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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

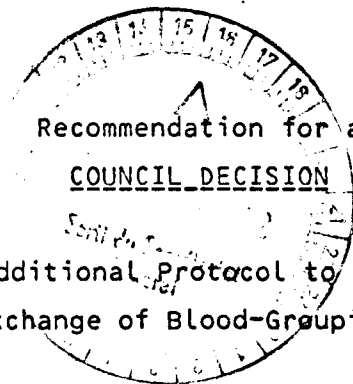
In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 197 final

Brussels, 22 April 1982



approving a draft Additional Protocol to the European Agreement
on the Exchange of Blood-Grouping Reagents

(submitted to the Council by the Commission)

COM(82) 197 final

EXPLANATORY MEMORANDUM

By its Decision of 25 June 1979 the Council authorized the Commission to conduct negotiations within the framework of the Council of Europe with the object of adding to the European Agreement on the Exchange of Blood-Grouping Reagents a Protocol which would enable the European Economic Community to become a Contracting Party to this Agreement.

Behind this Decision was the fact that Article 5(1) of the European Agreement on the Exchange of Blood-Grouping Reagents specifies that 'The Contracting Parties shall take all the necessary measures to exempt from all import duties the blood-grouping reagents put at their disposal by the other Parties'. Only the Community is competent to grant derogations from the application of Common Customs Tariff duties.

Negotiations between the Commission and the Secretariat-General of the Council of Europe have resulted in a draft Additional Protocol which has been conceived as an integral part of the Agreement and which will enable the European Economic Community to become a Contracting Party to the Agreement by signing it.

Once it has received the prior approval of the Council of Ministers of the EEC, the Secretariat-General of the Council of Europe will submit this draft Additional Protocol to the Committee of Ministers of that body. It would like to be able to do so during a meeting to be held in May of this year.

When the Committee of Ministers of the Council of Europe has decided to add this Protocol to the Agreement, the European Community will be able to become a Contracting Party to the latter.

Consequently, the Commission recommends the Council to approve the draft Additional Protocol to the European Agreement on the Exchange of Blood-Grouping Reagents and to authorize the Commission to notify the Secretariat-General of the Council of Europe of such acceptance (Annex 1).

When this Additional Protocol has been adopted by the Committee of Ministers of the Council of Europe (probably during the second half of 1984), the Commission will recommend the Council of Ministers of the Community to accede on the latter's behalf to the European Agreement on the Exchange of Blood-Grouping Reagents.

ANNEX I

Recommendation
for a Council Decision
approving a draft
Additional Protocol to the European Agreement
on the Exchange of Blood-Grouping Reagents.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Recommendation from the Commission,

Whereas Article 5(1) of the European Agreement on the Exchange of Blood-Grouping Reagents lays down that 'The Contracting Parties shall take all the necessary measures to exempt from all import duties the blood-grouping reagents placed at their disposal by the other Parties';

Whereas only the Community is competent to grant derogations from the application of the Common Customs Tariff in respect of autonomous or conventional rates of duty;

Whereas the Secretariat-General of the Council of Europe proposes to add to the said Agreement an Additional Protocol which would enable the European Economic Community to become a Contracting Party thereto and thereby exercise its competence;

Whereas the draft Additional Protocol meets the requirements of the European Economic Community,

HAS DECIDED as follows:

Article 1

The draft Additional Protocol to the European Agreement on the Exchange of Blood-Grouping Reagents, proposed by the Secretariat-General of the Council of Europe, is hereby approved on behalf of the Community.

The text of this Additional Protocol is annexed to this Decision.

Article 2

The Commission shall inform the Secretariat-General of the Council of Europe that the Community has approved the draft Protocol referred to in Article 1.

Done at Brussels,

For the Council,

The President,

ADDITIONAL PROTOCOL
TO THE EUROPEAN AGREEMENT
ON THE EXCHANGE OF THERAPEUTIC SUBSTANCES OF HUMAN ORIGIN

The Member States of the Council of Europe, Contracting Parties to the European Agreement of 14 May 1962 on the exchange of blood-grouping reagents (hereinafter called "the Agreement"),

Having regard to the provisions of Article 5, paragraph 1, of the Agreement, according to which "The Contracting Parties shall take all the necessary measures to exempt from all import duties the blood-grouping reagents placed at their disposal by the other Parties";

Considering that so far as the member States of the European Economic Community are concerned, the undertaking to grant this exemption falls within the competence of the Community, which possesses the necessary powers in this respect by virtue of the Treaty which established it:

Considering therefore that for the purpose of the implementation of Article 5, paragraph 1, of the Agreement, it is necessary for the European Economic Community to be able to become a Contracting Party to the Agreement,

Have agreed as follows:

Article 1

The European Economic Community may become a Contracting Party to the Agreement by signing it. In respect of the Community, the Agreement shall enter into force on the first day of the month following such signature.

Article 2

1. This Additional Protocol shall be open for acceptance by the Contracting Parties to the Agreement. It shall enter into force on the first day of the month following the date on which the last of the Contracting Parties has deposited its instrument of acceptance with the Secretary General of the Council of Europe.
2. However, this Additional Protocol shall enter into force on the expiration of a period of two years from the date on which it has been opened for acceptance, unless one of the Contracting Parties has notified an objection to the entry into force. If such an objection has been notified, paragraph 1 of this Article shall apply.

Article 3

From the date of its entry into force, this Additional Protocol shall form an integral part of the Agreement. From that date, no State may become a Contracting Party to the Agreement without at the same time becoming a Contracting Party to the Additional Protocol.

Article 4

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any State having acceded to the Agreement and the European Economic Community of any acceptance or objections made under Article 2 and of the date of entry into force of this Additional Protocol in accordance with Article 2.

Done at Strasbourg, the _____, in English and French, both texts being equally authentic, in a single original which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to any State invited to accede to the Agreement and to the European Economic Community.