

Additional Protocol to the Agreement between the EEC and the Portuguese Republic (Brussels, 20 September 1976)

Caption: Additional Protocol to the Agreement between the European Economic Community and the Portuguese Republic dated 22 July 1972. This Protocol, which was signed on 20 September 1976 and which entered into force on 1 November 1978, includes provisions concerning trade measures and cooperation in the area of social policy as well as industrial, technological and financial cooperation.

Source: Official Journal of the European Communities (OJEC). 29.09.1978, No L 274. [s.l.]. "Council Regulation (EEC) No 2237/78 of 26 September 1978 concerning the conclusion of the Financial Protocol and the Additional Protocol to the Agreement between the European Economic Community and the Portuguese Republic", p. 8.

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HIS MAJESTY THE KING OF THE BELGIANS,
HER MAJESTY THE QUEEN OF DENMARK,
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,
THE PRESIDENT OF THE FRENCH REPUBLIC,
THE PRESIDENT OF IRELAND,
THE PRESIDENT OF THE ITALIAN REPUBLIC,
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,
HER MAJESTY THE QUEEN OF THE NETHERLANDS,
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES
of the one part,

THE PRESIDENT OF THE PORTUGUESE REPUBLIC
of the other part,

WISHING to demonstrate their common desire to widen and strengthen their links on the basis of the Agreement between the European Economic Community and the Portuguese Republic and thus to promote a closer relationship between Portugal and the Community,

RESOLVED to establish wide-ranging cooperation which will contribute to Portugal's economic and social development,

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

HIS MAJESTY THE KING OF THE BELGIANS:

Renaat VAN ELSLANDE,
Minister for Foreign Affairs;

HER MAJESTY THE QUEEN OF DENMARK:
Ivar NØRGAARD,
Minister for External Economic Affairs;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:
Hans-Dietrich GENSCHER,
Federal Minister for Foreign Affairs;

THE PRESIDENT OF THE FRENCH REPUBLIC:
Louis de GUIRINGAUD, Minister for Foreign Affairs;
THE PRESIDENT OF IRELAND:
Garret FITZGERALD, Minister for Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC:
Arnaldo FORLANI,
Minister for Foreign Affairs;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:
Jean DONDELINGER,

Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:
Max VAN DER STOEL,
President of the Council, Minister for Foreign Affairs;

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:
Anthony CROSLAND MP,
Secretary of State for Foreign and Commonwealth Affairs;

THE COUNCIL OF THE EUROPEAN COMMUNITIES:
Max VAN DER STOEL,
President of the Council, Minister for Foreign Affairs' of the Kingdom of the Netherlands;

Francois-Xavier ORTOLI,
President of the Commission of the European Communities;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC:
Jose Medeiros FERREIRA,
Minister for Foreign Affairs.

Title I

Trade measures

Article 1

The provisions of the Agreement between the European Economic Community and the Portuguese Republic signed on 22 July 1972, hereinafter called 'the Agreement', shall be supplemented as follows.

A. Industrial products

Article 2

By way of derogation from Article 3 of the Agreement, products falling within Chapters 25 to 99 of the Brussels Nomenclature — excluding the products covered by Annex I, by Section A of Protocol 1 and by Table I of Protocol 2 to the Agreement — and originating in Portugal, shall be imported into the Community free of customs duties.

Article 3

The volumes for 1976 of the ceilings to which imports into the Community of the products listed below, originating in Portugal, are subject pursuant to Article 2 of Protocol 1 to the Agreement, shall be as follows:

[...]

Article 4

1. For the following products, originating in Portugal, the Community, as originally constituted, and Ireland shall open, for the period 1 January 1976 to 31 December 1983, annual Community tariff quotas free of customs duties for the volumes indicated:

[...]

If the Protocol does not enter into force at the beginning of the calendar year, the quotas referred to in paragraph 1 shall be opened *pro rata*.

Article 1 (4) of Protocol 1 to the Agreement shall be replaced by the following text:

‘4. For the products listed below, originating in Portugal, Denmark and the United Kingdom may open, for the period 1 January 1976 to 31 December 1983, annual zero-duty tariff quotas up to the volumes indicated:

[...]

4. Annex A to Protocol 1 of the Agreement shall be deleted.

5. From 1 January 1977 the volumes indicated in the tables in paragraphs 1 and 3 shall be increased annually by 5 %.

Article 5

By way of derogation from Article 3 of the Agreement, Article 4 of Protocol 1 thereto and Article 2 (5) of Protocol 2 thereto, the customs duties on imports into Portugal of the products listed in Annex I, originating in the Community, shall be progressively abolished in accordance with the following rates and timetable:

Timetable	Rate of reduction (%)
1 July 1977	70
1 January 1980	70
1 January 1983	80
1 January 1985	100

Article 6

By way of derogation from Articles 3 and 5 of the Agreement and Article 4 of Protocol 1 thereto, Portugal may, for the products listed in Annex II, originating in the Community, apply an ad valorem customs duty not exceeding 20 %; the customs duties thus introduced on imports from the Community shall be progressively abolished in accordance with the following rates and timetable:

Timetable	Rate of reduction
1 July 1977	10
1 January 1980	30
1 January 1983	60
1 January 1985	100

Article 7

By way of derogation from Article 6 (1) of Protocol 1 to the Agreement and on the basis of a reasoned

request from Portugal, the Joint Committee may authorize Portugal to take the measures specified in the said Article beyond the limit of 10 % of the total value of Portuguese imports in 1970 from the Community as originally constituted and from Denmark, Ireland and the United Kingdom.

B. Agricultural products

Article 8

Duties on imports into the Community of the products listed below and originating in Portugal shall be reduced in the proportions indicated for each of them, in accordance with the conditions laid down in Article 6 of Protocol 8 to the Agreement:

[...]

Article 9

Article 4 of Protocol 8 to the Agreement shall be replaced by the following text:

'Article 4

Duties on imports into the Community of the products listed below and originating in Portugal shall be reduced in the proportions and within the limits of the annual Community tariff quota indicated for each of them, in accordance with the conditions laid down in Article 6:

[...]

Title II

Cooperation in the social field

A. Cooperation in the field of labour

Article 10

The treatment accorded by each Member State to workers of Portuguese nationality employed in its territory shall be free from any discrimination based on nationality, as regards working conditions or remuneration, in relation to its own nationals.

Portugal shall accord the same treatment to workers who are nationals of a Member State and employed in its territory.

B. Cooperation in the field of social security

Article 11

1. Subject to the provisions of the following paragraphs, workers of Portuguese nationality and any members of their families living with them shall enjoy, in the field of social security, treatment free of any discrimination based on nationality in relation to nationals of the Member States in which they are employed.
2. All periods of insurance, employment or residence completed by such workers in the various Member States shall be added together for the purpose of pensions and annuities in respect of old age, death and invalidity, and also for that of medical care for the workers and for members of their families resident in the Community.
3. The workers in question shall receive family allowances for members of their families who are resident in the Community.
4. The workers in question shall be able to transfer freely to Portugal, at the rates applied by virtue of the law of the debtor Member State or States, any pensions or annuities in respect of industrial accident, occupational disease, old age or death, or of invalidity resulting from industrial accident or occupational disease.

Article 12

Portugal shall accord to workers who are nationals of a Member State and employed in its territory, and to the members of their families, treatment similar to that specified in Article 11 (1) and (4).

Article 13

1. Before the end of the first year after entry into force of the Protocol, the Joint Committee shall adopt provisions to implement the principles set out in Articles 11 and 12.
2. The Joint Committee shall adopt detailed rules for administrative cooperation providing the necessary management and control guarantees for the application of the provisions referred to in paragraph 1.

Article 14

The provisions adopted by the Joint Committee in accordance with Article 13 shall not affect any rights or obligations arising from bilateral agreements linking Portugal and the Member States where those agreements provide for more favourable treatment of nationals of Portugal or of the Member States.

Title III

Industrial, Technological and Financial Cooperation

Article 15

The Community and Portugal shall institute cooperation with the aim of contributing to the economic and social development of Portugal and of strengthening existing links for the mutual benefit of the Parties.

Cooperation shall range as widely as possible over the industrial, technical, technological and financial fields.

Article 16

The aim of industrial and technological cooperation shall be, within the limits of the opportunities open to the Community, particularly those specified by the Financial Protocol to promote measures likely to contribute to the development of Portugal's economy.

Article 17

Within the framework of financial cooperation the Community shall participate in the financing of measures to promote the development of Portugal under the conditions laid down in the Financial Protocol.

Title IV**General and final provisions****Article 18**

Article 33 (1) of the Agreement shall be replaced by the following text:

'1. The Joint Committee shall be composed of representatives of the Community and its Member States on the one hand, and of representatives of Portugal on the other.'

Article 19

The Contracting Parties shall review, in accordance with the procedure adopted for negotiating the Agreement, from the beginning of 1979 the results of the Agreement and any improvements which could be made by either side as from 1 January 1980, on the basis of the experience gained during the functioning of the Agreement and of the objectives defined therein.

Article 20

Annexes I and II shall form an integral part of this Protocol.

This Protocol shall form an integral part of the Agreement between the European Economic Community and the Portuguese Republic, signed on 22 July 1972.

Article 21

This Protocol is drawn up in duplicate in the Danish, Dutch, English, French, German, Italian and Portuguese languages, each of these texts being equally authentic.

Article 22

This Protocol shall be subject to ratification, acceptance or approval in accordance with the Contracting Parties' own procedures; the Contracting Parties shall notify each other that the procedures necessary to this end have been completed.

This Protocol shall enter into force on the first day of the second month following the date on which the notifications provided for in paragraph 1 have been given.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne tillægsprotokol.
Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses
Zusatzprotokoll gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Additional
Protocol.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole
additionnel.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo
aggiuntivo.

Ten blijke waarvan de ondergerekende gevolmachtigden hun handtekening onder dit Aanvullend Protocol
hebben gesteld.

Em fé do que os plenipotenciários assinaram o presente Protocolo Adicional.

Udfærdiget i Bruxelles, den tyvende september nitten hundrede og seksoghalvfjerds.

Geschehen zu Brüssel am zwanzigsten September neunzehnhundertsechundsiebzig.

Done at Brussels on the twentieth day of September in the year one thousand nine hundred and seventy-six.

Fait à Bruxelles, le vingt septembre mil neuf cent soixante-seize.

Fatto a Bruxelles, addì venti settembre millenovecentosettantasei.

Gedaan te Brussel, de twintigste september negentienhonderd zesenzeventig.

Feito em Bruxelas, aos vinte de Setembro de mil novecentos e setenta e seis.

[Signatures]