

Agreement between the European Economic Community and Spain (29 June 1970)

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Agreement between the European Economic Community and Spain

Title I — Trade.....

Title II — General and final provisions.....

Final Act.....

THE COUNCIL OF THE EUROPEAN COMMUNITIES, of the one part, and

THE SPANISH HEAD OF STATE, of the other part,

Determined to consolidate and to extend economic and trade relations between the European Economic Community and Spain;

Recognizing the importance of the harmonious development of trade between the Contracting Parties;

Desiring to establish the basis for a progressive expansion of trade with each other, while observing the provisions of the General Agreement on Tariffs and Trade;

Considering that the European Economic Community is anxious to develop economic and trade relations with countries bordering on the Mediterranean;

Have decided to conclude an Agreement between the European Economic Community and Spain and to this end have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Mr Pierre Harmel, President in Office of the Council of the European Communities, Minister for Foreign Affairs;

Mr Jean Rey, President of the Commission of the European Communities;

THE SPANISH HEAD OF STATE:

Mr Gregorio Lopez Bravo, Minister for Foreign Affairs;

WHO,

having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

1. The progressive elimination of obstacles to the main body of trade between the European Economic Community and Spain shall be brought about in two stages, as indicated below.
2. The first stage shall last not less than six years.
3. Transition from the first to the second stage shall be effected by mutual agreement between the Contracting Parties, if the conditions for it have been satisfied.
4. During the first stage the following provisions shall apply.

Title I — Trade

Article 2

1. Products originating in Spain shall, on importation into the Community, be governed by the provisions of Annex I
2. Products originating in the Community shall, on importation into Spain, be governed by the provisions of Annex II
3. The Contracting Parties shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of the Agreement.

They shall refrain from any measure which could jeopardize the attainment of the objectives of this Agreement.

Article 3

Any internal fiscal measure or practice giving rise, directly or indirectly, to discrimination between the products of one Contracting Party and like products of the other Contracting Party shall be prohibited.

Article 4

The trading arrangements applied by Spain to products originating in the Community or exported to the Community shall not give rise to any discrimination between the Member States, their nationals or their companies or firms.

The trading arrangements applied by the Community to products originating in Spain or exported to Spain shall not give rise to any discrimination between Spanish nationals, or between Spanish companies or firms.

Article 5

Subject to special provisions relating to frontier-zone traffic, the treatment applied by Spain to products originating in the Community shall in no case be less favourable than that applied to products originating in the most-favoured third State.

Article 6

Where duties are levied on products of one Contracting Party exported to the other Contracting Party, such duties may not exceed those applied to products exported to the most-favoured third State.

Article 7

Articles 5 and 6 shall not preclude the maintenance or establishment by Spain of customs unions or free-trade areas, if these do not have the effect of modifying the trade arrangements laid down in the Agreement, and in particular the rules of origin.

Article 8

The rules of origin applicable to products covered by the Agreement are laid down in the Protocol.

Article 9

1. If one of the Contracting Parties finds in its relations with the other Contracting Party that dumping is being practised, it may, after consultations in the Joint Committee provided for in Article 13, take protective measures against such practices in accordance with the provisions of the Agreement on the implementation of Article VI of the General Agreement on Tariffs and Trade.

In urgent cases that Contracting Party may, after notifying the Joint Committee, apply the interim measures provided for by that Agreement. Consultations shall take place regarding such measures not later than two weeks after their implementation.

2. Where measures are directed against bounties or subsidies, the Contracting Parties undertake to comply with the provisions of Article VI of the General Agreement on Tariffs and Trade.

3. At the request of either Contracting Party, consultations shall take place every three months in the Joint Committee on any observed dumping practices, bounties or subsidies which are found to exist and on measures taken in regard thereto.

Article 10

Payments relating to trade and the transfer of such payments to the Member State in which the creditor resides, or to Spain, shall not be subject to any restriction where such trade is covered by the provisions of this Agreement.

Article 11

1. If serious disturbances occur in a sector of the Spanish economy or prejudice its external financial stability, or if difficulties arise which adversely affect the economic situation in a region of Spain, Spain may take the necessary protective measures.

The Joint Committee shall be notified immediately of such measures and of the rules for their application.

2. If serious disturbances occur in a sector of the economy of the Community or of one or more Member States, or prejudice the external financial stability of one or more Member States, or if difficulties arise which adversely affect the economic situation in a region of the Community, the Community may take, or authorize the Member State or States concerned to take, the necessary protective measures.

The Joint Committee shall be notified immediately of such measures and of the rules for their application.

3. In the choice of measures to be taken in pursuance of paragraphs 1 and 2, preference shall be given to those which will least disturb the operation of the Agreement.

These measures shall not exceed what is strictly necessary to remedy the difficulties that have arisen.

4. Consultations may take place in the Joint Committee on the measures taken in pursuance of paragraphs 1 and 2.

Article 12

The provisions of the 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 ; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade.

Title II — General and final provisions

Article 13

1. A Joint Committee is hereby established to administer the Agreement and to ensure its proper execution. To this end it may make recommendations. It shall take decisions as provided for in this Title.
2. The Contracting Parties agree to keep each other informed and, at the request of either of them, to consult together in the Joint Committee to ensure that the Agreement is correctly implemented.
3. The Joint Committee shall adopt its rules of procedure by decision.

Article 14

1. The Joint Committee shall consist of representatives of the Community and representatives of Spain.
2. The Joint Committee shall act by mutual agreement.

Article 15

1. The Chairmanship of the Joint Committee shall be held alternately by each of the Contracting Parties, in accordance with its rules of procedure.
2. The Joint Committee shall meet once a year on the initiative of its Chairman.

The Joint Committee shall also meet whenever necessary, at the request of either Contracting Party, in accordance with its rules of procedure.

3. The Joint Committee may decide to set up working parties to assist in the performance of its tasks.

Article 16

The Agreement may be denounced by either Contracting Party giving six months' notice.

Article 17

1. The Agreement shall apply to the European territories where the Treaty establishing the European Economic Community applies and to the territory of Spain.
2. The Agreement shall apply also to the French overseas departments so far as concerns those of the fields

covered by it which correspond to those listed in the first subparagraph of Article 227 (2) of the Treaty establishing the European Economic Community.

The conditions for applying, to those departments, the provisions of the Agreement relating to other fields shall be decided at a later date by agreement between the Contracting Parties.

Article 18

Annexes I and II, the lists appearing therein and the Protocol shall form an integral part of the Agreement.

Article 19

This Agreement shall enter into force on the first day of the month following the day on which the Contracting Parties notify each other of the completion of the procedures necessary to that end.

Article 20

This Agreement is drawn up in two copies in the Dutch, French, German, Italian and Spanish languages, each of these texts being authentic.

In witness whereof, the undersigned plenipotentiaries have signed this Agreement.

Done at Luxembourg this twenty-ninth day of June in the year one thousand nine hundred and seventy.

For the Council of the European Communities,

Pierre HARMEL

Jean REY

Subject to the reservation that the European Economic Community shall not be finally bound until notification has been given to the other Contracting Party of completion of the procedures required by the Treaty establishing the European Economic Community.

For the Spanish Head of State,

Gregorio LOPEZ BRAVO

[...]

Final Act

The Plenipotentiaries of the Council of the European Communities, of the one part, and the Spanish Head of State, of the other part, meeting at Luxembourg on the twenty-ninth day of June in the year one thousand nine hundred and seventy for the signature of the Agreement between the European Economic Community and Spain,

have, in signing that Agreement,

- adopted the Joint Declarations by the Contracting Parties listed below:

1. Joint Declaration by the Contracting Parties on Article 2 (3) of the Agreement;
2. Joint Declaration by the Contracting Parties on Article 6 of the Agreement;
3. Joint Declaration by the Contracting Parties on bilateral trade agreements;
4. Joint Declaration by the Contracting Parties on amendments to customs tariffs and import regulations;
5. Joint Declaration by the contracting Parties on Articles 2, 3, 4, 5, 7, 9, 10 and 11 of Annex I;
6. Joint Declaration by the Contracting Parties on Articles 7 and 8 of Annex I;
7. Joint Declaration by the Contracting Parties on Articles 1 and 2 of Annex II;
8. Joint Declaration by the Contracting Parties on Article 7 of Annex II;
9. Joint Declaration by the Contracting Parties on Article 8 of Annex II;

- taken note of the Declarations by the Community delegation listed below:

1. Declaration by the Community delegation on certain wines;
2. Declaration by the Community delegation on Articles 2, 3 and 4 of Annex I;

- taken note of the Declarations by the Spanish delegation listed below:

1. Declaration by the Spanish delegation on Article 1 of Annex II;
2. Declaration by the Spanish delegation on Article 5 of Annex II;
3. Declaration by the Spanish delegation on Articles 9 and 10 of Annex II;
4. Declaration by the Spanish delegation on the arrangements for lodging deposits on the importation of goods into Spain.

The abovementioned Declarations are annexed to this Final Act.

The Plenipotentiaries have agreed that these Declarations shall be subjected, in the same manner as for the Agreement, to any internal procedures that may be necessary to ensure their validity.

In witness whereof, the undersigned Plenipotentiaries have signed this Final Act.

Done at Luxembourg this twenty-ninth day of June in the year one thousand nine hundred and seventy.

For the Council of the European Communities,

Pierre HARMEL

Jean REY

Subject to the reservation that the European Economic Community shall not be finally bound until notification has been given to the other Contracting Party of the completion of the procedures required by the Treaty establishing the European Economic Community.

For the Spanish Head of State,

Gregorio LOPEZ BRAVO

[...]