

Decizia Comitetului Mixt Statele AELS-Romania *)
Nr.3/2004
(Adoptata prin procedura scrisa la 1 aprilie 2004)

**Amendamentele la articolele 19 si 25 si la anexa II si
abrogarea anexelor XII si XIII privind ajutorul de stat, in cadrul Acordului
de Comert Liber dintre Statele AELS si Romania**

COMITETUL MIXT

Avand in vedere in vedere evolutiile din domeniul subventiilor pe plan international de la intrarea in vigoare a acestui acord si intrarea in vigoare a Acordului OMC privind subventiile si masurile compensatorii,

Avand in vedere articolul 36 al acordului,

DECIDE:

1. Inlocuirea textului articolului 19 al acordului cu urmatorul text:

*“Articolul 19
Subventii*

- 1. Drepturile si obligatiile partilor la acord cu privire la subventii si masuri compensatorii sunt guvernate de prevederile articolului XVI al Acordului General pentru Tarife Vamale si Comert (GATT 1994) si de prevederile Acordului OMC privind subventiile si masurile compensatorii, daca nu se prevede altfel in acest articol.*
- 2. Aria de cuprindere a obligatiilor partilor cu privire la transparenta masurilor de subventionare sunt guvernate de criteriile stabilite in articolul XVI.1 al GATT 1994 si articolul 25 al Acordului privind subventiile si masurile compensatorii.*
- 3. Inainte ca un stat membru al AELS sau Romania, dupa caz, sa initieze o investigatie in scopul determinarii existentei, gradului si efectului oricarei presupuse subventii in Romania sau intr-un stat membru al AELS, conform prevederilor art. 11 al Acordului privind subventiile si masurile compensatorii, partea indreptatita sa initieze o investigatie va notifica in scris partea ale carei bunuri sunt supuse investigatiei si va acorda o perioada de 30 zile in scopul identificarii unei solutii reciproc acceptabile. La cererea oricareia dintre parti se vor organiza consultari in cadrul Comitetului mixt in termen de 10 zile de la primirea notificarii.”*



2. Abrogarea anexelor XII si XIII la acord;
3. Abrogarea paragrafului 3 (a) al articolului 25;
4. Renumerotarea paragrafelor 3 (b) si 3 (c) ale articolului 25 cu 3 (a) si 3 (b);
5. Abrogarea articolului 2 al anexei II la acord.
6. Decizia prevede ca amendamentele de mai sus sa intre in vigoare in momentul transmiterii de catre toate Statele Parti catre Depozitar a instrumentelor de acceptare, care va notifica tuturor Statelor Parti indeplinirea procedurii.
7. Secretariatul General al AELS va depune textul prezentei decizii Depozitarului.

*) Traducere din limba engleza



EUROPEAN FREE TRADE ASSOCIATION

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DECISION OF THE JOINT EFTA-ROMANIA COMMITTEE

No. 3 of 2004

(Adopted by written procedure on 1 April 2004)

AMENDMENTS TO ARTICLE 19 AND 25 AND ANNEX II AND DELETION OF ANNEXES XII AND XIII CONCERNING STATE AID OF THE FREE TRADE AGREEMENT BETWEEN THE EFTA STATES AND ROMANIA

THE JOINT COMMITTEE,

Having regard to developments in the field of subsidies at the international level since the entry into force of this Agreement, and in particular the entry into force of the WTO Agreement on Subsidies and Countervailing Measures,

Having regard to Article 36 of the Agreement,

DECIDES:

1. To replace the text of Article 19 of the Agreement with the following text:

“Article 19

Subsidies

1. The rights and obligations of the Parties relating to subsidies and countervailing measures shall be governed by Article XVI of the GATT 1994 and the WTO Agreement on Subsidies and Countervailing Measures, except as otherwise provided for in this Article.
2. The extent of the Parties' obligations to ensure transparency of subsidy measures shall be governed by the criteria set out in Article XVI:1 of the GATT 1994 and Article 25 of the Agreement on Subsidies and Countervailing Measures.

3. Before an EFTA State or Romania, as the case may be, initiates an investigation to determine the existence, degree and effect of any alleged subsidy in Romania, or in an EFTA State, as provided for in Article 11 of the Agreement on Subsidies and Countervailing Measures, the Party considering initiating an investigation shall notify in writing the Party whose goods are subject to investigation and allow for a 30-day period with a view to finding a mutually acceptable solution. The consultations shall take place in the Joint Committee if any Party so requests within 10 days from the receipt of the notification."
 2. Annexes XII and XIII to the Agreement shall be deleted.
 3. Paragraph 3(a) of Article 25 shall be deleted.
 4. Paragraph 3(b) and (c) of Article 25 shall be numbered 3(a) and (b) respectively.
 5. Article 2 of Annex II to the Agreement shall be deleted.
 6. The above amendments shall enter into force when the instruments of acceptance have been deposited by all the States Parties with the Depositary that shall notify all the other States Parties.
 7. The Secretary-General of the European Free Trade Association shall deposit the text of this Decision with the Depositary.
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