

**Accord de libre-échange entre les Etats de l'AELE et la République de Bulgarie**

Vu la proposition du DFEP du 16 mars 1993

Vu les résultats de la procédure de co-rapport, il est

décidé

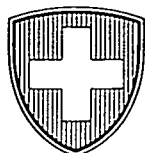
1. Le texte paraphé de l'Accord de libre-échange entre les Etats de l'AELE et la République de Bulgarie est approuvé.
2. Le Chef du Département de l'économie publique, le Secrétaire d'Etat Franz Blankart ou un représentant de l'Office fédéral des affaires économiques extérieures désigné par ses soins, est chargé de signer l'Accord et ses annexes.
3. La Chancellerie fédérale est appelée à établir les pouvoirs nécessaires à la signature de l'Accord et ses annexes.
4. Le texte paraphé de l'échange de lettres entre la Suisse et la République de Bulgarie concernant le domaine agricole est approuvé.
5. Le Chef du Département de l'économie publique, le Secrétaire d'Etat Franz Blankart ou un représentant de l'Office fédéral des affaires économiques extérieures désigné par ses soins, est chargé de signer l'échange de lettres.
6. La Chancellerie fédérale est chargée le moment venu d'établir les pouvoirs nécessaires à la signature de l'échange de lettres.
7. Ces deux instruments pourront être appliqués à titre provisoire dès le 1er juillet 1993 à condition que la République de Bulgarie les applique également à cette date.

Pour extrait conforme:

Muesal Mueller

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EIDGENÖSSISCHES VOLKSWIRTSCHAFTSDEPARTEMENT
 DÉPARTEMENT FÉDÉRAL DE L'ÉCONOMIE PUBLIQUE
 DIPARTIMENTO FEDERALE DELL'ECONOMIA PUBBLICA
 DEPARTAMENT FEDERAL DA L'ECONOMIA PUBLICA

2515.7

Berne, le 16 mars 1993

Au Conseil fédéral

Accord de libre-échange entre les Etats de l'AELE et la République de Bulgarie

Nous vous soumettons par la présente une proposition vous invitant à approuver la participation de la Suisse à l'Accord de libre-échange entre les Etats de l'AELE et la Bulgarie paraphé le 26 février 1993 ainsi qu'un arrangement - sous la forme d'un échange de lettres - entre la Suisse et la Bulgarie dans le domaine agricole. La mise en vigueur de ces deux instruments est prévue pour le 1er juillet 1993.

1. Origine de l'Accord entre les Etats de l'AELE et la Bulgarie

A la suite des bouleversements politiques et économiques qui ont secoué l'Europe centrale et orientale au cours de l'année 1989, les pays de l'AELE ont signé des déclarations de coopération avec la Hongrie, la Pologne et la République fédérative tchèque et slovaque (RFTS) en juin 1990, puis avec la Roumanie, la Bulgarie et les Etats baltes en décembre 1991. Ces Déclarations marquent la volonté des pays de l'AELE d'établir des liens étroits avec ces pays et de soutenir leurs réformes durant le processus de transition vers une économie de marché. Le rapprochement entre l'AELE et les pays en transition s'effectue sur deux plans: la coopération économique dans des domaines étroitement liés au commerce international (politique commerciale, standardisation, etc.) et l'établissement d'une zone de libre-échange aussi compatible que possible avec les autres zones déjà existantes en Europe.

Les pays de l'AELE et la Bulgarie ont décidé en juin 1992, lors de la première réunion du Comité mixte établi par la Déclaration de coopération, d'ouvrir des négociations en vue de la création d'une zone de libre-échange. Ces négociations ont débuté en novembre 1992 et trois rondes ont suffi pour mettre l'accord sous toit. La durée relativement courte de ces négociations s'explique par la volonté de la Bulgarie de se rattacher au réseau d'accords de libre-échange conclus par la CE et les Etats de l'AELE avec plusieurs pays est-européens en transition (Hongrie, Pologne, Républiques tchèque et slovaque, Roumanie). Le déroulement de ces négociations a également démontré que la Bulgarie avait considérablement avancé dans la libéralisation de son commerce extérieur en comparaison avec d'autres pays de la région. Les produits agricoles font l'objet d'arrangements bilatéraux entre chaque pays de l'AELE et la Bulgarie. Malgré des exigences au départ élevées de la Bulgarie, la Suisse n'a finalement octroyé que des concessions limitées et de nature uniquement tarifaire qui ne portent en rien préjudice à notre politique agricole (voir chiffre 4). Comme dans le cas de la RFTS, de la Hongrie et de la Pologne, l'accord de libre-échange Etats de l'AELE-Bulgarie a été autant que

possible négocié en parallèle avec les négociations qui ont abouti, en décembre 1992, à la conclusion d'un accord d'association entre la CE et la Bulgarie.

Si les échanges commerciaux entre la Suisse et la Bulgarie sont à l'heure actuelle encore modestes, ils recèlent un potentiel de croissance certain. L'Accord de libre-échange entre les pays de l'AELE et la Bulgarie va renforcer ce potentiel en facilitant l'accès des produits bulgares sur le marché suisse. L'Accord s'inscrit dans la politique d'ouverture et de soutien aux réformes suivie par le Conseil fédéral envers les pays d'Europe centrale et orientale.

2. Contenu de l'Accord

Le contenu de l'Accord AELE-Bulgarie est très similaire à celui des autres accords conclus par les pays de l'AELE avec des pays d'Europe centrale et orientale. Il couvre le secteur industriel, les produits agricoles transformés, les poissons et autres produits de la pêche. L'objectif de l'Accord est, d'une part, d'assister la Bulgarie dans son processus de transition en facilitant l'accès des produits bulgares sur les marchés des pays de l'AELE. D'autre part, il permet d'assurer un traitement égal entre les exportateurs des pays de l'AELE et ceux de la Communauté européenne sur le marché bulgare.

L'Accord est de type asymétrique: au cours de la période transitoire se terminant au 31 décembre 2002, les pays de l'AELE consentent à la Bulgarie des concessions plus importantes que celles qu'ils obtiennent en échange de cette dernière. L'asymétrie porte à la fois sur le démantèlement des barrières douanières et sur l'application pleine et entière de certaines dispositions de l'Accord comme les articles sur les paiements, les achats publics et les aides gouvernementales. Cette approche, également suivie par la CE, a pour but de prendre en compte la situation de transition de l'économie bulgare, ainsi que les différences de développement économique entre les participants à l'Accord. A la fin de la période transitoire, quand les droits et obligations qui relèvent de l'Accord seront identiques pour les deux parties, le libre-échange sera effectivement atteint.

Les produits de l'AELE feront l'objet à l'importation en Bulgarie de droits de douane et de charges d'effets équivalents qui seront progressivement démantelés au cours de la période transitoire suivant des calendriers établis en annexe à l'Accord. Le démantèlement des droits de douane et des charges bulgares s'effectuera pour les importations originaires des pays de l'AELE au même rythme que pour celles originaires de la CE. Les produits bulgares entreront à droit nul sur les marchés de l'AELE dès l'entrée en vigueur de l'Accord, à l'exception des produits sensibles (essentiellement textiles et acier) spécifiés par l'Autriche, la Norvège et la Suède. Les deux Parties s'engagent à maintenir un certain parallélisme en ce qui concerne une éventuelle extension des concessions accordées au cours de la période transitoire dans le cadre de l'Accord de libre-échange pays de l'AELE-Bulgarie et des Accords d'association CE-Bulgarie. Les possibilités d'accélérer le processus de libéralisation des échanges seront examinées par le comité mixte.

L'Accord comprend un ensemble de dispositions conformes aux exigences actuelles d'un accord de libre-échange. Par l'étendue des domaines couverts, il va au-delà des Accords de libre-échange de 1972 conclus entre chaque pays de l'AELE et la CE. C'est ainsi qu'il porte

sur des domaines tels que les obstacles techniques aux échanges, les achats publics, les monopoles publics et la protection de la propriété intellectuelle. Même si certaines différences existent entre les accords de l'AELE et les accords de la CE en ce qui concerne le contenu de certaines dispositions horizontales (par exemple, pour les règles de concurrence et les aides gouvernementales, la CE dispose de compétences étendues basées sur le Traité de Rome alors que dans le cas de l'AELE, ces mêmes compétences ne sont pas centralisées), les systèmes de règles liées à la concurrence sont largement compatibles. L'Accord intègre également les clauses de sauvegarde habituellement contenues dans tout accord de libre-échange. En plus des clauses standards, la Bulgarie peut faire appel, pendant la période transitoire, à une clause de sauvegarde spécifique dans le cas où l'ajustement structurel de son économie serait gravement menacé. La Suisse, qui à la différence des autres pays de l'AELE n'a pas déposé de listes de produits sensibles, a négocié le droit à une clause de sauvegarde particulière pour parer, pendant la période transitoire, à un éventuel détournement de trafic résultant de différences dans les droits de douane appliqués par les pays de l'AELE. L'Accord comprend également une clause évolutive classique. Les domaines étroitement liés au commerce des marchandises (services et investissements) sont mentionnés dans un protocole d'entente qui contient en outre des spécifications et des précisions sur certaines dispositions de l'Accord.

Les conséquences financières de cet Accord sont modestes pour la Suisse puisque le montant des droits de douane perçus sur les importations suisses en provenance de Bulgarie était de l'ordre de 440'000 de francs en 1992 (222'000 francs pour les produits industriels et 217'000 de francs pour les produits agricoles).

3. Implications de cet Accord pour la Suisse

3.1. Les relations commerciales Suisse-Bulgarie

Les échanges commerciaux entre la Suisse et la Bulgarie sont actuellement relativement modestes et se concentrent dans quelques secteurs (machines, produits chimiques et pharmaceutiques, produits agricoles). Pays d'Europe centrale et orientale le plus lié à l'ex-CAEM, la Bulgarie est parvenue depuis 1991 à réorienter une grande partie de ses échanges en direction de l'Ouest. Le volume des exportations suisses vers la Bulgarie s'est réduit depuis 1991 par rapport à ce qu'il était dans les années quatre-vingts mais au vu des chiffres de l'année dernière, une reprise semble s'amorcer.

Les exportations suisses vers la Bulgarie se sont élevées à 98 millions de francs en 1992, en hausse de 42% par rapport à 1991. En 1992, les produits chimiques ont constitué avec 30% pour cent la part la plus importante des exportations suisses vers la Bulgarie, suivies par les machines (25%), les produits agricoles (8%) et les produits pharmaceutiques (7.5%).

Les importations suisses en provenance de la Bulgarie se sont élevées à 18 millions de francs en 1992, en hausse de 3% par rapport à 1991. Elles sont pour près de la moitié constituées de produits agricoles (47%), suivies par les machines (19%) et les meubles/fournitures (9%).

Les échanges commerciaux entre les deux pays se sont soldés en 1992 par un surplus de la balance commerciale de 80 millions de francs en faveur de la Suisse.

3.2. Les relations économiques Suisse-Bulgarie

Les relations économiques bilatérales entre la Bulgarie - qui n'est pas encore membre du GATT - et la Suisse font l'objet d'un accord commercial de 1973 prévoyant l'octroi mutuel de la clause de la nation la plus favorisée. Le maintien de cet accord se justifie aussi longtemps que la Bulgarie n'aura pas terminé sa négociation d'accession au GATT en cours depuis 1986. La Suisse octroie à la Bulgarie depuis 1976 des préférences (avec quelques exceptions) dans le cadre de son système généralisé de préférence en faveur des pays en développement (SGP). La Bulgarie est au bénéfice de tous les avantages du système suisse depuis le 1er janvier 1992. Dans le domaine industriel, l'Accord de libre-échange correspond pour la Suisse à une consolidation, dans le cadre d'un accord préférentiel, des concessions octroyées jusqu'ici de manière unilatérale. Dans le domaine agricole, l'octroi de notre SGP cessera avec l'entrée en vigueur de l'arrangement bilatéral Suisse-Bulgarie (voir point 4). Certains produits jusqu'ici au bénéfice de notre SGP et qui représentent une grande importance pour la Bulgarie font l'objet de concessions accordées par la Suisse dans le cadre de cet arrangement.

Un accord de double imposition et un accord de protection et de promotion des investissements ont été signés le 28 octobre 1991 à Berne. Les procédures en vue de leurs ratifications ont été finalisées du côté suisse mais pas encore du côté bulgare.

Dans le cadre de l'assistance donnée par le G-24, la Suisse a proposé en 1991 à la Bulgarie une aide à la balance des paiements d'un montant de 32 millions de dollars. L'accord bilatéral correspondant a été signé en septembre 1992 et a été approuvé en janvier 1993 par le Parlement bulgare. Sa mise en application est sur le point de débiter.

Le Conseil fédéral a décidé en août 1992 d'octroyer à la Bulgarie, sur les 800 millions de francs de crédit en faveur de l'Europe centrale et orientale, une garantie de crédit d'un montant de 45 millions de francs et une assistance financière de 30 millions de francs. Les premières garanties ont déjà été attribuées. L'accord d'assistance a été signé en décembre 1992 à Sofia. Les mesures prévues concernent les secteurs de l'énergie, de l'environnement, de l'infrastructure et de la santé.

4. Arrangement bilatéral dans le domaine agricole

Des arrangements bilatéraux dans le domaine agricole ont été conclus entre chaque pays de l'AELE et la Bulgarie. La Bulgarie a ouvert les négociations avec la Suisse en lui soumettant des demandes de concessions portant sur une liste de deux cent quarante produits agricoles. La Suisse a indiqué que les concessions devaient se limiter aux produits les plus importants pour l'agriculture bulgare et porter uniquement sur des droits de douane dont le niveau serait soit abaissé, soit réduit à zéro, comme dans le cas de l'arrangement conclu avec la Roumanie en décembre 1992. La Bulgarie a finalement accepté de négocier sur cette base et un arrangement portant sur une centaine de positions tarifaires a pu être conclu; il a été

paraphé le même jour que l'Accord entre les Etats de l'AELE et la Bulgarie (26 février). Etant donné que la quantité totale des importations de produits importants pour notre politique agricole reste réglée par des mesures non-tarifaires, les concessions tarifaires octroyées à la Bulgarie n'ont qu'une incidence limitée sur notre agriculture.

L'arrangement avec la Bulgarie comprend des règles d'origine et des méthodes de coopération administrative pour les produits couverts par celui-ci. Il comprend également une clause évolutive destinée à passer en revue les difficultés qui pourraient surgir dans les échanges de produits agricoles entre les deux pays et à développer ces échanges dans les limites fixées par leurs politiques agricoles respectives et par leurs engagements internationaux tout en tenant compte des résultats de l'Uruguay Round.

5. Relation avec les autres instruments de politique commerciale

L'Accord pays de l'AELE-Bulgarie et l'arrangement bilatéral Suisse-Bulgarie portant sur les produits agricoles s'inscrivent dans le cadre de l'article XXIV du GATT.

L'Accord est par ailleurs compatible avec les objectifs poursuivis par notre politique d'intégration européenne. Du moment que son contenu est largement semblable aux dispositions de libre-échange de l'accord d'association conclu par la CE avec la Bulgarie, la mise en vigueur de l'Accord n'entraînera pas de divergences nouvelles entre la politique commerciale pratiquée par la Suisse et celle de la CE vis-à-vis de ce pays. L'arrangement bilatéral pour les produits agricoles reflète les régimes différents appliqués actuellement par la Suisse et la CE dans le domaine agricole.

6. Signature de l'Accord et procédure d'approbation des Chambres fédérales

La signature de l'Accord est prévue pour le 29 mars 1993 à Genève. D'ici là, l'Autriche et la Bulgarie devront encore trouver une solution à certains problèmes d'ordre bilatéral. La Suisse, assurant la présidence de l'AELE pour cette occasion, sera représentée par le Chef du Département de l'Economie publique ou par le Secrétaire d'Etat Franz Blankart. La Suisse entend également procéder à la signature de l'arrangement bilatéral dans le domaine agricole.

Selon l'article 39 de l'Accord, l'entrée en vigueur est prévue au 1er juillet 1993. Etant donné l'intérêt économique - notamment la nécessité d'éviter un risque de discrimination vis-à-vis des concurrents de la CE - et politique d'un tel Accord, celui-ci devrait être appliqué dès que possible. Etant donné que les Chambres ne pourront être saisies de l'Accord avant cette date, ceci pourrait se faire moyennant une application à titre provisoire sur la base de l'article 2 de la loi fédérale du 25 juin 1982 sur les mesures économiques extérieures (RS 946.201), sous réserve d'approbation ultérieure par les Chambres.

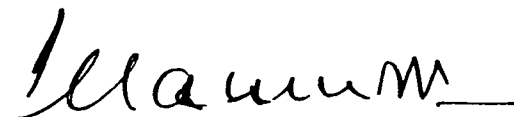
Les Chambres fédérales seront appelées à approuver l'Accord de libre-échange Etats de l'AELE-Bulgarie et la participation de la Suisse à cet Accord ainsi que l'arrangement bilatéral concernant le domaine agricole par le biais d'un message qui leur sera soumis d'ici à la fin de l'année.

7. Résultat de la procédure de consultation des Offices

La Chancellerie fédérale, la Division politique I, le Service économique et financier et la Direction du droit international public du DFAE, l'Office fédéral de la justice et l'Office fédéral de la propriété intellectuelle du DFJP, l'Administration fédérale des finances et l'Administration fédérale des douanes du DFF ainsi que l'Office fédéral de l'agriculture du DFEP ont été consultés et leurs éventuelles remarques prises en compte.

Nous vous proposons d'approuver le projet de décision ci-joint.

DEPARTEMENT FEDERAL DE L'ECONOMIE PUBLIQUE

A handwritten signature in black ink, appearing to read 'Maurice', followed by a horizontal line.

Annexes: 1 texte d'Accord paraphé
1 échange de lettres
1 projet de décision du Conseil fédéral

Pour co-rapport: DFAE
DFF
DFJP

Extrait du procès-verbal à: DFEP (SG 5, OFAG 5, OFAEE 10)
DFAE
DFF
DFJP
Chancellerie fédérale (pour exécution)

Accord de libre-échange entre les Etats de l'AELE et la République de Bulgarie

Vu la proposition du DFEP du

Vu les résultats de la procédure de co-rapport, il est

décidé

1. Le texte paraphé de l'Accord de libre-échange entre les Etats de l'AELE et la République de Bulgarie est approuvé.
2. Le Chef du Département de l'économie publique, le Secrétaire d'Etat Franz Blankart ou un représentant de l'Office fédéral des affaires économiques extérieures désigné par ses soins, est chargé de signer l'Accord et ses annexes.
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7. Ces deux instruments pourront être appliqués à titre provisoire dès le 1er juillet 1993 à condition que la République de Bulgarie les applique également à cette date.

Pour extrait conforme:

26.02.93

Sir,

I have the honour to refer to the discussions concerning a trade arrangement for agricultural products between the Swiss Confederation (hereinafter called Switzerland) and the Republic of Bulgaria (hereinafter called Bulgaria), which have taken place in the framework of the negotiations on a Free Trade Agreement between EFTA States and Bulgaria, and aimed particularly at implementing article 13 of that Agreement.

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

- I. Tariff concessions granted by Switzerland to Bulgaria as set out in Annex I to this letter.
- II. For the purpose of implementing Annex I, Annex II to this letter lays down the rules of origin and methods of administrative co-operation.
- III. Annexes I and II constitute an integral part of this arrangement.

Furthermore Switzerland and Bulgaria shall examine any difficulties that might arise in their trade in agricultural products and shall endeavour to seek appropriate solutions. They undertake to continue their efforts with a view to achieving progressive liberalization of agricultural trade, within the framework of their respective agricultural policies and their international commitments, and taking into account the results of the Uruguay Round.

This arrangement shall also apply to the Principality of Liechtenstein as long as this country is bound to the Swiss Confederation by a customs union treaty.

This arrangement shall be approved by the Contracting Parties in accordance with their own procedures. It shall enter into force or be applied provisionally at the same date as the Free Trade Agreement between the EFTA States and Bulgaria in relation to Bulgaria and Switzerland. It shall remain in force as long as Bulgaria and Switzerland are Contracting Parties to the Free Trade Agreement between the EFTA States and Bulgaria.

I should be obliged if you would confirm that the Government of Bulgaria is in agreement with the content of this letter.

Accept, Sir, the assurances of my highest consideration.

For the Swiss Confederation

bb

[Handwritten signature]

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 a trade arrangement for agricultural products between the Swiss Confederation (hereinafter called Switzerland) and the Republic of Bulgaria (hereinafter called Bulgaria), which have taken place in the framework of the negotiations on a Free Trade Agreement between EFTA States and Bulgaria, and aimed particularly at implementing article 13 of that Agreement.

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I should be obliged if you would confirm that the Government of Bulgaria is in agreement with the content of this letter."

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

Accept, Sir, the assurances of my highest consideration.

For the Republic of Bulgaria .

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ANNEX I

26.02.93

**TARIFF CONCESSIONS GRANTED BY THE SWISS CONFEDERATION
TO THE REPUBLIC OF BULGARIA**

As from the date of entry into force of the Free Trade Agreement between the EFTA States and Bulgaria, Switzerland¹⁾ will grant to Bulgaria the following autonomous tariff concessions²⁾ for products originating in Bulgaria.

A. Full tariff elimination

Swiss tariff heading	Description
	Live swine, other than pure-bred breeding animals:
0103.9100	- Weighing less than 50 kg
0103.9200	- Weighing 50 kg or more
0104.1000	Live sheep
0105.9900	Live ducks, geese, turkeys and guinea fowls, weighing more than 185 g
	Meat of bovine animals, fresh or chilled:
0201.1000	- Carcasses and half-carcasses
0201.2000	- Other cut with bone in
0201.3000	- Boneless

1. These concessions shall be applied on imports from Bulgaria to the Principality of Liechtenstein as long as this country is bound to the Swiss Confederation by a customs union treaty.
2. For headings subject to non tariff measures, including charges and levies, Switzerland reserves the right to adapt the concessions in order to take into account any future change in the Swiss import regime for agricultural products i.a. as a result of negotiations (e.g. UR-negotiations). The concessional margins resulting from this Annex shall be maintained on current access opportunities when a new regime is introduced.

bb

fca

Swiss tariff heading	Description
	Meat of bovine animals, frozen:
0202.1000	- Carcasses and half-carcasses
0202.2000	- Other cut with bone in
0202.3000	- Boneless
	Meat of swine (including wild boar), fresh, chilled or frozen:
	- Fresh or chilled:
0203.1100	-- Carcasses and half-carcasses
0203.1200	-- Hams, shoulders and cuts thereof, with bone in
0203.1900	-- other
	- Frozen:
0203.2100	-- Carcasses and half-carcasses
0203.2200	-- Ham, shoulders and cuts thereof, with bone in
0203.2900	-- Other
	Meat of sheep or goats, fresh, chilled or frozen:
0204.1000	Carcasses and half-carcasses of lamb, fresh or chilled
	- Other meat of sheep, fresh or chilled:
0204.2100	-- Carcasses and half-carcasses
0204.2200	-- Other cuts with bone in
0204.2300	-- Boneless
0204.3000	- Carcasses and half-carcasses of lamb, frozen
	- Other meat of sheep, frozen:
0204.4100	-- Carcasses and half-carcasses
0204.4200	-- Other cuts with bone in

Swiss tariff heading	Description
0204.4300	-- Boneless
0204.5000	- Meat of goats
0205.0000	Meat of horses, asses, mules or hinnies, fresh, chilled or frozen
0207.5000	Poultry livers, frozen
0603.1011	Carnations fresh, from 1 May to 25 October
0603.1012	Roses fresh, from 1 May to 25 October
0603.9010	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, not further prepared than dried
ex 0702.0000	Tomatoes, fresh or chilled, imported from 1 November to 31 March
0703.2000	Garlic, fresh or chilled
0704.1000	Cauliflowers and headed broccoli, fresh or chilled
0704.9010	Red cabbages, white cabbages and Savoy cabbages, fresh or chilled
0709.5100	Mushrooms fresh or chilled
0709.6011	Sweet peppers, fresh or chilled, imported from 1 November to 31 March
0712.2000	Onions, dried, whole, cut, sliced, broken or in powder, but not further prepared
0712.3000	Mushrooms and truffles, dried, whole, cut, sliced, broken or in powder, but not further prepared
	Dried leguminous vegetables, shelled:
0713.1010	- Peas, whole, unprocessed
0713.2010	- Chickpeas (garbanzos), whole, unprocessed

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Swiss tariff heading	Description
	- Beans of the species <i>Vigna mungo</i> (L.) Hepper or <i>Vigna radiata</i> (L.) Wilczek, dried:
0713.3110	- - whole, unprocessed
0713.3190	- - other
0713.3210	- Small read (Adzuki) beans (<i>Phaseolus</i> or <i>Vigna angularis</i>), whole, unprocessed
0713.3310	- Kidney beans, including white pea beans (<i>Phaseolus vulgaris</i>), whole, unprocessed
0714.2000	Sweet potatoes, fresh or dried, whether or not sliced or in the form of pellets
0802.3100	Walnuts, fresh or dried, in shell
0802.3200	Walnuts, fresh or dried, shelled
0802.4000	Chestnuts (<i>castanea</i> spp.)
0806.2000	Grapes dried
0809.1010	Apricots, fresh, in open packings
0809.1090	Apricots, fresh, otherwise packed
0809.2000	Cherries fresh
	Plums and sloes, fresh:
0809.4010	- In open packings
0809.4090	- Otherwise packed
0810.1000	Strawberries fresh
0810.2000	Raspberries, blackberries, mulberries and loganberries, fresh
0810.3000	Black, white or red currants and gooseberries, fresh
0813.1000	Apricots, dried
0813.2010	Prunes dried, whole

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Swiss tariff heading	Description
	Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , dried or crushed or ground:
0904.2010	- Unprepared
0904.2090	- Other
0909.2000	Seeds of coriander
0909.4000	Seeds of caraway
0909.5000	Seeds of fennel; juniper berries
0910.4000	Thyme; bay leaves
1202.2000	Ground-nuts, not roasted or otherwise cooked, shelled
1206.0000	Sunflower seed, whether or not broken
1210.1000	Hop cones, fresh or dried, neither ground nor powdered nor in the form of pellets
	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, cut or powdered, other than liquorice and ginseng roots:
1211.9010	- whole, unworked
ex 1211.9090	- other, except basil, borage, rosemary or sage
1212.3000	Apricot, peach or plum stones and kernels, fresh or dried, whether or not ground
1602.2010	Preparations of liver of any animal, with a basis of goose liver
2002.9021	Tomato pulp purée and concentrates, in airtight containers of a weight not exceeding 5 kg, of a dry extract content of 25 % or more by weight, composed of tomatoes and water, whether or not salted or otherwise seasoned
2401.1010	Tobacco, not stemmed/stripped, for the industrial manufacture of cigars, cigarettes, smoking tobacco, chewing tobacco, rolled tobacco and snuff

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Swiss tariff heading	Description
2401.2010	Tobacco, partly or wholly stemmed/stripped, for the industrial manufacture of cigars, cigarettes, smoking tobacco, chewing tobacco, rolled tobacco and snuff
2401.3010	Tobacco refuse, for the industrial manufacture of cigars, cigarettes, smoking tobacco, chewing tobacco, rolled tobacco and snuff

B. 50 % tariff reduction

Swiss tariff heading	Description	Duty rate	
		Current MFN (Fr./100 kg gross)	Concession
0207.2100	Fowls of the species Gallus domesticus, not cut in pieces, frozen	30.00	15.00
0207.2300	Ducks, geese and guinea fowls, not cut in pieces, frozen	30.00	15.00
0207.3100	Fatty livers of geese or ducks, fresh or chilled	45.00	22.50
0207.4100	Cuts and offal other than livers, of fowls of the species Gallus domesticus, frozen	30.00	15.00
0207.4200	Cuts and offal other than livers, of turkeys, frozen	30.00	15.00
0207.4300	Cuts and offal other than livers, of ducks, geese or guinea fowls, frozen	30.00	15.00
0208.1000	Meat and edible meat offal of rabbits or hare, fresh, chilled or frozen	30.00	15.00

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Swiss tariff heading	Description	Duty rate	
		Current MFN (Fr./100 kg gross)	Concession
ex 0208.9000	Meat and edible meat offal of deer, fresh, chilled or frozen	30.00	15.00
0704.2000	Brussels sprouts, fresh or chilled	10.00	5.00
0707.0000	Cucumbers and gherkins, fresh or chilled	10.00	5.00
0708.1000	Peas (<i>Pisum sativum</i>), shelled or unshelled, fresh or chilled	10.00	5.00
0708.2000	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.), shelled or unshelled, fresh or chilled	10.00	5.00
0709.3000	Aubergines, fresh or chilled	10.00	5.00
0709.6012	Sweet peppers, fresh or chilled, imported from 1 April to 31 October	10.00	5.00
0807.1000	Melons (including watermelons), fresh	10.00	5.00
ex 0811.1000	Strawberries, uncooked or cooked by steaming or boiling water, frozen, whether containing added sugar or other sweetening matter nor put up for retail sale, for industrial processing	45.00	22.50
1602.1000	Homogenised preparations of meat, meat offal or blood	85.00	42.50

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Swiss tariff heading	Description	Duty rate	
		Current MFN (Fr./100 kg gross)	Concession
	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid:		
	- Whole or in pieces:		
2002.1010	-- In containers, of a weight exceeding 5 kg	13.00	6.50
2002.1020	-- In containers, of a weight not exceeding 5 kg	23.00	11.50
	- Other:		
2002.9010	-- In containers, of a weight exceeding 5 kg	13.00	6.50
2002.9029	-- In containers, of a weight not exceeding 5 kg	23.00	11.50
2009.5000	Tomato juice	20.00	10.00
2009.6020	Grape juice, concentrated	100.00	50.00
2204.2120	Sweet wine, specialities and mis- telles, in containers holding not more than 2 l	35.00	17.50
2204.2920	Sweet wine, specialities and mis- telles, in containers holding more than 2 l	30.00	15.00

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C. 20 % tariff reduction

Swiss tariff heading	Description	Duty rate	
		Current MFN (Fr./100 kg gross)	Concession
0207.1000	Poultry not cut in pieces, fresh or chilled	30.00	24.00
0207.2200	Turkeys not cut in pieces, frozen	30.00	24.00
0406.1090	Other fresh cheese, than Mascarpone, Ricotta Romana, Mozzarella, unripened or uncured, and curd	50.00	40.00
0409.0000	Natural honey	60.00	48.00
0603.1019	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, imported from 1 May to 25 October, other than carnations or roses	25.00	20.00
0812.2000	Strawberries, provisionally preserved, but unsuitable in that state for immediate consumption	10.00	8.00
	Fruit, dried, other than that of heading Nos. 0801 to 0806 or apricots; mixtures of nuts or dried fruits of this Chapter:		
0813.2090	- Prunes, other than whole	36.00	28.80
0813.3000	- Apples	45.00	36.00
	- Pears:		
0813.4011	-- Whole	12.00	9.60
0813.4019	-- Other	45.00	36.00

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Swiss tariff heading	Description	Duty rate	
		Current MFN (Fr./100 kg gross)	Concession
2204.1000	Sparkling wine of fresh grapes	130.00	104.00

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Rules of origin and methods of administrative co-operation on agricultural products referred to in this arrangement

1. (1) For the purpose of implementing this arrangement, a product shall be considered to be originating in Bulgaria if it has been wholly obtained there.
- (2) The following shall be considered as wholly obtained in Bulgaria:
 - a) vegetable products harvested there;
 - b) live animals born and raised there;
 - c) products from live animals raised there;
 - d) products obtained by hunting there
 - e) goods produced there exclusively from products specified in subparagraphs (2) a) to d)
- (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 to this Annex, obtained in Bulgaria 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 treatment provided for under this arrangement applies only to products which are transported directly from Bulgaria to Switzerland without passing through the territory of another country. However, products originating in Bulgaria and constituting one single shipment which is not split up may be transported through a territory other than that of Switzerland or Bulgaria with, should the occasion arise, trans-

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shipment or temporary warehousing in such territory, provided that the crossing of the latter territory is justified for geographical reasons, that the products have remained under the surveillance of the customs authorities in the country of transit or of warehousing, that they have not entered in the commerce of such countries or been delivered for home use there and have not undergone operations other than unloading, reloading or any operation designed to preserve them in good condition.

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

4. Originating products within the meaning of this arrangement shall, on importation into Switzerland, benefit from the arrangement upon submission of either a movement certificate EUR.1 or an invoice declaration issued or made out in accordance with the provisions of Protocol B to the Agreement between the EFTA States and Bulgaria.
5. The provisions on drawback or exemption of duties, proof of origin and arrangements for administrative cooperation contained in Protocol B to the Agreement between the EFTA States and Bulgaria shall apply *mutatis mutandis*. It is understood that the prohibition of drawback of, or exemption from, customs duties contained in these provisions shall apply only in respect of materials which are of the kind to which the Agreement between the EFTA States and Bulgaria applies.

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Appendix

List of products, referred to in paragraph 2 of Annex II, subject to other conditions 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	Fresh (unripened or uncured) cheese, including whey cheese, and curd	Manufacture in which all the materials of Chapter 4 used must already be originating
ex 0603	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, dried, dyed, bleached, impregnated or otherwise prepared	Manufacture in which all the flowers used must already be originating
ex 0714	Sweet potatoes, fresh or dried, whether or not sliced or in the form of pellets	Manufacture in which all the sweet potatoes used must already be originating
ex 0802	Walnuts, fresh or dried, in shell or shelled	Manufacture in which all the walnuts used must already be originating

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HS heading no.	Description of products	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
ex 0811	Strawberries, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter	Manufacture in which all the strawberries used must already be originating
ex 0812	Strawberries 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	Manufacture in which all the strawberries used must already be originating
ex 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, cut or powdered, other than liquorice and ginseng roots	Manufacture in which all the plants and parts of plants used must already be originating

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HS heading no.	Description of products	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
ex 1202	Ground-nuts, not roasted or otherwise cooked, shelled	Manufacture in which all the ground-nuts used must already be originating
ex 1602	Homogenised preparation of meat, meat offal or blood, preparations and preserves of liver of any animal, with a basis of goose liver; and tinned ham of swine	Manufacture in which all the materials of Chapter 2 used must already be originating
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid	Manufacture in which all the tomatoes of Chapter 7 used must already be originating
ex 2009	Tomato juice and concentrate grape juice, unmixed, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	Manufacture in which all the materials of Chapter 7 and 8 used must already be originating
ex 2204	Sparkling wine of fresh grapes	Manufacture in which all the grapes used must already be originating

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HS heading no.	Description of products	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
ex 2204	Sweetwine, specialities and mistelles	Manufacture in which all the grapes or any materials derived from grapes used must already be originating
ex 2401	Unmanufactured tobacco and tobacco refuse, for the industrial manufacture of cigars, cigarettes, smoking tobacco, chewing tobacco, rolled tobacco and snuff	Manufacture in which all the tobacco of Chapter 24 used must already be originating

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importing State, when and to what extent the documents constituting evidence of originating status shall actually be submitted.

5. The EFTA States and Bulgaria confirm their readiness to consider at a later stage in the Joint Committee the possibility of regional cumulation with the Czech Republic, Hungary, Poland, the Slovak Republic, and with Romania, in the light of progress made in fulfilling the appropriate technical and administrative conditions.

6. With reference to paragraph 1 of Article 5, the EFTA States and Bulgaria declare that the expression "Most Favoured Nation rate of duty applied" means duties listed in the customs tariff (autonomous, conventional as well as the "permanent" tariff suspensions and quotas that are shown therein). However, this expression does not cover temporary tariff suspensions and quotas.

7. With reference to paragraph 1 of Article 5, the EFTA States and Bulgaria agree that where temporary duty suspensions are applied by reason of a specific purpose, or for specific quantities, such suspensions shall not be considered as basic duties applied. The EFTA States and Bulgaria shall inform each other on the day preceding the date of entry into force of the Agreement of the list of products subject to such temporary duty suspensions.

8. With reference to paragraph 2 of Article 5, the EFTA States and Bulgaria confirm that where a reduction of duties is effected by way of a suspension of duties made for a particular period of time, such reduced duties shall replace the basic duties only for the period of such suspension, and that whenever a partial suspension of duties is made, the preferential margin between the States Parties to this Agreement will be preserved.

9. EFTA States and Bulgaria agree that exceptions listed in Annexes V, VII and VIII to Articles 7 and 9 will be reviewed after the entry into force of the Agreement concluded between EFTA States and the European Communities on the European Economic Area.

10. The EFTA States and Bulgaria agree that Articles 7 and 9 do not apply when measures covered by those Articles might be required for the administration of international agreements or for the avoidance of protective measures by the importing State Party.

11. With regard to goods exported from an EFTA State for processing (outward processing) in Bulgaria and processed there (inward processing), or vice versa, the States Parties to this Agreement declare their readiness to discuss, as soon as possible, arrangements under which

RECORD OF UNDERSTANDINGS RELATING TO THE AGREEMENT
BETWEEN THE EFTA STATES AND BULGARIA

1. The EFTA States and Bulgaria recognize that there is a certain parallelism between the levels of concessions regarding tariffs, quantitative restrictions, charges and measures having equivalent effect at the entry into force of the free trade Agreement EFTA-Bulgaria and the Europe Agreement EC-Bulgaria. The EFTA States and Bulgaria further recognize that such a parallelism should basically be maintained during the whole transitional period. If either Party to the Europe Agreement accelerates the removal of the above-mentioned trade barriers, the matter shall be raised in the Joint Committee with the view to obtain a comparable level of liberalization also between the EFTA States and Bulgaria. The possibility of applying such parallelism to concessions granted under special conditions will be considered in the Joint Committee.

2. According to paragraph 3 of Article 3 of Protocol A, Bulgaria may introduce a system of price compensation measures. The EFTA States agree to provide technical assistance in the elaboration and implementation of such a system.

3. The EFTA States and Bulgaria agree to closely coordinate their efforts in training those concerned with the use of the simplified procedure laid down in Protocol B with regard to the issue, control and verification of evidence of origin in order to enable them to be authorized to use this procedure. The EFTA States will continue to use the simplified procedure in the same restricted way as they have done before. Bulgaria will use this procedure in a restricted way. The implementation of the simplified procedure shall be subject to deliberations in the Subcommittee on origin and customs matters.

4. In order not to hamper the introduction of efficient ADP systems in customs administrations, the EFTA States and Bulgaria agree on the following interpretation of the word "submission" in Articles 8 and 12 of Protocol B to the Agreement: In cases where import declarations are transmitted electronically to the customs authorities of the importing State, it rests with these authorities to decide, within the framework and according to the provisions of the customs legislation applicable in the

- such goods would be admitted free of customs duties into Bulgaria or an EFTA State, as the case may be, for processing, subject to re-exportation;
- the products obtained from such processing would be admitted totally or partly free of customs duties and charges having equivalent effect on importation into an EFTA State or Bulgaria, as the case may be.

12. With reference to Article 17(3), sub-paragraph (b), the States Parties to this Agreement shall notify existing multilateral agreements on economic integration in force for a State Party to this Agreement at the entry into force of this Agreement, to all the States Parties by 1 January 1994.

13. As regards the interpretation of Article 18, paragraph 1 (b), the States Parties agree that the words "as a whole" refer to the whole territory of each State Party to this Agreement, taken separately.

14. For the purpose of interpreting Article 19, paragraph 3, the States Parties to this Agreement agree that the term "higher intensity" refers to the level of aid granted by way of measures contained in Annex XI, paragraph (c), and that the application of normally inconsistent measures under paragraph (d) could be temporarily justified by the restructuring of Bulgaria's economy, provided that these practices are compatible with the rules on state aid in the Agreement establishing an Association between Bulgaria and the European Communities, as implemented by the Parties to that Agreement.

15. If, during a period equal to the derogation for subsidies under paragraph 3 of Article 19 and given the particular sensitivities of the steel market, imports of specific steel products originating in one State Party to this Agreement cause or threaten to cause serious injury to domestic producers of like products or serious disturbance to the steel market of another State Party, both States Parties shall immediately enter into consultations to find an appropriate solution. Pending such a solution and notwithstanding other provisions of the Agreement and in particular Articles 21 and 25, when exceptional circumstances require immediate action, the importing State Party may adopt forthwith quantitative or other solutions strictly necessary to deal with the situation, in accordance with its international and multilateral obligations.

16. The EFTA States and Bulgaria agree that paragraph 15 of the Record of Understandings cannot be considered as a precedent in Bulgaria's negotiations for accession to the General Agreement on Tariffs and Trade or to the

Multilateral Trade Organisation which could emerge from the Uruguay Round negotiations.

17. With reference to paragraph 3 of Article 22, if there is a disagreement with regard to the actual value of imports of industrial products, international trade statistics such as those of the UN/ECE, GATT and OECD will be used.

18. The EFTA States and Bulgaria consider that an arbitration procedure could be envisaged for disputes which cannot be settled through consultations between the States Parties concerned or in the Joint Committee. Such a possibility, for instance regarding Article 18, will be further examined in the Joint Committee.

19. Taking into account developments in other international fora and in their respective relations with the European Communities, and in view of the growing importance of areas closely related to trade in goods, the EFTA States and Bulgaria will periodically discuss, in an appropriate forum among the States Parties concerned, possibilities to extend their economic relations to areas beyond trade in goods. The States Parties to this Agreement, will immediately notify each other of developments in this field, having occurred in particular in their relations with the European Communities.

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PREAMBLE

The Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden, the Swiss Confederation (hereinafter called the EFTA States)

and

the Republic of Bulgaria (hereinafter called Bulgaria),

Recalling their intention to participate actively in the process of economic integration in Europe and expressing their preparedness to co-operate in seeking ways and means to strengthen this process,

Considering the importance of the traditional links existing between the EFTA States and Bulgaria and the common values they share, and recognizing that the EFTA States and Bulgaria wish to strengthen these links and to establish close and lasting relations,

Having regard to the Declaration signed by the EFTA States and Bulgaria in Geneva in December 1991,

Recalling their firm commitment to the Final Act of the Conference on Security and Co-operation in Europe, the Charter of Paris for a new Europe, and in particular the principles contained in the final document of the CSCE Bonn Conference on Economic Co-operation in Europe,

Reaffirming their commitment to pluralistic democracy based on the rule of law, human rights, including rights of persons belonging to minorities, and fundamental freedoms, and recalling their membership in the Council of Europe,

Considering the commitment of the EFTA States and Bulgaria to free trade, and in particular to the principles of the General Agreement on Tariffs and Trade,

Firmly convinced that this Agreement will foster the creation of an enlarged and harmonious free trade area within Europe, thus constituting an important contribution to European integration,

Bearing in mind the economic and social disparities between the EFTA States and Bulgaria and thus recognizing that the objectives of this Agreement should be reached through its appropriate provisions,

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Article 2*Scope*

The Agreement shall apply:

- (a) to products falling within Chapters 25 to 97 of the Harmonized Commodity Description and Coding System, excluding the products listed in Annex I;
- (b) to products specified in Protocol A, with due regard to the arrangements provided for in that Protocol;
- (c) to fish and other marine products as provided for in Annex II;

originating in an EFTA State or Bulgaria.

Article 3*Rules of origin and co-operation in customs administration*

1. Protocol B lays down the rules of origin and methods of administrative co-operation.
2. The States Parties to this Agreement shall take appropriate measures, including regular reviews by the Joint Committee and arrangements for administrative co-operation, to ensure that the provisions of Articles 4 to 9, 14 and 23 of the Agreement and Protocol B are effectively and harmoniously applied, and to reduce, as far as possible, the formalities imposed on trade, and to achieve mutually satisfactory solutions to any difficulties arising from the operation of those provisions.

Article 4*Customs duties on imports and charges having equivalent effect*

1. No new customs duty on imports or charge having equivalent effect shall be introduced in trade between the EFTA States and Bulgaria.
2. Upon the date of entry into force of this Agreement, the EFTA States shall abolish all customs duties on imports and any charges having equivalent effect for products originating in Bulgaria, except for products specified in Annex III for which customs duties on imports and charges

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having equivalent effect shall be progressively abolished in accordance with the provisions laid down in that Annex.

3. For the products specified in Annex IV originating in an EFTA State, Bulgaria shall progressively abolish all customs duties on imports and charges having equivalent effect in accordance with the provisions laid down in that Annex.

Article 5

Basic duties

1. For each product the basic duty to which the successive reductions set out in this Agreement are to be applied, shall be the Most Favoured Nation rate of duty on 31 May 1993.

2. If, after the entry into force of this Agreement, any tariff reduction is applied on an erga omnes basis, in particular reductions implemented as a result of the Uruguay Round of Multilateral Trade Negotiations or of the accession of Bulgaria to the GATT, such reduced duties shall replace the basic duties referred to in paragraph 1 as from the date when such reductions are applied.

3. The reduced duties calculated in accordance with Article 4 shall be applied rounded to the first decimal place or, in case of specific duties, to the second decimal place.

Article 6

Customs duties of a fiscal nature

1. The provisions of paragraphs 1 to 3 of Article 4 shall also apply to customs duties of a fiscal nature, except as provided for in Protocol C.

2. The States Parties to this Agreement may replace a customs duty of a fiscal nature or the fiscal element of a customs duty by an internal tax.

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Article 7*Customs duties on exports and charges having equivalent effect*

1. No new customs duty on exports or charge having equivalent effect shall be introduced in trade between the EFTA States and Bulgaria.
2. The EFTA States shall abolish on the date of entry into force of this Agreement any customs duties on exports and any charges having equivalent effect, except as provided for in Annex V.
3. Bulgaria shall progressively abolish any customs duties on exports and any charges having equivalent effect. Such duties and charges shall be eliminated at the latest by 31 December 1998.

Article 8*Quantitative restrictions on imports and measures having equivalent effect*

1. No new quantitative restriction on imports or measures having equivalent effect shall be introduced in trade between the EFTA States and Bulgaria.
2. Quantitative restrictions and measures having equivalent effect on imports to the EFTA States shall be abolished on the date of entry into force of this Agreement, except as provided for in Annex VI.
3. Quantitative restrictions and measures having equivalent effect on imports into Bulgaria shall be abolished on the date of entry into force of the Agreement.

Article 9*Quantitative restrictions on exports and measures having equivalent effect*

1. No new quantitative restriction on exports or measures having equivalent effect shall be introduced in trade between the EFTA States and Bulgaria.

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2. Quantitative restrictions on exports from the EFTA States and measures having equivalent effect shall be abolished on the date of entry into force of the Agreement except as provided for in Annex VII.

3. Quantitative restrictions on exports from Bulgaria and measures having equivalent effect shall be abolished on the date of entry into force of the Agreement except as provided for in Annex VIII.

Article 10

General exceptions

This Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants and the environment; the protection of national treasures possessing artistic, historic or archaeological value; the protection of intellectual property; rules relating to gold or silver; or the conservation of exhaustible natural resources. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the States Parties to this Agreement.

Article 11

State monopolies

1. The States Parties to this Agreement shall ensure that any state monopoly of a commercial character be adjusted, subject to the provisions laid down in Protocol D, so that no discrimination regarding the conditions under which goods are procured and marketed will exist between nationals of the EFTA States and of Bulgaria.

2. The provisions of this Article shall apply to any body through which the competent authorities of the States Parties to this Agreement, in law or in fact, either directly or indirectly supervise, determine or appreciably influence imports or exports between the States Parties to this Agreement. These provisions shall likewise apply to monopolies delegated by the State to others.

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Article 12*Information procedure on draft technical regulations*

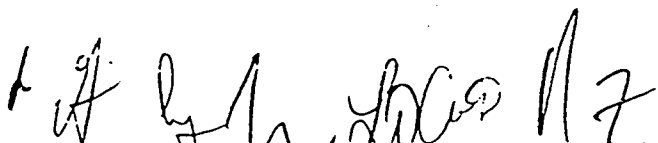
1. The EFTA States and Bulgaria shall notify each other, at the earliest practicable stage and in accordance with the provisions laid down in Annex IX, of draft technical regulations and draft amendments thereto which they intend to issue.
2. The States Parties to this Agreement shall endeavour to implement this procedure within two years from the entry into force of the Agreement. If this does not turn out to be fully possible, the Joint Committee shall prolong this period.

Article 13*Trade in agricultural products*

1. The States Parties to this Agreement declare their readiness to foster, in so far as their agricultural policies allow, harmonious development of trade in agricultural products, taking into account its high importance for Bulgaria's economy.
2. In pursuance of this objective each individual EFTA State and Bulgaria have concluded a bilateral arrangement providing for measures to facilitate trade in agricultural products.
3. The States Parties to this Agreement shall apply their regulations in veterinary, plant health and health matters in a non-discriminatory fashion and shall not introduce any new measures that have the effect of unduly obstructing trade.

Article 14*Internal taxation*

1. The States Parties to this Agreement shall refrain from any measure or practice of an internal fiscal nature establishing, whether directly or indirectly, discrimination between the products originating in an EFTA State and like products originating in Bulgaria.
2. Products exported to the territory of one of the States Parties to this Agreement may not benefit from



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repayment of internal taxation in excess of the amount of direct or indirect taxation imposed on them.

Article 15

Payments

1. Payments relating to trade between an EFTA State and Bulgaria and the transfer of such payments to the territory of the State Party to this Agreement, where the creditor resides shall be free from any restrictions.
2. The States Parties to this Agreement shall refrain from any exchange or administrative restrictions on the grant, repayment or acceptance of short and medium-term credits covering commercial transactions in which a resident participates.
3. Until a full convertibility of the Bulgarian currency in the meaning of Article VIII of the Articles of Agreement of the International Monetary Fund is introduced, Bulgaria reserves the right to apply exchange restrictions connected with the granting or taking up of short and medium-term credits to the extent permitted according to Bulgaria's status under the IMF, provided that these restrictions are applied in a non-discriminatory manner. They shall be applied in such a manner as to cause the least possible disruption to this Agreement. Bulgaria shall inform the Joint Committee promptly of the introduction of such measures and of any changes therein.

Article 16

Public procurement

1. The States Parties to this Agreement consider the effective liberalization of their respective public procurement markets as a desirable and important objective of this Agreement.
2. As of the entry into force of this Agreement, the EFTA States shall grant companies from Bulgaria access to contract award procedures on their respective public procurement markets according to the Agreement on Government Procurement of 12 April 1979, as amended by a Protocol of Amendments of 2 February 1987 negotiated under the auspices of the General Agreement on Tariffs and Trade. Bulgaria shall, taking into account the restructuring and development process of its economy, gradually ensure that companies from the EFTA States have access on the same

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principles to contract award procedures on its public procurement market.

3. As soon as possible after the entry into force of this Agreement, the States Parties to this Agreement shall progressively develop and adjust the rules, conditions and practices governing the participation in public procurement contracts awarded by public authorities and public undertakings, and by private undertakings which have been granted special or exclusive rights, so as to ensure free access and transparency, and that there is no discrimination between potential suppliers from the States Parties to this Agreement. A full balance of rights and obligations between the States Parties to this Agreement shall be established not later than at the end of the transitional period.

4. The Joint Committee shall recommend or agree, as appropriate, the practical modalities for this development including, inter alia, scope, timetable and rules to be applied.

5. The States Parties concerned shall endeavour to accede to the relevant Agreements negotiated under the auspices of the General Agreement on Tariffs and Trade.

Article 17

Protection of intellectual property

1. The States Parties to this Agreement shall grant and ensure adequate, effective and non-discriminatory protection of intellectual property rights. They shall adopt and take adequate, effective and non-discriminatory measures for the enforcement of such rights against infringement, counterfeiting and piracy. Particular obligations of the States Parties are contained in Annex X.

2. The States Parties to this Agreement shall take all necessary measures as soon as possible after the entry into force of the Agreement to comply with the substantive provisions of the multilateral conventions which are specified in Article 2 of Annex X and make best endeavours to adhere to them as well as to multilateral agreements facilitating co-operation in the field of protection of intellectual property rights.

3. In the field of intellectual property, the States Parties to this Agreement shall not grant treatment less favourable to each others' nationals than that accorded to nationals of any other State. Any advantage, favour, privilege or immunity deriving from:

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- (a) bilateral agreements in force for a State Party to this Agreement at the entry into force of this Agreement as notified to the other States Parties by 1 January 1994,
- (b) existing and future multilateral agreements, including regional agreements on economic integration, to which not all of the States Parties to this Agreement are Parties,

may be exempted from this obligation, provided that it does not constitute an arbitrary or unjustifiable discrimination of nationals of the other States Parties.

The provisions of sub-paragraph (b) may be subject to consultations and if, need be, to review upon request of any State Party to this Agreement with a view to take into account future developments relating to economic integration.

4. Two or more States Parties to this Agreement may conclude further agreements exceeding the requirements of this Agreement, provided that such agreements shall be open to all other States Parties to this Agreement on terms equivalent to those under the agreements and that they shall be ready to enter into good faith negotiations to this end.

5. The States Parties to this Agreement shall agree upon appropriate modalities for technical assistance and co-operation of respective authorities of the States Parties. To this end, they shall co-ordinate efforts with relevant international organizations.

Article 18

Rules of competition concerning undertakings

1. The following are incompatible with the proper functioning of this Agreement in so far as they may affect trade between an EFTA State and Bulgaria:

- (a) all agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition;
- (b) abuse by one or more undertakings of a dominant position in the territories of the States Parties to this Agreement as a whole or in a substantial part thereof.

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2. As from the third year from the entry into force of this Agreement, the provisions of paragraph 1 shall also apply to the activities of public undertakings, and undertakings for which the States Parties to this Agreement grant special or exclusive rights, in so far as the application of these provisions does not obstruct the performance, in law or in fact, of the particular public tasks assigned to them.

3. If a State Party to this Agreement considers that a given practice is incompatible with the provisions of paragraphs 1 and 2 and if such practice causes or threatens to cause serious prejudice to the interest of that State Party or material injury to its domestic industry, it may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 25.

Article 19

State aid

1. Any aid granted by a State Party to this Agreement or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it may affect trade between an EFTA State and Bulgaria, be incompatible with the proper functioning of this Agreement.

2. Any practices contrary to paragraph 1 should be assessed on the basis of the criteria set out in Annex XI.

3. For the purpose of applying the provisions of paragraphs 1 and 2, the States Parties to this Agreement recognize that during the first five years after the entry into force of this Agreement Bulgaria may grant aid with a higher intensity than would be tolerated for EFTA States according to the criteria set out in Annex XI. The Joint Committee may, taking into account the economic situation of Bulgaria, decide on prolongation of the application of this provision.

4. The States Parties to this Agreement shall ensure transparency of state aid measures by exchanging information as provided in Annex XII.

5. If a State Party to this Agreement considers that a given practice is incompatible with the provisions of paragraph 1, it may take appropriate measures against this practice, which shall not be in excess of the injury caused by the practice, under the conditions and in accordance with the procedures laid down in Article 25. Such measures

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shall not be contrary to the other international obligations of a State Party.

Article 20

Dumping

If an EFTA State finds that dumping within the meaning of Article VI of the General Agreement on Tariffs and Trade is taking place in trade with Bulgaria, or if Bulgaria finds that dumping within this meaning is taking place in trade with an EFTA State, the State Party concerned may take appropriate measures against this practice in accordance with the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade and with the procedure laid down in Article 25.

Article 21

Emergency action on imports of particular products

Where any product is being imported in such increased quantities and under such conditions as to cause, or threaten to cause:

- (a) serious injury to domestic producers of like or directly competitive products in the territory of the importing State Party to this Agreement, or
- (b) serious disturbances in any sector of the economy or difficulties which could bring about serious deterioration in the economic situation of a region,

the State Party concerned may take appropriate measures under the conditions and in accordance with the procedure laid down in Article 25.

Article 22

Structural adjustment

1. Exceptional measures of limited duration which derogate from the provisions of Article 4 may be taken by Bulgaria in the form of increased customs duties.
2. These measures may only concern infant industries, or certain sectors undergoing restructuring or facing serious difficulties, particularly where these difficulties produce important social problems.

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3. Customs duties on imports applicable in Bulgaria to products originating in the EFTA States introduced by these measures may not exceed 25% ad valorem and shall maintain an element of preference for products originating in the EFTA States. The total value of imports of the products which are subject to these measures may not exceed 15 % of total imports of industrial products from the EFTA States, as defined in Article 2, during the last year for which statistics are available.

4. These measures shall be applied for a period not exceeding five years unless a longer duration is authorized by the Joint Committee. They shall cease to apply at the latest at the expiration of the transitional period.

5. No such measures can be introduced in respect of a product if more than three years have elapsed since the elimination of all duties and quantitative restrictions or charges or measures having an equivalent effect concerning that product.

6. Bulgaria shall inform the Joint Committee of any exceptional measures it intends to take and, at the request of the EFTA States, consultations shall be held in the Joint Committee on such measures and the sectors to which they apply before they are applied. When taking such measures Bulgaria shall provide the Joint Committee with a schedule for the elimination of the customs duties introduced under this Article. This schedule shall provide for a phasing out of these duties starting at the latest two years after their introduction, at equal annual rates. The Joint Committee may decide on a different schedule.

Article 23

Re-export and serious shortage

Where compliance with the provisions of Articles 7 and 9 leads to:

- (a) re-export towards a third country against which the exporting State Party to this Agreement maintains for the product concerned quantitative export restrictions, export duties or measures or charges having equivalent effect; or
- (b) a serious shortage, or threat thereof, of a product essential to the exporting State Party to this Agreement;

and where the situations referred to above give rise or are likely to give rise to major difficulties for the exporting

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State Party, that State Party may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 25. The measures shall be non-discriminatory and be eliminated when conditions no longer justify their maintenance.

Article 24

Balance of payments difficulties

1. Where an EFTA State or Bulgaria is in serious balance of payments difficulties, or under imminent threat thereof, the EFTA State or Bulgaria, as the case may be, may, in accordance with the conditions established under the General Agreement on Tariffs and Trade, adopt trade restrictive measures, which shall be of limited duration and may not go beyond what is necessary to remedy the balance of payments situation. The measures shall be progressively relaxed as balance of payments conditions improve and they shall be eliminated when conditions no longer justify this maintenance. The EFTA State or Bulgaria, as the case may be, shall inform the other States Parties to this Agreement and the Joint Committee forthwith of their introduction and, whenever practicable, of a time schedule for their removal.

2. The States Parties to this Agreement shall, nevertheless, endeavour to avoid the imposition of restrictive measures for balance of payments purposes.

Article 25

Procedure for the application of safeguard measures

1. Before initiating the procedure for the application of safeguard measures set out in the following paragraphs of the present Article, the States Parties to this Agreement shall endeavour to solve any differences between them through direct consultations, and inform the other States Parties to this Agreement thereof.

2. Without prejudice to paragraph 6 of the present Article, a State Party to this Agreement, which considers resorting to safeguard measures shall promptly notify the other States Parties and the Joint Committee thereof and supply all relevant information. Consultations between the States Parties to this Agreement shall take place without delay in the Joint Committee with a view to finding a commonly acceptable solution.

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3. (a) As regards Articles 18 and 19, the States Parties concerned shall give to the Joint Committee all the assistance required in order to examine the case and, where appropriate, eliminate the practice objected to. If the State Party in question fails to put an end to the practice objected to within the period fixed by the Joint Committee or if the Joint Committee fails to reach an agreement after consultations, or after three months following referral for such consultations, the State Party concerned may adopt the appropriate measures to deal with the difficulties resulting from the practice in question.
- (b) As regards Articles 20, 21 and 23, the Joint Committee shall examine the case or the situation and may take any decision needed to put an end to the difficulties notified by the State Party concerned. In the absence of such a decision within thirty days of the matter being referred to the Joint Committee, the State Party concerned may adopt the measures necessary in order to remedy the situation.
- (c) As regards Article 30, the State Party concerned shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a commonly acceptable solution. If the Joint Committee fails to reach such a solution or if a period of three months has elapsed from the date of notification, the State Party concerned may take appropriate measures.
4. The safeguard measures taken shall be notified immediately to the States Parties to this Agreement and to the Joint Committee. They shall be restricted with regard to their extent and to their duration to what is strictly necessary in order to rectify the situation giving rise to their application and shall not be in excess of the injury caused by the practice or the difficulty in question. Priority shall be given to such measures as will least disturb the functioning of the Agreement. The measures taken by Bulgaria against an action or an omission of an EFTA State may only affect the trade with that State. The measures taken against an action or omission of Bulgaria may be only taken by that or those EFTA States the trade of which is affected by the said action or omission.
5. The safeguard measures taken shall be the object of regular consultations within the Joint Committee with a view to their relaxation, substitution or abolition as soon as possible.

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6. Where exceptional circumstances requiring immediate action make prior examination impossible, the State Party concerned may, in the cases of Articles 20, 21 and 23 and in cases of state aid having a direct and immediate incidence on trade between the States Parties, apply forthwith the precautionary and provisional measures strictly necessary to remedy the situation. The measures shall be notified without delay and consultations between the States Parties to this Agreement shall take place as soon as possible within the Joint Committee.

Article 26

Security exceptions

Nothing in this Agreement shall prevent a State Party to this Agreement from taking any measures which it considers necessary:

- (a) to prevent the disclosure of information contrary to its essential security interests;
- (b) for the protection of its essential security interests or for the implementation of international obligations or national policies
 - (i) relating to the traffic in arms, ammunition and implements of war, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes, and to such traffic in other goods, materials and services as is carried on directly or indirectly for the purpose of supplying a military establishment; or
 - (ii) relating to the non-proliferation of biological and chemical weapons, nuclear weapons or other nuclear explosive devices; or
 - (iii) taken in time of war or other serious international tension constituting threat of war.

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Article 27*The Joint Committee*

1. The implementation of this Agreement shall be supervised and administered by the Joint Committee established under the Geneva Declaration.
2. For the purpose of the proper implementation of the Agreement, the States Parties to this Agreement shall exchange information and, at the request of any State Party to this Agreement, shall hold consultations within the Joint Committee. The Joint Committee shall keep under review the possibility of further removal of the obstacles to trade between the EFTA States and Bulgaria.
3. The Joint Committee may take decisions in the cases provided for in this Agreement. On other matters the Joint Committee may make recommendations.

Article 28*Procedures of the Joint Committee*

1. For the proper implementation of this Agreement the Joint Committee shall meet whenever necessary but at least once a year. Each State Party to this Agreement may request that a meeting be held.
2. The Joint Committee shall act by common agreement.
3. If a representative in the Joint Committee of a State Party to this Agreement has accepted a decision subject to the fulfilment of constitutional requirements, the decision shall enter into force, if no later date is contained therein, on the day the lifting of the reservation is notified.
4. For the purpose of this Agreement the Joint Committee shall adopt its rules of procedure which shall, inter alia, contain provisions for convening meetings and for the designation of the Chairman and his term of office.
5. The Joint Committee may decide to set up such sub-committees and working parties as it considers necessary to assist it in accomplishing its tasks.

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Article 29*Evolutionary clause*

1. Where a State Party to this Agreement considers that it would be useful in the interests of the economies of the States Parties to this Agreement to develop and deepen the relations established by the Agreement by extending them to fields not covered thereby, it shall submit a reasoned request to the States Parties to this Agreement. The States Parties to this Agreement may instruct the Joint Committee to examine this request and, where appropriate, to make recommendations to them, particularly with a view to opening negotiations.
2. Agreements resulting from the procedure referred to in paragraph 1 will be subject to ratification or approval by the States Parties to this Agreement in accordance with their own procedures.

Article 30*Fulfilment of obligations*

1. The States Parties to this Agreement shall take all necessary measures to ensure the achievement of the objectives of the Agreement and the fulfilment of their obligations under the Agreement.
2. If an EFTA State considers that Bulgaria has, or if Bulgaria considers that an EFTA State has failed to fulfil an obligation under this Agreement, the State Party concerned may take the appropriate measures under the conditions and in accordance with the procedures laid down in Article 25.

Article 31*Annexes and Protocols*

The Annexes and the Protocols to this Agreement are an integral part of it. The Joint Committee may decide to amend the Annexes and Protocols A, B and F.

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Article 32*Trade relations governed by other Agreements*

1. This Agreement applies to trade relations between, on the one side, the individual EFTA States and, on the other side, Bulgaria, but not to the trade relations between individual EFTA States, except if otherwise provided for in this Agreement.

2. The Agreement between Finland and Bulgaria on the Reciprocal Removal of Obstacles to trade, signed on 26 April 1974, as amended (hereinafter referred to as the Finland-Bulgaria Agreement), shall remain in force until the substance of the mutual benefits granted by that Agreement to its Parties has been fully overtaken by the present Agreement. At that stage the Finland-Bulgaria Agreement will be terminated by a joint decision of Finland and Bulgaria. All necessary measures shall be taken in order to assure that no concessions are withdrawn through the termination of the Finland-Bulgaria Agreement. The other States Parties to the present Agreement will be informed of this decision and those measures without delay.

No concession given under the Finland-Bulgaria Agreement shall be withdrawn as a consequence of the entry into force of the present Agreement. If such a risk arises, Finland and Bulgaria will immediately consult each other in view of removing such a risk.

3. The provisions of Articles 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23 and 29 of the present Agreement shall also apply, mutatis mutandis, to trade between Finland and Bulgaria under the Finland-Bulgaria Agreement.

4. Specific rules on the implementation of this Article are contained in Annex XIII.

Article 33*Customs unions, free trade areas and frontier trade*

This Agreement shall not prevent the maintenance or establishment of customs unions, free trade areas or arrangements for frontier trade to the extent that these do not negatively affect the trade regime and in particular the provisions concerning rules of origin provided for by this Agreement.

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Article 34*Territorial application*

This Agreement shall apply to the territories of the States Parties to the Agreement.

Article 35*Amendments*

Amendments to this Agreement other than those referred to in Article 31 which are approved by the Joint Committee shall be submitted to the States Parties to this Agreement for acceptance and shall enter into force if accepted by all the States Parties to this Agreement. The instruments of acceptance shall be deposited with the Depositary.

Article 36*Accession*

1. Any State, becoming a Member of European Free Trade Association, may accede to this Agreement, provided that the Joint Committee decides to approve its accession, to be negotiated between the acceding State and the States Parties concerned, on such terms and conditions as may be set out in that decision. The instrument of accession shall be deposited with the Depositary.

2. In relation to an acceding State, the Agreement shall enter into force on the first day of the third month following the deposit of its instrument of accession.

Article 37*Withdrawal and expiration*

1. Each State Party to this Agreement may withdraw therefrom by means of a written notification to the Depositary. The withdrawal shall take effect six months after the date on which the notification is received by the Depositary.

2. If Bulgaria withdraws, the Agreement shall expire at the end of the notice period, and if all EFTA States withdraw it shall expire at the end of the latest notice period.



3. Any EFTA Member State which withdraws from the Convention establishing the European Free Trade Association shall *ipso facto* on the same day as the withdrawal takes effect cease to be a State Party to this Agreement.

Article 38

Entry into force

1. This Agreement shall enter into force on 1 July 1993 in relation to those Signatory States which by then have deposited their instruments of ratification or acceptance with the Depositary, provided that Bulgaria is among the States that have deposited their instruments of ratification or acceptance.
2. In relation to a Signatory State depositing its instrument of ratification or acceptance after 1 July 1993, this Agreement shall enter into force on the first day of the second month following the deposit of its instrument, provided that in relation to Bulgaria the Agreement enters into force at the latest on the same date.
3. Any Signatory State may already at the time of signature declare that, during an initial phase, it shall apply the Agreement provisionally, if the Agreement cannot enter into force in relation to that State by 1 July 1993, provided that in relation to Bulgaria the Agreement has entered into force.

Article 39

Depositary

The Government of Sweden, acting as Depositary, shall notify all States that have signed or acceded to this Agreement of the deposit of any instrument of ratification, acceptance or accession, as well as of the entry into force of this Agreement, of its expiry or of any withdrawal therefrom.

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IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto, have signed the present Agreement.

DONE at (Place and date), in a single authentic copy in the English language which shall be deposited with the Government of Sweden. The Depositary shall transmit certified copies to all Signatory States, and States acceding to this Agreement.

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LE CONSEIL FÉDÉRAL SUISSE

FAIT SAVOIR PAR LES PRÉSENTES

qu'il a autorisé

Monsieur Jean-Pascal D e l a m u r a z , Conseiller fédéral,
Chef du Département fédéral de l'économie publique, ou
Monsieur Franz B l a n k a r t , Secrétaire d'Etat,
ou son suppléant, à signer l'Accord de libre-échange entre les
Etats de l'AELE et la République de Bulgarie.

En foi de quoi, les présentes ont été signées par le Président et
le Chancelier de la Confédération suisse et munies du sceau du
Conseil fédéral.

Berne, le 24 mars 1993

AU NOM DU CONSEIL FEDERAL SUISSE

Le Président de la Confédération:

Le Chancelier de la Confédération:



LE CONSEIL FÉDÉRAL SUISSE

FAIT SAVOIR PAR LES PRÉSENTES

qu'il a autorisé

Monsieur Jean-Pascal D e l a m u r a z , Conseiller fédéral,
Chef du Département fédéral de l'économie publique, ou
Monsieur Franz B l a n k a r t , Secrétaire d'Etat,
ou son suppléant, à signer l'échange de lettres entre la Suisse et
la République de Bulgarie concernant le domaine agricole.

En foi de quoi, les présentes ont été signées par le Président et
le Chancelier de la Confédération suisse et munies du sceau du
Conseil fédéral.

Berne, le 24 mars 1993

AU NOM DU CONSEIL FEDERAL SUISSE

Le Président de la Confédération:

Le Chancelier de la Confédération: