:

	Quantity (tonnes)	Import levy
— Carcases and half carcases	2 000	} 50 % of the full levy
— Cuts with bone in	1 000	
— Boneless meat, excluding tenderloin presented alone	1 000	

(b) Imports into Finland

Beef falling within HS codes 0201 and 0202, originating in the Community and accompanied by an approved certificate:

	Import levy (Fmk/100 kg)	Quantity (tonnes)
— Hind quarters, including pistola, falling within subheadings ex 0201 10—30 and ex 0202 10—30 of the Finnish Customs Tariff	full levy reduced by Fmk 850,00	1 000

2. The Commission of the European Communities will administer the import quota of pigmeat provided for under point 1(a) on a quarterly basis by a system of import licences.
3. Finland and the Community shall ensure that the mutually granted benefits are not compromised by other import measures.
4. Finland and the Community undertake, each on its own behalf, to ensure that the prices maintained by their exporters do not cause difficulties in the market of the importing country.

If difficulties related to prices occur, consultations shall be held at the request of either Party as soon as possible with a view to agreeing on appropriate corrective action.
5. Both Parties may consult at any time on the functioning of the arrangement and, if necessary, modify it by mutual agreement, taking into account, in particular, developments in prices, production, sales and consumption of beef and pigmeat in their respective markets.

In particular, if in the course of a quota year the quantities fixed for imports into the Community and/or into Finland are reached, both Parties shall enter into consultations at the request of either in order to examine the possibility of modifying the originally agreed import quantities.
6. This arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Finland.
7. This arrangement shall enter into force on the same date as the EEA Agreement.

Should that date not coincide with the beginning of the calendar year, the provisions referred to in point 1 shall be applied *pro rata temporis* for the first year.

ANNEX III

TARIFF CONCESSIONS GRANTED BY THE REPUBLIC OF FINLAND TO THE EUROPEAN COMMUNITY

As from the date of the entry into force of the EEA Agreement, the Republic of Finland will abolish import duties for the products listed below originating in the European Community.

Finnish tariff heading	Description
0703 20 00	Garlic, fresh or chilled
0709 20 00	Asparagus, fresh or chilled
0709 30 00	Aubergines (eggplants), fresh or chilled
0710 29 00	Leguminous vegetables, other than peas and beans, frozen
ex 0710 80 90	Sweet peppers, frozen
0802 21 00	Hazelnuts or filberts, fresh or dried
22 00	
31 00	Walnuts, fresh or dried
32 00	
ex 0802 90 20	Pine kernels, fresh or dried
0804 20 10	Dried figs
0804 30 00	Pineapples, fresh or dried
0805 30 00	Lemons and limes, fresh or dried
ex 0806 10 00	Table grapes, fresh
0806 20 00	Dried grapes
0807 10 10	– Watermelons, fresh
10 20	– Honeydew and ogen melons, fresh
10 90	– other melons, fresh
0809 10 10	Apricots, fresh
10 20	
0809 30	Peaches, including nectarines
ex 0810 90 90	Kiwifruit, fresh
ex 0812 90 90	Apricots, provisionally preserved
0813 10 00	Dried apricots
ex 0813 50 00	Mixtures of nuts
ex 0813 50 00	Mixtures of dried fruits
0904 20 00	Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , dried or crushed or ground
0905 00 00	Vanilla
0910 20 00	Saffron
ex 1006 30 00	Semi-milled or wholly milled rice, whether or not polished or glazed, when used for human consumption as such
1211 10 00	Plants and parts of plants of a kind used primarily in medicine
20 00	
90 00	
1302 31 00	Agar-agar
1804 00 00	Cocoa butter, fat and oil

Finnish tariff heading	Description
	Prepared or preserved tomatoes, otherwise than by vinegar or acetic acid:
	– whole or in pieces:
2002 10 10	– – peeled
10 90	– – other
90 00	– Other
2003 10 00	Prepared or preserved mushrooms
ex 2004 90 90	Prepared or preserved artichokes, frozen
2005 60 00	Prepared or preserved asparagus, not frozen
2005 70 00	Prepared or preserved olives
2005 90 10	Prepared or preserved capers
ex 2005 90 90	Prepared or preserved artichokes
2006 00 00	Fruits preserved by sugar
2008 20 00	Prepared or preserved pineapples
ex 2008 30 00	Other citrus fruit than grapefruit, prepared or preserved
2008 50 00	Prepared or preserved apricots
2008 70 00	Prepared or preserved peaches
2009 11 00	Orange juice
19 00	
2009 30 10	Juice of any other single citrus fruit than orange or grapefruit
2009 60 00	Grape juice
2204	Wine ⁽¹⁾ :
	– in containers holding two litres or less:
2204 21 20	– – of an actual alcoholic strength by volume exceeding 14% vol:
	– – – Porto, Madeira, Sherry and Setubal muscatel in bottles
	– – – other
	– Other:
2204 29 20	– – of an actual alcoholic strength by volume exceeding 14% vol
	Other grape must:
2204 30 10	– in containers holding two litres or less
30 90	– other
ex 2208 30 11	Irish whiskey, in bottles
ex 2208 30 12	
ex 2208 30 19	
ex 2208 30 90	Irish whiskey, in barrels
ex 2208 90 91	Agricultural rum
ex 40 90	
ex 2208 90 91	Ouzo
ex 90 99	
ex 2208 90 21	Irish cream liqueurs
2401	Unmanufactured tobacco; tobacco refuse

⁽¹⁾ Concession does not include wines containing added sugar.

ANNEX IV

RULES OF ORIGIN

1. 1. For the purpose of implementing the Agreement, a product shall be considered to be originating either in the Community or in Finland if it has been wholly obtained there.
2. The following shall be considered as wholly obtained either in the Community or in Finland:
 - (a) vegetable products harvested there;
 - (b) live animals born and raised there;
 - (c) products from live animals raised there;
 - (d) goods produced there exclusively from products specified in (a) to (c).
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.
2. Notwithstanding paragraph 1, the products mentioned in columns 1 and 2 of the list in the Appendix, obtained either in the Community or in Finland 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.
3. 1. The preferential treatment provided for under the Agreement applies only to products which are transported directly from the Community to Finland or from Finland to the Community without passing through the territory of another country. However, products constituting one single consignment may be transported through territory other than that of the Community and Finland with, should the occasion arise, transshipment or temporary warehousing in such territory, provided that the products have remained under the surveillance of the customs authorities in the country of transit or of warehousing and that they have not undergone operations other than unloading, reloading or any other operation designed to preserve them in good condition.
2. Evidence that the conditions referred to in point 3.1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 13 (2) of Protocol 4 to the EEA Agreement.
4. 1. Originating products within the meaning of this Annex shall, on importation into the Community or Finland, benefit from the Agreement upon submission of either a movement certificate EUR.1 or an invoice declaration, issued or made out in accordance with Title V of Protocol 4 to the EEA Agreement.
2. The documents referred to in point 4.1 shall clearly indicate the origin of the products concerned by using the words 'Community' or 'Finland', in one of the languages in which the Agreement is drawn up, followed by the letters 'AGRI' inserted between brackets. In the case of the invoice declaration, this indication shall replace the reference to 'EEA preferential origin' in the text of the declaration given in Appendix IV of Protocol 4 to the EEA Agreement.
3. Notwithstanding points 4.1 and 2, the certificates respectively referred to in Section IV of the exchange of letters for vodka, and in Annex I for cheese shall be accepted as valid proof of origin within the meaning of this Agreement without it being necessary to submit a movement certificate EUR.1 or an invoice declaration.
5. The provisions of Titles IV (drawback or exemption), V (proof of origin) and VI (arrangements for administrative cooperation) of Protocol 4 to the EEA Agreement shall apply *mutatis mutandis*. As far as the provisions of Title IV are concerned, 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 EEA Agreement applies.

Appendix

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

HS heading No	Description of products	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
ex 0406	Cheese	Manufacture in which all the materials of Chapter 4 used must be wholly obtained
ex 1302	Agar-agar	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
1804	Cocoa butter, fat and oil	Manufacture in which all the materials used are classified in a heading other than that of the product
2002	Tomatoes prepared or preserved otherwise than by vinegar and acetic acid	Manufacture in which all the tomatoes of Chapter 7 or 20 used must be wholly obtained
2003	Prepared or preserved mushrooms	Manufacture in which all the mushrooms used must be wholly obtained
ex 2004	Prepared or preserved artichokes, frozen	Manufacture in which all the artichokes used must be wholly obtained
ex 2005	Prepared or preserved asparagus, olives, capers and artichokes	Manufacture in which all the vegetables used must be wholly obtained
2006	Fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized),	Manufacture in which all the fruits, nuts, fruit-peel and other parts of plants used must be wholly obtained
ex 2008	Prepared or preserved pineapples, citrus fruit, apricots and peaches	Manufacture in which all the fruits used must be wholly obtained
ex 2009	Orange juice, juice of any other single citrus fruit, except for grapefruit juice; grape juice (including grape must)	Manufacture in which all the fruits or any material derived from fruits used must be wholly obtained
ex 2204	Wine of fresh grapes, including fortified wines of an actual alcoholic strength by volume exceeding 14 % vol; other grape must	Manufacture in which all the grapes or any material derived from grapes used must be wholly obtained
ex 2208	Irish whiskey, agricultural rum, ouzo, vodka in bottles, Irish cream liqueurs	Manufacture: — from materials not classified within heading No 2207 or 2208, and — in which all the grapes or any material derived from grapes used must be wholly obtained

Information on the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Finland on the provisional application of the Agreement on certain arrangements in the field of agriculture ⁽¹⁾

The procedures necessary for the entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Finland on the provisional application of the Agreement on certain arrangements in the field of agriculture were completed on 17 March 1993 and the Agreement entered into force on the same date.

⁽¹⁾ See page 18 of this Official Journal.

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Republic of Iceland on the provisional application of the Agreement on certain arrangements in the field of agriculture

Letter No 1

Brussels, 17 March 1993.

Sir,

I have the honour to refer to the discussions concerning the provisional application of the Agreement concerning certain arrangements in the field of agriculture, between the European Economic Community and Iceland, signed in Oporto on 2 May 1992, which have taken place in the framework of the discussions on a Protocol adjusting the Agreement on the European Economic Area.

I hereby confirm that these discussions have resulted in the arrangement between the European Economic Community and Iceland the text of which is set out below:

'Arrangement between the European Economic Community and the Republic of Iceland in the field of agriculture

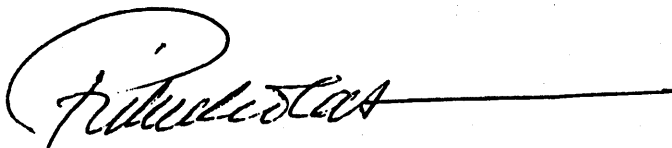
1. Taking into account the determination of the Contracting Parties to the EEA Agreement to bring that Agreement into force by 1 July 1993, and with reference to Article 15 of the Free Trade Agreement between the European Economic Community and the Republic of Iceland, the European Economic Community and the Republic of Iceland agree that the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Iceland concerning certain arrangements in the field of agriculture, signed in Oporto on 2 May 1992, shall be applied provisionally as from 15 April 1993. If the EEA Agreement has not entered into force on 1 January 1994, this arrangement shall be terminated then, unless the Contracting Parties decide otherwise.
2. For the purpose of the abovementioned provisional application and pending the entry into force of the EEA Agreement, the provisions of points 3.2, 4 and 5 of Annex VI on rules of origin of the Agreement signed in Oporto on 2 May 1992 shall be replaced by those which are set out below:
 - "3.2. Evidence that the conditions referred to in point 3.1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 12 (6) of Protocol 3 of the Free Trade Agreement between the European Economic Community and the Republic of Iceland concerning the definition of the concept of originating products and methods of administrative cooperation.
 4. Originating products within the meaning of this Annex shall, on importation into the Community or Iceland, benefit from the Agreement upon submission of a proof of origin issued or made out in accordance with the provisions of Title II of Protocol 3 of the Free Trade Agreement.
 5. The provisions of Protocol 3 of the Free Trade Agreement concerning drawback, proof of origin and arrangements for administrative cooperation shall apply. As far as the provision concerning drawback is concerned, it is understood that the prohibition of drawback shall apply only in respect of materials which are of the kind to which the Free Trade Agreement applies."

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Republic of Iceland is in agreement with the contents of this letter.

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

*On behalf of the Council
of the European Communities*

Hing. Kunnur 

Letter No 2

Brussels, 17 March 1993.

Sir,

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

'I have the honour to refer to the discussions concerning the provisional application of the Agreement concerning certain arrangements in the field of agriculture, between the European Economic Community and Iceland, signed in Oporto on 2 May 1992, which have taken place in the framework of the discussions on a Protocol adjusting the Agreement on the European Economic Area.

I hereby confirm that these discussions have resulted in the arrangement between the European Economic Community and Iceland the text of which is set out below:

"Arrangement between the European Economic Community and the Republic of Iceland in the field of agriculture

1. Taking into account the determination of the Contracting Parties to the EEA Agreement to bring that Agreement into force by 1 July 1993, and with reference to Article 15 of the Free Trade Agreement between the European Economic Community and the Republic of Iceland, the European Economic Community and the Republic of Iceland agree that the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Iceland concerning certain arrangements in the field of agriculture, signed in Oporto on 2 May 1992, shall be applied provisionally as from 15 April 1993. If the EEA Agreement has not entered into force on 1 January 1994, this arrangement shall be determined then, unless the Contracting Parties decide otherwise.
2. For the purpose of the abovementioned provisional application and pending the entry into force of the EEA Agreement, the provisions of points 3.2, 4 and 5 of Annex VI on rules of origin of the Agreement signed in Oporto on 2 May 1992 shall be replaced by those which are set out below:
 - '3.2. Evidence that the conditions referred to in point 3.1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 12 (6) of Protocol 3 of the Free Trade Agreement between the European Economic Community and the Republic of Iceland concerning the definition of the concept of originating products and methods of administrative cooperation.
 4. Originating products within the meaning of this Annex shall, on importation into the Community or Iceland, benefit from the Agreement upon submission of a proof of origin issued or made out in accordance with the provisions of Title II of Protocol 3 of the Free Trade Agreement.
 5. The provisions of Protocol 3 of the Free Trade Agreement concerning drawback, proof of origin and arrangements for administrative cooperation shall apply. As far as the provision concerning drawback is concerned, it is understood that the prohibition of drawback shall apply only in respect of materials which are of the kind to which the Free Trade Agreement applies.'

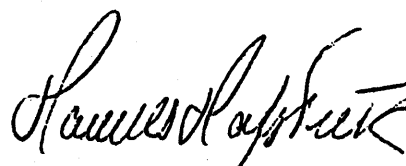
This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Republic of Iceland is in agreement with the contents of this letter.'

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

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

*For the Government of
the Republic of Iceland*



Haukur Pálsson

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Republic of Iceland concerning certain arrangements in agriculture

Oporto, 2 May 1992.

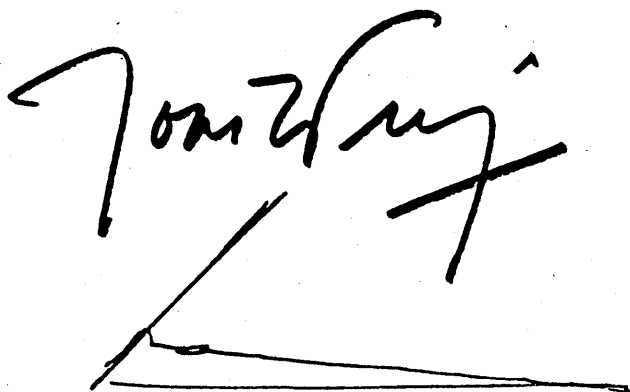
Sir,

I have the honour to refer to the discussions concerning trade arrangements for certain agricultural products between the Community and Iceland which have taken place in the framework of the negotiations on an EEA Agreement, and to Protocol 42 attached to that Agreement.

I hereby confirm that as a result of these discussions, the Republic of Iceland will, from the date of entry into force of the EEA Agreement, abolish import duties for the products listed in Annex I to this letter originating in the Community within the meaning of Annex II.

I should be obliged if you would confirm that the Government of the Republic of Iceland is in agreement with the contents of this letter.

*On behalf of the Council
of the European Communities*

A handwritten signature in black ink, appearing to read 'Tomáš Fiksel', is written over a horizontal line. The signature is stylized and cursive.

Oporto, 2 May 1992.

Sir,

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

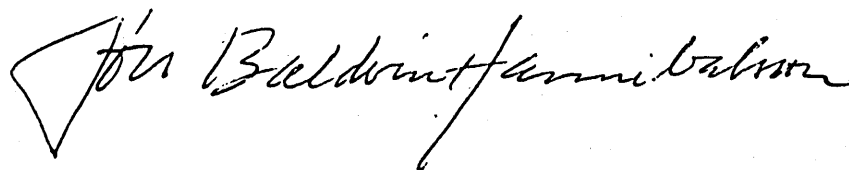
'I have the honour to refer to the discussions concerning trade arrangements for certain agricultural products between the Community and Iceland which have taken place in the framework of the negotiations on an EEA Agreement, and to Protocol 42 attached to that Agreement.

I hereby confirm that as a result of these discussions, the Republic of Iceland will, from the date of entry into force of the EEA Agreement, abolish import duties for the products listed in Annex I to this letter originating in the Community within the meaning of Annex II.

I should be obliged if you would confirm that the Government of the Republic of Iceland is in agreement with the contents of this letter.'

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 Iceland*

A handwritten signature in dark ink, reading "Jón Baldvin Hannibálsson". The signature is written in a cursive style with a large, stylized initial 'J'.

ANNEX I

Icelandic Customs Tariff heading No	Description
ex 0603 10 00	Cut flowers: – Carnations, Protea, Anthurium, Ornithogalum, Strelitzia; (1 December to 30 April)
ex 0702 00	Tomatoes (1 November to 15 March), fresh or chilled
ex 0703 10 00	Onions other than sets, fresh or chilled
0703 20 00	Garlic, fresh or chilled
ex 0705 11 00	Cabbage lettuce (1 November to 15 March), fresh or chilled
ex 0707 00	Cucumbers and gherkins (1 November to 15 March), fresh or chilled
0709 20 00	Asparagus, fresh or chilled
0709 30 00	Aubergines (eggplants), fresh or chilled
ex 0709 60 09	Sweet peppers (1 November to 15 March), fresh or chilled
ex 0709 90 09	Courgettes, fresh or chilled
0710 29 00	Leguminous vegetables other than peas and beans, frozen
ex 0710 80 00	Sweet peppers, frozen (1 November to 15 March)
ex 0712 90 09	Other dried vegetables, other than sweet corn, tomatoes and carrots, mixtures of dried vegetables
0802 11 00	Almonds, fresh or dried
12 00	
0802 31 00	Walnuts, fresh or dried
32 00	
0802 21 00	Hazelnuts or filberts, fresh or dried
22 00	
0813 50 00	Mixtures of nuts or dried fruits of this Chapter
ex 0802 90 00	Pine kernels
0803 00 00	Bananas, fresh or dried
0804 30 00	Pineapples, fresh or dried
ex 0804 20 00	Dried figs
0805 10 00	Oranges, fresh or dried
0805 20 00	Mandarines clementines, etc., fresh or dried
0805 30 01	Lemons, fresh or dried
ex 0806 10 00	Table grapes, fresh
0806 20 01	Dried grapes
20 09	
0807 10 00	Melons, including watermelons, fresh
0809 10 00	Apricots, fresh
0809 20 00	Cherries, fresh
0809 30 00	Peaches, including nectarines, fresh
ex 0809 40 00	Plums, fresh
0810 10 00	Strawberries, fresh
ex 0810 90 00	Kiwi fruit, fresh
0811 10 01	Frozen strawberries, with or without added sugar or other sweetening matter
10 09	

Icelandic Customs Tariff heading No	Description
ex 0812 90 00	Apricots, provisionally preserved
0813 10 00	Dried apricots
0805 30 09	Limes, fresh or dried
0904 20 01 20 09	Fruits of the genus <i>Capiscum</i> or of the genus <i>Pimenta</i> , dried or ground
0905 00 00	Vanilla
0910 20 00	Saffron
1006	Rice
1211	Plants and parts of plants of a kind used primarily in perfumery pharmacy, etc.
1302 31 01 31 09	Agar-agar
1509	Olive oil
1804 00 00	Cocoa butter, fat and oil
2002	Prepared or preserved tomatoes, otherwise than by vinegar or acetic acid
ex 2003 10 00	Prepared or preserved mushrooms
ex 2004 90 00	Prepared or preserved artichokes, frozen
2005 60 00	Prepared or preserved asparagus, not frozen
2005 70 00	Prepared or preserved olives, not frozen
ex 2005 90 00	Prepared or preserved artichokes, not frozen
ex 2005 90 00	Prepared or preserved capers, not frozen
ex 2006 00	Fruits, preserved by sugar, other than ginger and cherries, with a sugar content exceeding 13 % by weight
2008 20 01 20 09	Prepared or preserved pineapples
ex 2008 30 01 30 09	Prepared or preserved mandarines (including tangerines and satsumas); clemantines, wilkings and other similar citrus hybrids
2008 50 01 50 09	Prepared or preserved apricots
2008 70 01 70 09	Prepared or preserved peaches
ex 2009 11 01 11 09 19 01 19 09	Orange juice, other than of a value not exceeding ECU 30 per 100 kg net weight
ex 2009 30 01 30 09	Juice of any other single citrus fruit, of a density not exceeding 1,33 g/cm ³ at 20 °C, of a value exceeding ECU 30 per 100 kg net weight, other than containing added sugar
ex 2009 60 01 60 09	Other grape juice
ex 2204 30 00	Other grape must, other than in fermentation or with fermentation arrested otherwise than by the addition of alcohol
ex 2204 21	Other wine, of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol, in containers of two litres or less
ex 2204 29	Other wine, of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol, other than in containers of two litres or less
ex 2208 30 00	Irish whiskey, other than Bourbon whiskey, rum and taffia
2208 40 00	Rum and taffia
ex 2208 90 09	Ouzo
ex 2208 90 04	Irish cream liqueurs
2401	Unmanufactured tobacco; tobacco refuse

ANNEX II

RULES OF ORIGIN

1. 1. For the purpose of implementing the Agreement, a product shall be considered to be originating in the Community if it has been wholly obtained there.
2. The following shall be considered as wholly obtained in the Community:
 - (a) vegetable products harvested there;
 - (b) live animals born and raised there;
 - (c) products from live animals raised there;
 - (d) goods produced there exclusively from products specified in (a) to (c).
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.
2. Notwithstanding point 1, the products mentioned in columns 1 and 2 of the list in the Appendix, obtained in the Community 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.
3. 1. The preferential treatment provided for under the Agreement applies only to products which are transported directly from the Community to Iceland without passing through the territory of another country. However, products constituting one single consignment may be transported through territory other than that of the Community and Iceland with, should the occasion arise, transshipment or temporary warehousing in such territory, provided that the products have remained under the surveillance of the customs authorities in the country of transit or of warehousing and that they have not undergone operations other than unloading, reloading or any other operation designed to preserve them in good condition.
2. Evidence that the conditions referred to in point 3.1 have been fulfilled shall be supplied to the customs authorities of Iceland in accordance with Article 13 (2) of Protocol 4 to the EEA Agreement.
4. 1. Originating products within the meaning of this Annex shall, on importation into Iceland, benefit from the Agreement upon submission of either a movement certificate EUR.1 or an invoice declaration, issued or made out in accordance with Title V of Protocol 4 to the EEA Agreement.
2. The documents referred to in point 4.1 shall clearly indicate that the products concerned are originating in the Community within the meaning of this Agreement by using the word 'Community' in one of the languages in which the Agreement is drawn up, followed by the letters 'AGRI' inserted between brackets. In the case of the invoice declaration, this indication shall replace the reference to 'EEA preferential origin' in the text of the declaration given in Appendix IV of Protocol 4 to the EEA Agreement.
5. The provisions of Titles IV (drawback or exemption), V (proof of origin) and VI (arrangements for administrative cooperation) of Protocol 4 to the EEA Agreement shall apply *mutatis mutandis*. As far as the provisions of Title IV are concerned, 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 EEA Agreement applies.

Appendix

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

HS heading No	Description of products	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
ex 1302	Agar-agar	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
1804	Cocoa butter, fat and oil	Manufacture in which all the materials used are classified in a heading other than that of the product
2002	Prepared or preserved tomatoes, otherwise than by vinegar or acetic acid	Manufacture in which all the tomatoes of Chapter 7 or 20 used must be wholly obtained
ex 2003	Prepared or preserved mushrooms	Manufacture in which all the mushrooms used must be wholly obtained
ex 2004	Prepared or preserved artichokes	Manufacture in which all the artichokes used must be wholly obtained
ex 2005	Prepared or preserved asparagus, artichokes, olives and capers	Manufacture in which all the vegetables used must be wholly obtained
ex 2006	Fruit preserved by sugar, other than ginger and cherries, with a sugar content exceeding 13 % by weight	Manufacture in which all the fruits used must be wholly obtained
ex 2008	Prepared or preserved pineapples, citrus fruit, apricots and peaches	Manufacture in which all the fruits used must be wholly obtained
ex 2009	Orange juice, other than of a value not exceeding ECU 30 per 100 kg net weight	Manufacture in which all the fruits or any material derived from fruits used must be wholly obtained
ex 2009	Juice of other citrus fruits, of a density not exceeding 1,33 g/cm ³ at 20 °C, of a value exceeding ECU 30 per 100 kg net weight other than containing added sugar	Manufacture in which all the fruits or any material derived from fruits used must be wholly obtained
ex 2009	Other grape juice	Manufacture in which all the grapes used must be wholly obtained
ex 2204	Other grape must, other than in fermentation or with fermentation arrested otherwise than by addition of alcohol	Manufacture in which all the grapes or any material derived from grapes used must be wholly obtained
ex 2204	Other wine, of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol	Manufacture in which all the grapes or any material derived from grapes used must be wholly obtained
ex 2208	Irish whiskey, rum and taffia, ouzo, Irish cream liqueurs	Manufacture: — from materials not classified within heading No 2207 or 2208, and — in which all the grapes or any material derived from grapes used must be wholly obtained

Information on the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Iceland on the provisional application of the Agreement on certain arrangements in the field of agriculture ⁽¹⁾

The procedures necessary for the entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Iceland on the provisional application of the Agreement on certain arrangements in the field of agriculture were completed on 17 March 1993 and the Agreement entered into force on the same date.

⁽¹⁾ See page 32 of this Official Journal.

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Kingdom of Norway on the provisional application of the Agreement on certain arrangements in the field of agriculture

Letter No 1

Brussels, 17 March 1993.

Sir,

I have the honour to refer to the discussions concerning the provisional application of the Agreement concerning certain arrangements in the field of agriculture, between the European Economic Community and Norway, signed in Oporto on 2 May 1992, which have taken place in the framework of the discussions on a Protocol adjusting the Agreement on the European Economic Area.

I hereby confirm that these discussions have resulted in the arrangement between the European Economic Community and Norway the text of which is set out below:

'Arrangement between the European Economic Community and the Kingdom of Norway in the field of agriculture

1. Taking into account the determination of the Contracting Parties to the EEA Agreement to bring that Agreement into force by 1 July 1993, and with reference to Article 15 of the Free Trade Agreement between the European Economic Community and the Kingdom of Norway, the European Economic Community and the Kingdom of Norway agree that the Agreement in the form of an exchange of letters between the European Economic Community and the Kingdom of Norway concerning certain arrangements in the field of agriculture, signed in Oporto on 2 May 1992, shall be applied provisionally as from 15 April 1993. If the EEA Agreement has not entered into force on 1 January 1994, this arrangement shall be terminated then, unless the Contracting Parties decide otherwise.
2. For the purpose of the abovementioned provisional application and pending the entry into force of the EEA Agreement, the provisions of points 3.2, 4 and 5 of Annex IV on rules of origin of the Agreement signed in Oporto on 2 May 1992 shall be replaced by those which are set out below:
 - "3.2. Evidence that the conditions referred to in point 3.1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 12 (6) of Protocol 3 of the Free Trade Agreement between the EEC and the Kingdom of Norway concerning the definition of the concept of originating products and methods of administrative cooperation.
 - 4.1. Originating products within the meaning of this Annex shall, on importation into the Community or Norway, benefit from the Agreement upon submission of a proof of origin issued or made out in accordance with the provisions of Title II of Protocol 3 of the Free Trade Agreement.
 - 4.2. Notwithstanding point 4.1, the certificates referred to in Annex I concerning cheese shall be accepted as valid proof of origin within the meaning of this Agreement without it being necessary to submit a separate proof of origin as specified in point 4.
 5. The provisions of Protocol 3 of the Free Trade Agreement concerning drawback, proof of origin and arrangements for administrative cooperation shall apply. As far as the provision concerning drawback is concerned, it is understood that the prohibition of drawback shall apply only in respect of materials which are of the kind to which the Free Trade Agreement applies."

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Kingdom of Norway is in agreement with the contents of this letter.

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

*On behalf of the Council
of the European Communities*

Hansj. Krenzel

P. Delors

Letter No 2

Brussels, 17 March 1993.

Sir,

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

I have the honour to refer to the discussions concerning the provisional application of the Agreement concerning certain arrangements in the field of agriculture, between the European Economic Community and Norway, signed in Oporto on 2 May 1992, which have taken place in the framework of the discussions on a Protocol adjusting the Agreement on the European Economic Area.

I hereby confirm that these discussions have resulted in the arrangement between the European Economic Community and Norway the text of which is set out below:

"Arrangement between the European Economic Community and the Kingdom of Norway in the field of agriculture

1. Taking into account the determination of the Contracting Parties to the EEA Agreement to bring that Agreement into force by 1 July 1993, and with reference to Article 15 of the Free Trade Agreement between the European Economic Community and the Kingdom of Norway, the European Economic Community and the Kingdom of Norway agree that the Agreement in the form of an exchange of letters between the European Economic Community and the Kingdom of Norway concerning certain arrangements in the field of agriculture, signed in Oporto on 2 May 1992, shall be applied provisionally as from 15 April 1993. If the EEA Agreement has not entered into force on 1 January 1994, this arrangement shall be terminated then, unless the Contracting Parties decide otherwise.
2. For the purpose of the abovementioned provisional application and pending the entry into force of the EEA Agreement, the provisions of points 3.2, 4 and 5 of Annex IV on rules of origin of the Agreement signed in Oporto on 2 May 1992 shall be replaced by those which are set out below:
 - '3.2. Evidence that the conditions referred to in point 3.1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 12 (6) of Protocol 3 of the Free Trade Agreement between the European Economic Community and the Kingdom of Norway concerning the definition of the concept of originating products and methods of administrative cooperation.
 - 4.1. Originating products within the meaning of this Annex shall, on importation into the Community of Norway, benefit from the Agreement upon submission of a proof of origin issued or made out in accordance with the provisions of Title II of Protocol 3 of the Free Trade Agreement.
 - 4.2. Notwithstanding point 4.1, the certificates referred to in Annex I concerning cheese shall be accepted as valid proof of origin within the meaning of this Agreement without it being necessary to submit a separate proof of origin as specified in point 4.1.
5. The provisions of Protocol 3 of the Free Trade Agreement concerning drawback, proof of origin and arrangements for administrative cooperation shall apply. As far as the provision concerning drawback is concerned, it is understood that the prohibition of drawback shall apply only in respect of materials which are of the kind to which the Free Trade Agreement applies."

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Kingdom of Norway is in agreement with the contents of this letter.'

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

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

*For the Government of
the Kingdom of Norway*

A handwritten signature in dark ink, appearing to read 'Olav Ruge', written in a cursive style.

Subject to approval

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Kingdom of Norway concerning certain arrangements in agriculture

Oporto, 2 May 1992.

Sir,

I have the honour to refer to the discussions concerning trade arrangements for certain agricultural products between the Community and Norway which have taken place in the framework of the negotiations on an EEA Agreement, and to Protocol 42 attached to that Agreement.

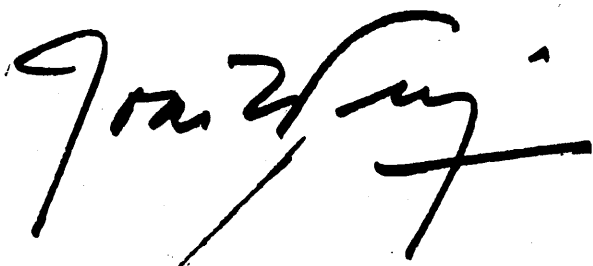
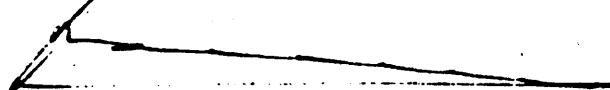
I hereby confirm that the results of these discussions were as follows:

- I. an arrangement between the Community and Norway concerning reciprocal trade in cheese. The text of this arrangement is set out in Annex I to this letter;
- II. an arrangement between the Community and Norway concerning trade in certain horticultural products. The text of this arrangement is set out in Annex II to this letter;
- III. tariff concessions granted by Norway to the Community. These concessions are set out in Annex III to this letter;
- IV. rules of origin for the purpose of implementing the abovementioned arrangements and concessions. These rules are set out in Annex IV to this letter.

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Kingdom of Norway is in agreement with the contents of this letter.

*On behalf of the Council
of the European Communities*

Oporto, 2 May 1992.

Sir,

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

'I have the honour to refer to the discussions concerning trade arrangements for certain agricultural products between the Community and Norway which have taken place in the framework of the negotiations on an EEA Agreement, and to Protocol 42 attached to that Agreement.

I hereby confirm that the results of these discussions were as follows:

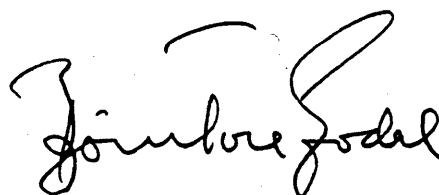
- I. an arrangement between the Community and Norway concerning reciprocal trade in cheese. The text of this arrangement is set out in Annex I to this letter;
- II. an arrangement between the Community and Norway concerning trade in certain horticultural products. The text of this arrangement is set out in Annex II to this letter;
- III. tariff concessions granted by Norway to the Community. These concessions are set out in Annex III to this letter;
- IV. rules of origin for the purpose of implementing the abovementioned arrangements and concessions. These rules are set out in Annex IV to this letter.

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Kingdom of Norway is in agreement with the contents of this letter.'

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

*For the Government
of the Kingdom of Norway*



ANNEX I

ARRANGEMENT

between the European Economic Community and the Kingdom of Norway concerning reciprocal trade in cheese

With the aim of fostering the harmonious development of trade in agricultural products, and taking into account the discussions which have taken place in the framework of the negotiations on an EEA Agreement, the European Economic Community and the Kingdom of Norway have agreed to conclude a new arrangement ⁽¹⁾ concerning their reciprocal trade in cheese. In view of the common interest of the Community and Norway in offering consumers, in addition to home-produced cheese, other types of imported cheese, the provisions of this arrangement read as follows:

1. For the annual quantities of cheese listed below, the import duties may not exceed the following levels:

(a) *on importation into the Community (excluding Spain and Portugal)*

Cheese falling within CN code 0406, originating in Norway and accompanied by an approved certificate ⁽²⁾:

	Annual quantity (in tonnes)	Import duty (in ECU/100 kg)
— Jarisberg, of a minimum fat content of 45 %, by weight, in the dry matter and of a dry matter content, by weight, of not less than 56 %, matured for at least three months: — Whole cheeses with rind ⁽³⁾ weighing from 8 kg to 12 kg — Rectangular blocks of a net weight not exceeding 7 kg ⁽⁴⁾ — Pieces packed in vacuum or in inert gas, of a net weight of not less than 150 g but not exceeding 1 kg ⁽⁴⁾ — Ridder, of a minimum fat content of 60 %, by weight, in the dry matter and matured for at least four weeks: — Whole cheeses with rind ⁽³⁾ weighing from 1 kg to 2 kg — Pieces packed in vacuum or in inert gas, with rind on at least one side ⁽³⁾, of a net weight of not less than 150 g ⁽⁴⁾	2 200	55

⁽³⁾ The expression 'whole cheeses with rind' means cheeses of the conventional flat cylindrical shape. For the purposes of these provisions, the rind is defined as follows: the rind of such cheeses is the outer layer formed from the cheese itself, having a distinctly more solid consistency and a distinctly darker colour.

⁽⁴⁾ The wording on the packing must be such as to enable this cheese to be identified by the consumer.

(b) *on importation into Norway*

	Annual quantity (in tonnes)	Import duty (in Nkr/kg)
— Cheese of all types and varieties, originating in the Community	2 360	1,20

⁽¹⁾ This arrangement will be without prejudice of the agreement signed on 14 July 1986 between the Community and Norway as a result of the accession of Spain and Portugal.

⁽²⁾ The certificate will be issued by 'Norske Meierier' (Norwegian dairies).

2. Norway will take the necessary steps in order to:
 - limit the issue of the certificates referred to in 1 (a) to the quantities agreed in this Agreement,
 - ensure that the autonomous system of import licence allocation will be managed taking into account market requirements and in such a way that imports may take place regularly and that the quantities agreed for import into Norway from the Community can effectively be imported.
3. The Community and Norway will take steps to ensure that the benefits which they grant each other will not be jeopardized by other import measures.
4. The Community and Norway undertake, each on its own behalf, to ensure that the prices charged by their exporters are not such as to create difficulties on the importing country's market.

They agree, in this connection, to exchange at regular intervals information on price quotations and any other useful information concerning the market in domestic and imported cheeses.

If difficulties arise concerning the prices charged, consultations will be held at the request of either party, as promptly as possible, with a view to the adoption of appropriate corrective measures.
5. Consultations will be held at the request of either party on any question relating to the operation of this agreement. The two parties may, by common accord, alter it by reference in particular to the trend of market prices, production, marketing or consumption of home-produced and imported cheeses.
6. This arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Kingdom of Norway.
7. This arrangement shall enter into force on the same date as the EEA Agreement.

Should that date not coincide with the beginning of the calendar year, the provisions referred to in point 1 shall be applied *pro rata temporis* for the first year.
8. This arrangement shall replace the Agreement in form of an exchange of letters between the European Economic Community and the Kingdom of Norway concerning reciprocal trade in cheese, signed on 22 March 1989.

ANNEX II

ARRANGEMENT

between the European Economic Community and the Kingdom of Norway concerning trade in certain horticultural products

With the aim of fostering the harmonious development of trade in agricultural products, and taking into account the discussions which have taken place in the framework of the negotiations on an EEA Agreement, the European Economic Community and the Kingdom of Norway have agreed to conclude a bilateral arrangement concerning trade in certain horticultural products, the provisions of this arrangement being as follows:

1. *On importation into the Community*

The Community will open the following seasonal zero-duty tariff quotas for the following products originating in Norway:

CN code	Description	Quantity (tonnes)	Calendar
ex 0704 10	Cauliflowers, fresh or chilled	2 000	1. 8—30. 10
ex 0704 10	Broccoli, fresh or chilled	1 000	1. 7—30. 10
ex 0704 90	China cabbages, fresh or chilled	3 000	1. 7—29. 2
ex 0809 20 90	Cherries, fresh	600	16. 7—30. 8
ex 0809 40	Plums, fresh	600	1. 9—15. 10
ex 0810 10 10	Strawberries, fresh	750	15. 7—31. 7
ex 0810 10 90	Strawberries, fresh	750	1. 8—15. 9

2. *On importation into Norway*

- (a) Norway will abolish the existing quantitative restrictions for the following cut flowers, falling within HS code ex 0603, originating in the Community:

Gladiolus	Trachelium
Aster	Erigeron
Astilbe	Sedum
Centaurea	Physostegia
Lathyrus	Zinnia
Scabiosa	Dianthus Caryophyllus
Liatris	Gerbera
Solidago	Strelitzia
Solidaster	Protea
Alchemilla	Anthurium;
Dianthus barbatus	

- (b) Norway will abolish import duties for the cut flowers, listed under (a), as well as for Syringa, Genista, Anemone, Ranunculus, Mimosa and Orchids, falling within HS code ex 0603, originating in the Community;

- (c) Norway will open an annual zero-duty tariff quota of total Nkr 20 million for the following products originating in the Community:

Norwegian Tariff heading	Description
0602 30 01	Azalea indica
0602 10 01	Cuttings without roots
ex 0602 99 05	Potplants with flowers ⁽¹⁾

⁽¹⁾ This concession does not apply to: *Begonia elatior*, *Campanula*, *Chrysanthemum*, *Euphorbia Pulcherina*, *Hibiscus*, *Kalanchoe*, *Pelargonium*, *Primula*, *Saint Paulia*.

- (d) — Norway will abolish the existing quantitative restrictions on strawberries, falling within HS code ex 0810, originating in the Community, except for the period 9 June to 9 September,
 - Norway will abolish import duties on strawberries falling within HS code ex 0810, originating in the Community, during the period free of quantitative restrictions.
 - 3. The Contracting Parties shall ensure that the agreed mutual advantages are not jeopardized by other measures.
 - 4. Consultations shall be held at the request of either Party on any problem relating to the operation of this arrangement, which may be amended by agreement between the Parties.
 - 5. This arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Kingdom of Norway.
 - 6. This arrangement shall enter into force on the same date as the EEA Agreement.

Should that date not coincide with the beginning of the calendar year, the provisions referred to in point 1 shall, where appropriate, be applied *pro rata temporis* for the respective calendar period.
-

ANNEX III

TARIFF CONCESSIONS GRANTED BY THE KINGDOM OF NORWAY TO THE EUROPEAN ECONOMIC COMMUNITY

As from the date of the entry into force of the EEA Agreement, the Kingdom of Norway will abolish import duties for the products listed below originating in the European Community.

CN code	Description	Norwegian Customs Tariff heading
0703 20 00	Garlic, fresh or chilled	0703 20 00
0709 20 00	Asparagus, fresh or chilled	0709 20 10 20 90
30 00	Aubergines, fresh or chilled	30 00
60 10	Sweet peppers, fresh or chilled	60 10 60 20
ex 90 70	Courgettes, fresh or chilled	ex 90 90
0710 29 00	Leguminous vegetables other than peas and beans, frozen	0710 29 00
80 51	Sweet peppers, frozen	ex 80 99
0712 90 90	Other dried vegetables, other than sweet corn, tomatoes and carrots; mixtures of dried vegetables	0712 90 10 90 20 ex 90 90
0802 11	Almonds	0802 11 00
12		12 00
31 00	Walnuts	31 00
32 00		32 00
21 00	Hazelnuts or filbert, in shell	21 00
22 00	Hazelnuts or filbert, shelled	22 00
ex 0813 50 30	Mixtures of nuts	ex 0813 50 10
50 91	Other mixtures of dried fruits of this chapter	ex 50 90
50 99		
ex 0802 90 90	Pine kerneis	ex 0802 90 90
0803 00	Bananas	0803 00 01 00 02
0804 20 90	Dried figs	0804 20 90
30	Pineapples	30 00
0805 10	Oranges	0805 10 00
20	Mandarines, clementines, etc.	20 00
30 10	Lemons	30 10
30 90	Limes	30 20
0806 10 11	Table grapes, fresh	ex 0806 10 10 10 90
10 15		
10 19		
20 00	Dried grapes	20 00
0807 10 10	Watermelons, fresh	0807 10 01
10 90	Melons, fresh	10 09
0809 10 00	Apricots, fresh	0809 10 10 10 90
30 00	Peaches, including nectarines, fresh	30 10 30 20
0810 90 10	Kiwi fruit, fresh	0810 90 91

CN code	Description	Norwegian Customs Tariff heading
0812 90 10	Apricots, provisionally preserved	ex 0812 90 20
0813 10 00	Dried apricots	0813 10 00
0904 20	Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , dried or crushed or ground	0904 20 00
0905 00 00	Vanilla	0905 00 00
0910 20	Saffron	0910 20 00
1006	Rice	1006 10 00 20 00 30 10 30 90 40 10 40 90
1211	Plants and parts of plants of a kind used primarily in pharmacy, etc.	1211 10 00 20 00 30 00
1302 31 00	Agar-Agar	1302 31 01 31 09
1509	Olive oil and its fractions, whether or not refined, but not chemically modified	1509 10 00 90 00
1804 00 00	Cocoa butter, fat and oil	1804 00 00
2003 10 10	Prepared or preserved mushrooms, cultivated	ex 2003 10 00
2004 90 95	Prepared or preserved artichokes, frozen	ex 2004 90 90
2005 60 00	Prepared or preserved asparagus	2005 60 00
70 00	Prepared or preserved olives	70 00
90 30	Prepared or preserved capers	ex 90 00
90 50	Prepared or preserved artichokes	ex 90 00
2006 00 39	Other fruits preserved by sugar, with a sugar content exceeding 13% by weight	ex 2006 00 00
2008 20 51 59 71 79 91 99	Prepared or preserved pineapples, not containing added spirit	ex 2008 20 00
ex 2008 30 11 19 31 39	Prepared or preserved mandarines, etc.	ex 2008 30 00
2008 30 55 75		
ex 2008 30 91 99		
2008 50	Prepared or preserved apricots	2008 50 00
2008 70	Prepared or preserved peaches	70 00
2009 11 19 19 99	Orange juice	2009 ex 11 10 ex 11 20 ex 11 30 ex 11 90 ex 19 10 ex 19 20 ex 19 90
2009 30 39	Juice of other citrus fruits	ex 2009 30 10 30 90
2009 60 19 59	Grape juice	ex 2009 60 00

CN code	Description	Norwegian Customs Tariff heading
2204 21 41 49 51 59	Wine (in containers holding 2 litres or less)	ex 2204 29 09
2204 29 41 49 51 59	Wine (other)	ex 2204 29 09
2204 30 91 99	Other grape must	2204 ex 30 01 ex 30 09
ex 2208 30 91	Irish Whiskey in bottles	ex 2208 30 00
ex 30 99	Irish Whiskey in barrels	ex 30 00
40	Rum and taffia	40 00
ex 90 53	Ouzo	ex 90 00
ex 90 73		
ex 90 55	Irish cream liqueurs	ex 90 00
ex 90 79		
2401	Unmanufactured tobacco, tobacco refuse	2401 10 00 20 00 30 00

ANNEX IV

RULES OF ORIGIN

1. 1. For the purpose of implementing the Agreement, a product shall be considered to be originating either in the Community or in Norway if it has been wholly obtained there.
2. The following shall be considered as wholly obtained either in the Community or in Norway:
 - (a) vegetable products harvested there;
 - (b) live animals born and raised there;
 - (c) products from live animals raised there;
 - (d) goods produced there exclusively from products specified in (a) to (c).
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.
2. Notwithstanding point 1, the products mentioned in columns 1 and 3 of the list in the Appendix, obtained either in the Community or in Norway 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.
3. 1. The preferential treatment provided for under the Agreement applies only to products which are transported directly from the Community to Norway or from Norway to the Community without passing through the territory of another country. However, products constituting one single consignment may be transported through territory other than those of the Community and Norway with, should the occasion arise, transshipment or temporary warehousing in such territory, provided that the products have remained under the surveillance of the customs authorities in the country of transit or of warehousing and that they have not undergone operations other than unloading, reloading or any other operation designed to preserve them in good condition.
2. Evidence that the conditions referred to in point 3.1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 13 (2) of Protocol 4 to the EEA Agreement.
4. 1. Originating products within the meaning of this Annex shall, on importation into the Community or Norway, benefit from the Agreement upon submission of either a movement certificate EUR.1 or an invoice declaration, issued or made out in accordance with Title V of Protocol 4 to the EEA Agreement.
2. The documents referred to in point 4.1 shall clearly indicate the origin of the products concerned by using the words 'Community' or 'Norway', in one of the languages in which the Agreement is drawn up, followed by the letters 'AGRI' inserted between brackets. In the case of the invoice declaration, this indication shall replace the reference to 'EEA preferential origin' in the text of the declaration given in Appendix IV of Protocol 4 to the EEA Agreement.
3. Notwithstanding points 4.1 and 4.2, the certificates referred to in Annex I for cheese shall be accepted as valid proof of origin within the meaning of this Agreement without it being necessary to submit a movement certificate EUR.1 or an invoice declaration.
5. The provisions of Titles IV (drawback or exemption), V (proof of origin) and VI (arrangements for administrative cooperation) of Protocol 4 to the EEA Agreement shall apply *mutatis mutandis*. As far as the provisions of Title IV are concerned, 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 EEA Agreement applies.

Appendix

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

HS heading No	Description of products	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
ex 0406	Cheese	Manufacture in which all the materials of chapter 4 used must be wholly obtained
ex 1302	Agar-agar	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
1804	Cocoa butter, fat and oil	Manufacture in which all the materials used are classified in a heading other than that of the product
ex 2003	Mushrooms prepared or preserved, otherwise than by vinegar or acetic acid	Manufacture in which all the mushrooms used must be wholly obtained
ex 2004	Prepared or preserved artichokes, frozen	Manufacture in which all the artichokes used must be wholly obtained
ex 2005	Prepared or preserved asparagus, olives, capers and artichokes	Manufacture in which all the vegetables used must be wholly obtained
ex 2006	Fruit preserved by sugar (drained, glaze or crystallized)	Manufacture in which all the fruits used must be wholly obtained
ex 2008	Prepared or preserved pineapples, citrus fruit, apricots and peaches	Manufacture in which all the fruits used must be wholly obtained
ex 2009	Orange juice, juice of any other single citrus fruit, except for grapefruit juice; grape juice (including grape must)	Manufacture in which all the fruits or any material derived from fruits used must be wholly obtained
ex 2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading No 2209	Manufacture in which all the grapes or any material derived from grapes used must be wholly obtained
ex 2208	Irish whiskey, rum and taffia, Irish cream liqueurs, Ouzo	Manufacture: — from materials not classified within heading No 2207 or 2208, and — in which all the grapes or any material derived from grapes used must be wholly obtained

Information on the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Kingdom of Norway on the provisional application of the Agreement in certain arrangements in the field of agriculture ⁽¹⁾

The Agreement in the form of an exchange of letters between the European Economic Community and the Kingdom of Norway on the provisional application of the Agreement on certain arrangements in the field of agriculture was signed on 17 March 1993. As the Kingdom of Norway signed subject to ratification, information on the date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* in due course.

⁽¹⁾ See page 43 of this Official Journal.

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Kingdom of Sweden on the provisional application of the Agreement on certain arrangements in the field of agriculture

Letter No 1

Brussels, 17 March 1993.

Sir,

I have the honour to refer to the discussions concerning the provisional application of the Agreement concerning certain arrangements in the field of agriculture, between the European Economic Community and Sweden, signed in Oporto on 2 May 1992, which have taken place in the framework of the discussions on a Protocol adjusting the Agreement on the European Economic Area.

I hereby confirm that these discussions have resulted in the arrangement between the European Economic Community and Sweden the text of which is set out below:

'Arrangement between the European Economic Community and the Kingdom of Sweden in the field of agriculture

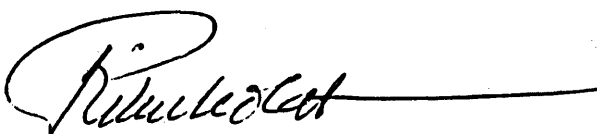
1. Taking into account the determination of the Contracting Parties to the EEA Agreement to bring that Agreement into force by 1 July 1993, and with reference to Article 15 of the Free Trade Agreement between the European Economic Community and the Kingdom of Sweden, the European Economic Community and the Kingdom of Sweden agree that the Agreement in the form of an exchange of letters between the European Economic Community and the Kingdom of Sweden concerning certain arrangements in the field of agriculture, signed in Oporto on 2 May 1992, shall be applied provisionally as from 15 April 1993. If the EEA Agreement has not entered into force on 1 January 1994, this arrangement shall be terminated then, unless the Contracting Parties decide otherwise.
2. For the purpose of the abovementioned provisional application and pending the entry into force of the EEA Agreement, the provisions of points 3.2, 4 and 5 of Annex VI on rules of origin of the Agreement signed in Oporto on 2 May 1992 shall be replaced by those which are set out below:
 - "3.2. Evidence that the conditions referred to in point 3.1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 12 (6) of Protocol 3 of the Free Trade Agreement between the European Economic Community and the Kingdom of Sweden concerning the definition of the concept of originating products and methods of administrative cooperation.
 - 4.1. Originating products within the meaning of this Annex shall, on importation into the Community or Sweden, benefit from the Agreement upon submission of a proof of origin issued or made out in accordance with the provisions of Title II of Protocol 3 of the Free Trade Agreement.
 - 4.2. Notwithstanding point 4.1, the certificates referred to in Annex V concerning vodka shall be accepted as valid proof of origin within the meaning of this Agreement without it being necessary to submit a separate proof of origin as specified in point 4.1.
5. The provisions of Protocol 3 of the Free Trade Agreement concerning drawback, proof of origin and arrangements for administrative cooperation shall apply. As far as the provision concerning drawback is concerned, it is understood that the prohibition of drawback shall apply only in respect of materials which are of the kind to which the Free Trade Agreement applies."

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Kingdom of Sweden is in agreement with the contents of this letter.

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

*On behalf of the Council
of the European Economic Communities*

Henk Venter 

Letter No 2

Brussels, 17 March 1993.

Sir,

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

'I have the honour to refer to the discussions concerning the provisional application of the Agreement concerning certain arrangements in the field of agriculture, between the European Economic Community and Sweden, signed in Oporto on 2 May 1992, which have taken place in the framework of the discussions on a Protocol adjusting the Agreement on the European Economic Area.

I hereby confirm that these discussions have resulted in the arrangement between the European Economic Community and Sweden the text of which is set out below:

"Arrangement between the European Economic Community and the Kingdom of Sweden in the field of agriculture

1. Taking into account the determination of the Contracting Parties to the EEA Agreement to bring that Agreement into force by 1 July 1993, and with reference to Article 15 of the Free Trade Agreement between the European Economic Community and the Kingdom of Sweden, the European Economic Community and the Kingdom of Sweden agree that the Agreement in the form of an exchange of letters between the European Economic Community and the Kingdom of Sweden concerning certain arrangements in the field of agriculture, signed in Oporto on 2 May 1992, shall be applied provisionally as from 15 April 1993. If the EEA Agreement has not entered into force on 1 January 1994, this arrangement shall be terminated then, unless the Contracting Parties decide otherwise.
2. For the purpose of the abovementioned provisional application and pending the entry into force of the EEA Agreement, the provisions of points 3.2, 4 and 5 of Annex VI on rules of origin of the Agreement signed in Oporto on 2 May 1992 shall be replaced by those which are set out below:
 - '3.2. Evidence that the conditions referred to in point 3.1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 12 (6) of Protocol 3 of the Free Trade Agreement between the European Economic Community and the Kingdom of Sweden concerning the definition of the concept of originating products and methods of administrative cooperation.
 - 4.1. Originating products within the meaning of this Annex shall, on importation into the Community or Sweden, benefit from the Agreement upon submission of a proof of origin issued or made out in accordance with the provisions of Title II of Protocol 3 of the Free Trade Agreement.
 - 4.2. Notwithstanding point 4.1, the certificates referred to in Annex V concerning vodka shall be accepted as valid proof of origin within the meaning of this Agreement without it being necessary to submit a separate proof of origin as specified in point 4.1.
5. The provisions of Protocol 3 of the Free Trade Agreement concerning drawback, proof of origin and arrangements for administrative cooperation shall apply. As far as the provision concerning drawback is concerned, it is understood that the prohibition of drawback shall apply only in respect of materials which are of the kind to which the Free Trade Agreement applies."

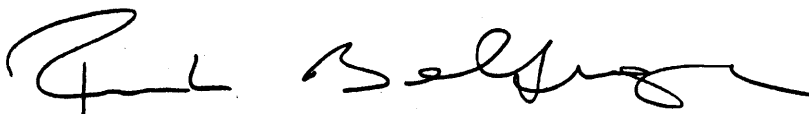
This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Kingdom of Sweden is in agreement with the contents of this letter.'

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

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

*For the Government of
the Kingdom of Sweden*

A handwritten signature in black ink, appearing to read 'Carl Bildt', with a long horizontal flourish extending to the right.

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Kingdom of Sweden concerning certain arrangements in agriculture

Oporto, 2 May 1992.

Sir,

I have the honour to refer to the discussions concerning trade arrangements for certain agricultural products between the Community and Sweden which have taken place in the framework of the negotiations on an EEA Agreement, and to Protocol 42 attached to that Agreement.

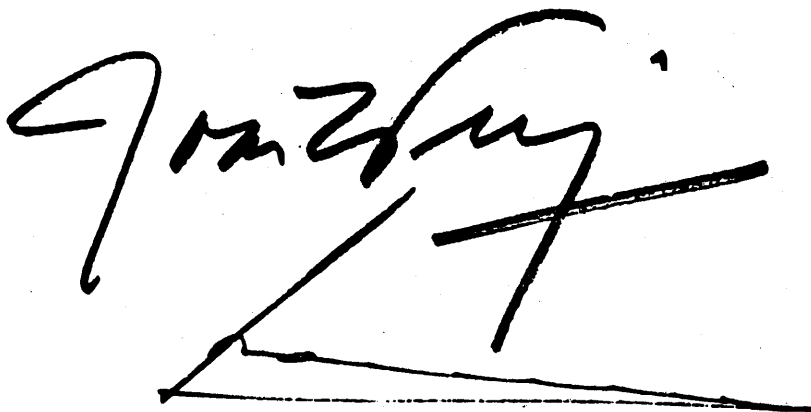
I hereby confirm that the results of these discussions were as follows:

- I. an arrangement between the Community and Sweden concerning trade in beef, including cooked preparations. The text of this arrangement is set out in Annex I to this letter;
- II. tariff quotas granted by the Community to Sweden. These concessions are set out in Annex II to this letter;
- III. zero-duty tariff quotas granted by Sweden to the Community. These concessions are set out in Annex III to this letter;
- IV. tariff concessions granted by Sweden to the Community. These concessions are set out in Annex IV to this letter;
- V. an arrangement between the Community and Sweden concerning trade in spirit beverages. The text of this arrangement is set out in Annex V to this letter;
- VI. rules of origin for the purpose of implementing the abovementioned arrangements and concessions. These rules are set out in Annex VI to this letter.

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Kingdom of Sweden is in agreement with the contents of this letter.

*On behalf of the Council
of the European Communities*



Oporto, 2 May 1992.

Sir,

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

'I have the honour to refer to the discussions concerning trade arrangements for certain agricultural products between the Community and Sweden which have taken place in the framework of the negotiations on an EEA Agreement, and to Protocol 42 attached to that Agreement.

I hereby confirm that the results of these discussions were as follows:

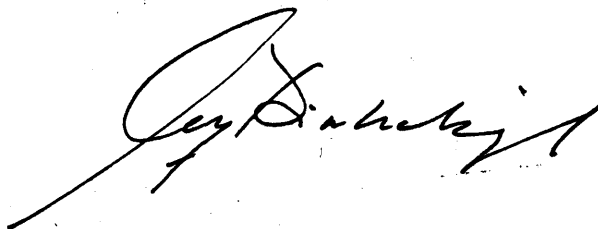
- I. an arrangement between the Community and Sweden concerning trade in beef, including cooked preparations. The text of this arrangement is set out in Annex I to this letter;
- II. tariff quotas granted by the Community to Sweden. These concessions are set out in Annex II to this letter;
- III. zero-duty tariff quotas granted by Sweden to the Community. These concessions are set out in Annex III to this letter;
- IV. tariff concessions granted by Sweden to the Community. These concessions are set out in Annex IV to this letter;
- V. an arrangement between the Community and Sweden concerning trade in spirituous beverages. The text of this arrangement is set out in Annex V to this letter;
- VI. rules of origin for the purpose of implementing the abovementioned arrangements and concessions. These rules are set out in Annex VI to this letter.

This exchange of letters shall be approved by the Contracting Parties in accordance with their own procedures.

I should be obliged if you would confirm that the Government of the Kingdom of Sweden is in agreement with the contents of this letter.'

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

*For the Government
of the Kingdom of Sweden*



ANNEX I

ARRANGEMENT

between the European Economic Community and the Kingdom of Sweden concerning reciprocal trade in beef, including cooked preparations

With the aim of fostering the harmonious development of trade in agricultural products, and taking into account the discussions which have taken place in the framework of the negotiations on an EEA Agreement, the European Economic Community and the Kingdom of Sweden have agreed to conclude the following arrangements regulating reciprocal trade in beef, including cooked preparations:

1. Sweden and the Community will open the annual zero-duty tariff quotas indicated below:

(a) *On importation into Sweden*

Beef and cooked preparations originating in the Community and accompanied by an approved certificate:

	Quantity (tonnes in carcase weight equivalent)
— Beef, fresh or chilled, falling within HS heading 0201	4 000
— Cooked preparations, falling within HS subheading ex 1602 50	1 500

(b) *On importation into the Community*

Beef and cooked preparations originating in Sweden and accompanied by an approved certificate:

	Quantity (tonnes in carcase weight equivalent)
— Beef, fresh or chilled, falling within CN code 0201	4 000
— Cooked preparations, falling within CN code 1602 50 90	2 500

2. Sweden and the Community shall ensure that the mutually granted advantages are not compromised by other import measures.
3. Both Parties may consult at any time on the functioning of the Arrangement and, if necessary, modify it by mutual agreement, taking into account, in particular, developments in prices, production, sales and consumption of the relevant products in their respective markets.
- In particular, if in the course of a quota year the quantities fixed for imports into Sweden and/or into the Community are reached, the Parties shall enter into consultations at the request of either in order to examine the possibility of modifying the originally agreed import quantities.
4. This Arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Kingdom of Sweden.
5. This Arrangement shall enter into force on the same date as the EEA Agreement.

However, should that date not coincide with the beginning of the calendar year, the provisions referred to in point 1 shall be applied *pro rata temporis* for the first year.

ANNEX II

TARIFF QUOTAS GRANTED BY THE EUROPEAN ECONOMIC COMMUNITY TO THE KINGDOM OF SWEDEN

1. As from the date of entry into force of the EEA Agreement, the Community will open the following annual tariff quotas for products originating in Sweden:

CN code	Description	Duty rate	Quantity (tonnes)
ex 0208 90 90 ex 0210 90 20	Reindeer meat, fresh, chilled, frozen, dried or smoked	Free	200
0406	Cheese and curd	Free	1 000
0710 21	Frozen peas	6 %	12 000 ⁽¹⁾
ex 0710 30	Frozen spinach	Free	500
ex 0710 80 90	Frozen dill and parsley	Free	200
ex 0811 90 10 30 50 70 90	Frozen Swedish berries (cloudberries, <i>vaccinium myrtillus</i> , <i>vaccinium myrtilloides</i> and <i>vaccinium angustifolium</i>) ⁽³⁾	Free	4 000
1517 10 10 90	Margarine ⁽²⁾	Free	1 000
ex 2004 90 99	Vegetable gratins and dietetic preparations	Free	500
ex 2005 10 00	Homogenized vegetables infant food preparations	Free	250
ex 2005 20 90	Potato crisps	Free	200
ex 2007 10 99	Jams, jellies, marmalades (<i>vaccinium myrtillus</i> , <i>vaccinium myrtilloides</i> and <i>vaccinium angustifolium</i> , cloudberries) ⁽³⁾	Free	500
ex 2009 80 90	Fruit juices and mixtures (raspberries, <i>vaccinium myrtillus</i> , <i>vaccinium myrtilloides</i> and <i>vaccinium angustifolium</i> , cloudberries, redcurrants, blackcurrants) ⁽³⁾	Free	250
2309 10	Petfood	Free	5 000

⁽¹⁾ The quantity includes 6 000 tons granted to Sweden in the 1986 agreement between Sweden and the Community following the accession of Spain and Portugal.

⁽²⁾ Concessions do not include variable levies.

⁽³⁾ Additional sugar levy will still apply.

2. If the actual entry into force does not coincide with the beginning of the calendar year, the abovementioned quantities shall be applied on a *pro rata temporis* basis for the first year.

ANNEX III

TARIFF QUOTAS GRANTED BY THE KINGDOM OF SWEDEN TO THE EUROPEAN ECONOMIC COMMUNITY

1. As from the date of entry into force of the EEA Agreement, Sweden will open the following annual zero-duty tariff quotas for products originating in the Community:

Swedish tariff heading	Description	Quantity (tonnes)
0406 400 901 ex 0406 909	Blue veined and other moulded cheese, fermented fresh cheese and Feta	1 300
0601 109 201 209	Bulbs, tubers, etc.	750
0604 911	Fresh adiantum, asparagus	100
0710 220	Frozen beans	700
0710 30	Frozen spinach	500
0710 801	Frozen carrots, onions and shallots	1 000
ex 0710 809	Other frozen vegetables (mushrooms, tomatoes, artichokes, aubergines and Brussels sprouts)	2 000
1517 101 109	Margarine ⁽¹⁾	1 000
2003 101	Mushrooms (<i>Psalliota</i> , <i>Agaricus</i>), prepared or preserved, otherwise than by vinegar or acetic acid	2 500
2007 910	Citrus marmalades ⁽²⁾	700
2007 991	Jams of strawberries, blackcurrants, apples ⁽²⁾	300
2007 999	Other jams, jellies, marmalades ⁽²⁾	1 000
2009 902	Other fruit juice mixtures ⁽²⁾	200
2309 102 2309 109	Pet food ⁽³⁾	5 000

⁽¹⁾ Additional fat levy will still apply.

⁽²⁾ Additional sugar levy will still apply.

⁽³⁾ Concessions exclude products containing more than 5% milk powder by weight of the dry matter.

2. If the actual entry into force does not coincide with the beginning of the calendar year, the abovementioned quantities shall be applied on a *pro rata temporis* basis for the first year.

ANNEX IV

TARIFF CONCESSIONS GRANTED BY THE KINGDOM OF SWEDEN TO THE EUROPEAN ECONOMIC COMMUNITY

As from the date of entry into force of the EEA Agreement, the Kingdom of Sweden will grant to the European Economic Community the following tariff concessions for products originating in the Community.

Swedish tariff heading	Description	Concessional rate
ex 0603 101	Strelitzia	Free
0603 103	Fresh carnations December to February	Free
ex 0603 108	Other cut flowers; Anthurium, ornitogallum, protea March to November	Free
ex 0603 109	Other cut flowers; Anthurium, ornitogallum, protea December to February	Free
ex 0703 101	Onions (common onions) September to November	Free
0703 102	Onions (common onions) December to May	Free
0703 104	Common onions and shallots, other than newly harvested 1 March to 15 July	Free
0703 105	Shallots May to November	Free
0703 106	Shallots December to April	Free
ex 0705 111	Iceberg lettuce 1 to 30 November	Free
ex 0705 112	Iceberg lettuce 1 December to 30 April	Free
0705 119	Other head lettuce than iceberg 16 December to 29 February	Free
0707 009	Gherkins 1 October to 15 June	Free
0709 201	Asparagus May to June	10 %
0709 301	Aubergines May to November	7 %
ex 0709 908	Courgettes May to November	Free
0710 290	Leguminous vegetables other than peas and beans, frozen	Free
ex 0710 802	Sweet peppers, frozen	Free
0712 909	Dried vegetables other than garlic asparagus, sweet corn and mixtures other than mixtures containing potatoes, garlic, asparagus, sweet corn, truffles and mushrooms etc.	Free
0807 101	Water melons 16 June to 30 September	Free
0807 102	Other melons than watermelons 16 June to 30 September	12 %
0809 201	Cherries 16 June to 31 July	Free

Swedish tariff heading	Description	Concessional rate
0809 401	Plums 16 July to 30 September	10 %
0810 102	Strawberries, fresh 1 September to 7 June	Free
ex 0811 100	Frozen strawberries	Free ⁽¹⁾
ex 0812 909	Apricots, provisionally preserved	Free
	Olive oil:	
1509 100	Virgin oil	Free ⁽²⁾
901	for technical uses only	Free ⁽²⁾
902	Other: solid fractions	Free ⁽²⁾
909	Other: other products	Free ⁽²⁾
1804 000	Cocoa butter (fat or oil)	Free
ex 2004 905	Processed artichokes, frozen	Free
ex 2005 903	Preserved artichokes	Free
2204 101	Sparkling wine of an alcoholic strength exceeding 0,5 % by volume but not 1,8 % by weight	Free
2204 109	Sparkling wine of an alcoholic strength exceeding 1,8 % by weight	Free
	Other wine: grape must with fermentation prevented or arrested by the addition of alcohol:	
	— in containers of two litres or less of an alcoholic strength:	
2204 212	— Exceeding 1,8 % by weight but less than 15 % by volume	Free
2204 219	— Exceeding 15 % by volume	Free
	— in containers of more than two litres, of an alcoholic strength exceeding 1,8 % by weight but less than 15 % by volume:	
2204 292	— in containers of 10 litres and less	Free
2204 293	— in other containers	Free
	— in containers of more than two litres, of an alcoholic strength exceeding 15 % by volume:	
2204 294	— in containers of 10 litres and less	Free
2204 299	— in other containers	Free
2204 300	Other grape must	Free
ex 2209	Wine vinegar	Free

⁽¹⁾ Concession does not include sugar levy.

⁽²⁾ Fat levy not included in concession.

ANNEX V

ARRANGEMENT

between the European Economic Community and the Kingdom of Sweden concerning trade in spirituous beverages

With the aim of fostering the harmonious development of trade in agricultural products, and taking into account the discussions which have taken place in the framework of the negotiations on an EEA Agreement, the European Economic Community and the Kingdom of Sweden have agreed to conclude a bilateral arrangement concerning trade in spirituous beverages, the provisions of this arrangement being as follows:

1. For the products indicated below, the import duties will be reduced to zero:
 - (a) *on importation into Sweden*
 - spirituous beverages, falling within HS code 2208, originating in the Community;
 - (b) *on importation into the Community*
 - vodka in bottles ⁽¹⁾, falling within HS code ex 2208 90, originating in Sweden and accompanied by an approved certificate of authenticity. This concession will be fully applied by Spain and Portugal at the end of the period of transition provided for in the 1985 Act of Accession. During the period of transition, the application of tariff reductions by Spain and Portugal will not lead to more favourable treatment being granted to Sweden than to the other Member States of the Community.
2. The Government of the Kingdom of Sweden will ensure that the published price levels made available to the public faithfully reflect any reduction of the cost of importation resulting from the concession stated above.
3. Vin och Sprit AB will include in its product assortment and retail price list certain brands of 'Weinbrand' originating in the Community.
4. Consultations will be held at the request of either party on any question relating to the operation of this arrangement.

The two Parties may, by mutual consent, amend it by reference in particular to the development in trade of the products concerned.
5. The Contracting Parties shall ensure that the agreed mutual advantages are not jeopardized by other measures.
6. This arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Kingdom of Sweden.
7. This arrangement shall enter into force on the same date as the EEA Agreement.

⁽¹⁾ For the purpose of this Arrangement, vodka is defined in the following manner: vodka originating in Sweden, with an alcoholic strength of 60 % vol or less, obtained exclusively by distillation of a fermented mash of cereals, corresponding to the provisions applicable in the Community or its Member States.

ANNEX VI

RULES OF ORIGIN

1. 1. For the purpose of implementing the Agreement, a product shall be considered to be originating either in the Community or in Sweden if it has been wholly obtained there.
2. The following shall be considered as wholly obtained either in the Community or in Sweden:
 - (a) vegetable products harvested there;
 - (b) live animals born and raised there;
 - (c) products from live animals raised there;
 - (d) goods produced there exclusively from products specified in (a) to (c).
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.
2. Notwithstanding point 1, the products mentioned in columns 1 and 2 of the list in this Appendix, obtained either in the Community or in Sweden, 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.
3. 1. The preferential treatment provided for under the Agreement applies only to products which are transported directly from the Community to Sweden or from Sweden to the Community without passing through the territory of another country. However, products constituting one single consignment may be transported through territory other than that of the Community and Sweden with, should the occasion arise, transhipment or temporary warehousing in such territory, provided that the products have remained under the surveillance of the customs authorities in the country of transit or of warehousing and that they have not undergone operations other than unloading, reloading or any other operation designed to preserve them in good condition.
2. Evidence that the conditions referred to in point 3.1 have been fulfilled shall be supplied to the customs authorities of the importing country in accordance with Article 13 (2) of Protocol 4 to the EEA Agreement.
4. 1. Originating products within the meaning of this Annex shall, on importation into the Community or Sweden, benefit from the Agreement upon submission of either a movement certificate EUR.1 or an invoice declaration, issued or made out in accordance with Title V of Protocol 4 to the EEA Agreement.
2. The documents referred to in point 4.1 shall clearly indicate the origin of the products concerned by using the words 'Community' or 'Sweden', in one of the languages in which the Agreement is drawn up, followed by the letters 'AGRI' inserted between brackets. In the case of the invoice declaration, this indication shall replace the reference to 'EEA preferential origin' in the text of the declaration given in Appendix IV of Protocol 4 to the EEA Agreement.
3. Notwithstanding points 4.1 and 4.2, the certificate referred to in Annex V for vodka shall be accepted as valid proof of origin within the meaning of this Agreement without it being necessary to submit a movement certificate EUR.1 or an invoice declaration.
5. The provisions of Titles IV (drawback or exemption), V (proof of origin) and VI (arrangements for administrative cooperation) of Protocol 4 to the EEA Agreement shall apply *mutatis mutandis*. As far as the provisions of Title IV are concerned, 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 EEA Agreement applies.

Appendix

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

HS heading	Description of product	Working or processing carried out non-originating materials that confers originating status
(1)	(2)	(3)
ex 0210	Reindeer meat	Manufacture in which all the materials of headings No 0208 and 0210 used must be wholly obtained
ex 0406	Cheese	Manufacture in which all the materials of Chapter 4 used must be wholly obtained
ex 0811	Frozen Swedish berries (cloudberries, <i>v. myrtillus</i> , <i>v. myrtilloides</i> and <i>v. angustifolium</i>)	Manufacture in which all the berries of Chapter 8 used must be wholly obtained
ex 1517	Margarine, excluding liquid margarine	Manufacture in which: — all the materials used are classified within a heading other than that of the product, and — all the materials of Chapter 4 used must be wholly obtained
ex 1602	Prepared or preserved meat or meat offal of bovine animals	Manufacture in which all the materials of Chapters 1 and 2 used must be wholly obtained
1804	Cocoa butter, fat and oil	Manufacture in which all the materials used are classified in a heading other than that of the product
ex 2003	Mushrooms (<i>Psalliota</i> , <i>Agaricus</i>), prepared or preserved otherwise than by vinegar or acetic acid	Manufacture in which all the mushrooms used must be wholly obtained
ex 2004	Artichokes prepared or preserved otherwise than by vinegar or acetic acid, frozen	Manufacture in which all the artichokes used must be wholly obtained
ex 2004	Vegetable gratins and dietetic preparations	Manufacture in which all the vegetables of Chapter 7 or 20 used must be wholly obtained. However, vegetables originating in the other Contracting Party may be used.
ex 2005	Artichokes prepared or preserved otherwise than by vinegar or acetic acid, not frozen	Manufacture in which all the artichokes used must be wholly obtained
ex 2005	Homogenized vegetables, infant food preparations	Manufacture in which all the vegetables of Chapter 7 or 20 used must be wholly obtained. However, vegetables originating in the other Contracting Party may be used
ex 2005	Potato crisps	Manufacture in which all the materials used are classified in a heading other than that of the product
ex 2007	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter	Manufacture in which: — all the materials used are classified within a heading other than that of the product, and — the value of any materials of Chapter 17 used does not exceed 30 % of the ex-work price of the product
ex 2009	Juices of raspberries, cloudberries, redcurrants, blackcurrants and of fruit of the species' <i>vaccinium myrtillus</i> and <i>vaccinium myrtilloides</i> and <i>vaccinium angustifolium</i> or mixtures of these juices; mixtures of juices containing juices of apples, pears, cherries or plums but not containing juices of blackcurrants or strawberries	Manufacture in which all the fruits used must be wholly obtained

HS heading	Description of product	Working or processing carried out non-originating materials that confers originating status
(1)	(2)	(3)
ex 2204	Sparkling wine; other wine of fresh grapes and grape must with fermentation prevented or arrested by the addition of alcohol, except products containing more than 0,5% by volume but not more than 1,8% by weight of alcohol; other grape must	Manufacture in which all the grapes or any materials derived from grapes used must be wholly obtained
ex 2208	Spirits, liqueurs and other spirituous beverages: — Ouzo — Other	Manufacture: — from materials not classified within heading No 2207 or 2208, and — in which all the grapes or any material derived from grapes used must be wholly obtained Manufacture: — from materials not classified within heading No 2207 or 2208, and — in which all the grapes or any material derived from grapes used must be wholly obtained or if all the other materials used are already originating, arrack may be used up to a limit of 5% by volume
ex 2209	Wine vinegar	Manufacture in which: — all the materials used are classified in a heading other than that of the product, and — all the grapes or any material derived from grapes used must be wholly obtained.
ex 2309	Dog or cat food, put up for retail sale	Manufacture in which all the materials of Chapter 2 used must be wholly obtained

Information on the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Kingdom of Sweden on the provisional application of the Agreement on certain arrangements in the field of agriculture ⁽¹⁾

The Agreement in the form of an exchange of letters between the European Economic Community and the Kingdom of Sweden on the provisional application of the Agreement on certain arrangements in the field of agriculture was signed on 17 March 1993 and entered into force on the same date.

⁽¹⁾ See page 59 of this Official Journal.