

AGREEMENT
ON
ACCESSION OF THE REPUBLIC OF BULGARIA
TO THE CENTRAL EUROPEAN FREE TRADE
AGREEMENT

PREAMBLE

The Czech Republic, the Republic of Hungary, the Republic of Poland, Romania, the Slovak Republic and the Republic of Slovenia, on the one side, and the Republic of Bulgaria, on the other side, (hereinafter called “the Parties”),

Reaffirming their commitment to the principles of a market economy, which constitutes the basis for their relations;

Considering the positive development of the mutual economic co-operation between the Parties;

Wishing to contribute to the process of integration in Europe through the extension of the Central European Free Trade Agreement;

Having in mind the Declarations of Prime Ministers, done on 25 November 1994 in Poznan, on 11 September 1995 in Brno, on 13 September 1996 in Jasna and on 12 September 1997 in Portoroz;

Recalling the official request of the Republic of Bulgaria on 30 May 1996 to accede to the Central European Free Trade Agreement;

Taking into account the Agreement Amending the Central European Free Trade Agreement, signed in Brno on 11 September 1995;

In accordance with the provisions of Article 39a of the Central European Free Trade Agreement;

Have agreed as follows:

Article 1

The Republic of Bulgaria shall accede to the Central European Free Trade Agreement.

Article 2

The Republic of Bulgaria shall accept the Central European Free Trade Agreement with all its amendments and modifications signed before the signature of this Agreement and shall apply it in accordance with the provisions of this Agreement.

Article 3

References in the Central European Free Trade Agreement to its Parties and where all states are explicitly mentioned shall be understood to include the Republic of Bulgaria.

Article 4

The basic duty referred to in paragraph 1 of Article 4 of the Central European Free Trade Agreement, in case of the Republic of Bulgaria shall be the Most Favoured Nation rate of duty applicable on 1 January 1993.

Article 5

1. In order to implement the provisions of paragraph 2 of Article 3 of the Central European Free Trade Agreement Protocols 22, 23, 24, 25 and 26 to the Central European Free Trade Agreement are hereby established and attached to this Agreement.
2. Provisions for the abolition of customs duties on imports between:
 - the Czech Republic and the Slovak Republic on the one side and the Republic of Bulgaria on the other side are laid down in Protocol 22,
 - the Republic of Hungary on the one side and the Republic of Bulgaria on the other side are laid down in Protocol 23,

- the Republic of Poland on the one side and the Republic of Bulgaria on the other side are laid down in Protocol 24,
- Romania on the one side and the Republic of Bulgaria on the other side are laid down in Protocol 25,
- the Republic of Slovenia on the one side and the Republic of Bulgaria on the other side are laid down in Protocol 26.

Article 6

1. In order to implement the provisions of paragraph 1 of Article 12 of the Central European Free Trade Agreement Protocols 27, 28, 29, 30 and 31 to the Central European Free Trade Agreement are hereby established and attached to this Agreement.
2. Provisions for granting mutual agricultural concessions between:
 - the Czech Republic and the Slovak Republic on the one side and the Republic of Bulgaria on the other side are laid down in Protocol 27,
 - the Republic of Hungary on the one side and the Republic of Bulgaria on the other side are laid down in Protocol 28,
 - the Republic of Poland on the one side and the Republic of Bulgaria on the other side are laid down in Protocol 29,
 - Romania on the one side and the Republic of Bulgaria on the other side are laid down in Protocol 30,
 - the Republic of Slovenia on the one side and the Republic of Bulgaria on the other side are laid down in Protocol 31.

Article 7

Quantitative restrictions on imports or measures having equivalent effect referred to in paragraph 2 of Article 8 of the Central European Free Trade Agreement and specified in Annexes III/a, III/b and III/c of the Central European Free Trade Agreement shall also apply to imports of products

originating in the Republic of Bulgaria, subject to the provisions in Annex to Article 7 of this Agreement.

Article 8

For the purposes of this Agreement it is understood that Protocol 7 of the Central European Free Trade Agreement concerning the definition of the concept of “originating products” and methods of administrative co-operation shall also apply to the products originating in the Republic of Bulgaria, subject to the provisions in Annex to Article 8 of this Agreement.

Article 9

1. References to co-operation in customs administration mentioned in paragraph 2 of Article 16 of the Central European Free Trade Agreement shall be understood that the mutual assistance between administrative authorities in customs matters of the Czech Republic and the Slovak Republic on the one side and the Republic of Bulgaria on the other side shall take place in accordance with the provisions of Annex I to Article 9 of this Agreement.
2. References to co-operation in customs administration mentioned in paragraph 2 of Article 16 of the Central European Free Trade Agreement shall be understood that the mutual assistance between administrative authorities in customs matters of the Republic of Slovenia and the Republic of Bulgaria shall take place in accordance with the provisions of Annex II to Article 9 of this Agreement.

Article 10

1. References to government procurement in Article 24 of the Central European Free Trade Agreement shall be understood, in relations between the Czech Republic and the Slovak Republic on the one side and the Republic of Bulgaria, on the other side as for public procurement and the

period mentioned in paragraph 2 of Article 24 shall end by the end of 1998 at the latest.

2. References to government procurement in Article 24 of the Central European Free Trade Agreement shall be understood, in relations between the Republic of Slovenia and the Republic of Bulgaria, as for public procurement and the period mentioned in paragraph 2 of Article 24 shall end by the end of 1999 at the latest.
3. It is agreed that consultations shall be held in the Joint Committee under paragraph 3 of Article 24 of the Central European Free Trade Agreement concerning the extension of the treatment referred to in paragraphs 1 and 2 to other Parties.

Article 11

This Agreement shall constitute an integral part of the Central European Free Trade Agreement.

Article 12

1. This Agreement shall enter into force on the thirtieth day after receiving by the Depositary of the last notification of the Parties to the Central European Free Trade Agreement and the Republic of Bulgaria on the completion of procedures necessary for that purpose.
2. The Depositary shall, without any delay, notify all Parties of the completion of procedures necessary for entry into force of this Agreement.
3. Pending the entry into force of this Agreement according to paragraph 1 of this Article the Czech Republic, the Republic of Hungary, the Republic of Poland, the Slovak Republic, the Republic of Slovenia and the Republic of Bulgaria shall apply this Agreement provisionally from 1 January 1999, provided that Romania shall notify the other Parties, prior to 1 December 1998, that its internal legal requirements for entry into

force of this Agreement are fulfilled and that Romania shall apply this Agreement from 1 January 1999.

4. As from the date of entry into force of this Agreement the free trade agreements concluded between:

- the Czech Republic and the Republic of Bulgaria signed at Prague on 15 December 1995;
- the Slovak Republic and the Republic of Bulgaria signed at Sofia on 8 December 1995

shall cease to be in force and the free trade agreement concluded between

- the Republic of Slovenia and the Republic of Bulgaria signed at Sofia on 22 November 1996

shall not enter into force by mutual consent of the Parties concerned expressed in this Agreement.

5. As from the date of provisional application of this Agreement the free trade agreements mentioned in paragraph 4 of this Article shall not be applied between their Contracting Parties.

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

DONE at Sofia in a single authentic copy in the English language which shall be deposited with the Government of the Republic of Poland. The Depositary shall transmit certified copies to all Parties.

For the Czech Republic

For the Republic of Bulgaria

For the Republic of Hungary

For the Republic of Poland

For Romania

For the Slovak Republic

For the Republic of Slovenia

ANNEX TO ARTICLE 7

1. In addition to products mentioned in Annex III/a of the Central European Free Trade Agreement the Czech Republic and the Slovak Republic shall abolish, at the latest by the end of the transitional period, quantitative restrictions and measures having equivalent effect thereto on products originating in the Republic of Bulgaria listed below:

2702

8418*

2. The Republic of Hungary shall open the following annual ceiling for products originating in the Republic of Bulgaria.

Footwear made of leather and leather substitutes	100 000 \$
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The ceiling specified above shall be applied until elimination by the Republic of Hungary of the quantitative restrictions on the products in question. The Republic of Hungary shall review the utilization of the ceiling and shall consider *inter alia* in the light of review the possibilities to increase the ceiling for the year 2000.

* Applied by the Slovak Republic only for products which contain substances damaging the earth ozone layer.

ANNEX TO ARTICLE 8

In order to implement the provisions of the Protocol 7 of the Central European Free Trade Agreement, the following amendments shall be made:

1. Article 4

In paragraph 1 of this Article the word “Bulgaria” shall be deleted.

2. Article 18

In paragraph 4 concerning the EUR.1 movement certificate issued retrospectively the Bulgarian version shall be added as follows:

“ИЗДАДЕН ВПОСЛЕДСТВИЕ”

3. Article 19

In paragraph 2 concerning the issue of a duplicate of the EUR.1 movement certificate the Bulgarian version shall be added as follows:

“ДУБЛИКАТ”

4. ANNEX IV to Protocol 7

The Bulgarian version of the invoice declaration shall be added as follows:

“ИЗНОСИТЕЛЯТ НА ПРОДУКТИТЕ, ОБХВАНАТИ ОТ ТОЗИ ДОКУМЕНТ (МИТНИЧЕСКО РАЗРЕШЕНИЕ №.....¹), ДЕКЛАРИРА, ЧЕ ОСВЕН КЪДЕТО Е ОТБЕЛЯЗАНО ДРУГО ТЕЗИ ПРОДУКТИ СА С² ПРЕФЕРЕНЦИАЛЕН ПРОИЗХОД.”

MUTUAL ASSISTANCE IN CUSTOMS MATTERS

ARTICLE 1

Definitions

For the purposes of this Annex:

- a) “customs legislation” shall mean provisions applicable in the territories of the Parties governing the import, export, transit of goods and their placing under any other customs procedure, including measures of prohibition, restriction and control adopted by the said Parties;
- b) “customs duties” shall mean all duties, taxes, fees or and other charges which are levied and collected in the territories of the Parties, in application of customs legislation, but not including fees and charges which are limited in amount to the approximate costs of services rendered;
- c) “applicant authority” shall mean a competent administrative authority which has been appointed by a Party for this purpose and which makes a request for assistance in customs matters;
- d) “requested authority” shall mean a competent administrative authority which has been appointed by a Party for this purpose and which receives a request for assistance in customs matters;
- e) “contravention” shall mean any violation of the customs legislation as well as any attempted violation of such legislation;
- f) “customs authority” shall mean in the Republic of Bulgaria, the Ministry of Finance - the General Directorate of Customs (Ministerstvo na

finansite - Glavno Upravljenje Mitnitsi), in the Czech Republic, the Ministry of Finance - the General Directorate of Customs (Ministerstvo financí - Generální ředitelství cel) and in the Slovak Republic, the Ministry of Finance - the Customs Directorate of the Slovak Republic (Ministerstvo financí - Colné riaditeľstvo Slovenskej republiky).

ARTICLE 2

Scope

1. The Parties shall assist each other, in the manner and under the conditions laid down in this Annex, in ensuring that customs legislation is correctly applied, in particular by the prevention, detection and investigation of contravention of this legislation.
2. Assistance in customs matters, as provided for in this Annex, applies to customs authority of a Party which is competent for the application of this Annex. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of the judicial authority, unless those authorities so agree.

ARTICLE 3

Assistance on request

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information to enable it to ensure that customs legislation is correctly applied, including information regarding operations noted or planned which contravene or would contravene such legislation.

2. At the request of the applicant authority, the requested authority shall inform it whether goods exported from the territory of one of the Parties have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.
3. At the request of the applicant authority, the requested authority shall take the necessary steps to ensure that a surveillance is kept on:
 - a) natural or legal persons of whom there are reasonable grounds for believing that they are contravening or have contravened customs legislation;
 - b) movement of goods notified as possibly giving rise to substantial contraventions of customs legislation;
 - c) means of transport for which there are reasonable grounds for believing that they have been, are or may be used in the contravening of customs legislation.

ARTICLE 4

Spontaneous assistance

The Parties shall within their competences provide each other with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

- operations which have contravened, contravene or would contravene such legislation and which may be of interest to the other Party;
- new means or methods employed in realizing such operations;
- goods known to be subject to substantial contravention of customs legislation on import, export, transit or any other customs procedure;

- persons known or suspected of committing or having committed offences against the customs legislation in force in the territory of the other Party;
- means of transport and containers, for which knowledge or suspicions exist that they were, are or could be used in committing offences against the customs legislation in force in the territory of the other Party.

ARTICLE 5

Delivery/Notification

At the request of the applicant authority, the requested authority shall in accordance with its legislation take all necessary measures in order

- to deliver all documents
- to notify all decisions

falling within the scope of this Annex to an addressee, residing or established in its territory. In such a case Article 6 (3) is applicable.

ARTICLE 6

Form and substance of requests for assistance

1. Requests pursuant to the present Annex shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.
2. Requests pursuant to paragraph 1 of this Article shall include the following information:
 - a) the applicant authority making the request;
 - b) the measure requested;

- c) the object of and the reason for the request;
 - d) the laws, rules, and other legal elements involved;
 - e) indications as exact and comprehensive as possible on the natural or legal persons being the target of the investigations;
 - f) a summary of the relevant facts, except in cases provided for in Article 5.
3. Request shall be submitted in an official language of the requested authority or in a language acceptable to such authority.
 4. If a request does not meet the formal requirements, its correction or completion may be demanded; the ordering of precautionary measures may however, take place.

ARTICLE 7

Execution of requests

1. In order to comply with a request for assistance, the requested authority or, when the latter cannot act on its own, the administrative department to which the request has been addressed by this authority, shall proceed, within its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out.
2. Requests for assistance will be executed in accordance with the laws, rules, and other legal instruments of the requested Party.
3. Duly authorized officials of a Party may, with the agreement of the other Party involved and within the conditions laid down by the latter, obtain from the offices of the requested authority or other authority for which the requested authority is responsible, information relating to the

contravention of customs legislation which the applicant authority needs for the purposes of this Annex.

4. Officials of a Party may, with the agreement of the other Party, be present at enquiries carried out in the latter's territory.

ARTICLE 8

Form in which information is to be communicated

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.
2. The documents provided for in paragraph 1 may be replaced by computerized information produced in any form for the same purpose.

ARTICLE 9

Exceptions to the obligation to provide assistance

1. If the requested authority considers that the assistance sought would infringe upon the sovereignty, public order, security or other essential interests of the requested Party or involve violation of an industrial, commercial or professional secret in the territory of that Party, it may refuse to provide such assistance, provide it partly or provide it subject to certain conditions or requirements.
2. If a request for assistance cannot be complied with, the applicant authority shall be notified without delay and shall be informed of the reasons for the refusal to provide assistance.
3. If a customs authority asks for assistance which it would itself be unable to give if asked to do so by the customs authority of the other Party, it

shall draw attention to that fact in its request. Compliance with such a request shall be within the discretion of the requested authority.

ARTICLE 10

Obligation to observe confidentiality

1. Any information communicated in whatsoever form pursuant to this Annex shall be of a confidential nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended under the relevant laws applicable in the Party which received it.
2. Nominative data shall not be transmitted whenever there are reasonable grounds to believe that the transfer or the use made of the data transmitted would be contrary to the basic legal principles of one of the Parties, and in particular, if the person concerned would suffer undue disadvantages. Upon request, the receiving Party shall inform the furnishing Party of the use made of the information supplied and of the results achieved.
3. Nominative data may only be transmitted to customs authorities and, in the case of need for prosecution purposes, to public prosecution and judicial authorities. Other persons or authorities may obtain such information only upon previous authorization by the furnishing authority.
4. The furnishing Party shall verify the accuracy of the information to be transferred. Whenever it appears that the information supplied was inaccurate or to be deleted, the receiving Party shall be notified without delay. The latter shall be obliged to carry out the correction or deletion.

5. Without prejudice to cases of prevailing public interest, the person concerned may obtain, upon request, information on the data stores and the purpose of this storage.

ARTICLE 11

Use of information

1. Information obtained shall be used solely for the purposes of this Annex and may be used within each Party for other purposes only with the prior written consent of the customs authority which furnished the information and shall be subject to any restrictions laid down by that authority. These provisions are not applicable to information concerning offences relating to narcotic drugs and psychotropic substances. Such information may be communicated to other authorities directly involved in the combating of illicit drug traffic, within the limits of Article 2.
2. Paragraph 1 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with customs legislation.
3. The Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Annex.
4. Original files and documents shall be requested only in cases where certified copies would be insufficient, national legislation permitting. Originals which have been transmitted shall be returned without delay as soon as the reason for which they had been provided to the other Party ceased to exist.

ARTICLE 12

Experts and witnesses

An official of a requested authority may be authorized to appear, within the limitations of the authorization granted, as expert or witness in judicial or administrative proceedings regarding the matters covered by this Annex in the jurisdiction of the other Party, and produce such objects, documents or authenticated copies thereof, as may be needed for the proceedings. The request for an appearance must indicate specifically on what matter and by virtue of what title or qualification the official will be questioned.

ARTICLE 13

Assistance expenses

The Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Annex, except, as appropriate, for expenses to experts and witnesses and to interpreters and translators who are not dependent upon public services.

ARTICLE 14

Implementation

1. The management of this Annex shall be entrusted to the customs authorities of the Parties. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration rules in the field of data protection.
2. The Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Article.

3. The customs authorities of the Parties may arrange for their investigation services to be in direct communication with each other.
4. The Parties may recommend to the competent bodies amendments which they consider should be made to this Annex.

ANNEX II TO ARTICLE 9

MUTUAL ASSISTANCE IN CUSTOMS MATTERS

ARTICLE 1

Definitions

For the purposes of this Annex:

- a) “customs legislation” shall mean provisions applicable in Bulgaria and Slovenia governing the import, export, transit of goods and their placing under any other customs procedure, including measures of prohibition, restriction and control adopted by the said Parties;
- b) “customs duties” shall mean all duties, taxes, fees or / and other charges which are levied and collected in the territories of the Parties, in application of customs legislation, but not including fees and charges which are limited in amount to the approximate costs of services rendered;
- c) “applicant authority” shall mean a competent administrative authority which has been appointed by a Party for this purpose and which makes a request for assistance in customs matters;
- d) “requested authority” shall mean a competent administrative authority which has been appointed by a Party for this purpose and which receives a request for assistance in customs matters;
- e) “contravention” shall mean any violation of the customs legislation as well as any attempted violation of such legislation;
- f) “customs authority” shall mean in the Republic of Bulgaria, the Ministry of Finance - the General Directorate of Customs (GU Mitnici) and in the Slovenia the Ministry of Finance - the Customs Administration of the

Republic of Slovenia (Ministerstvo za finance - Carinska Uprava Republike Slovenije).

- g) “personal data” shall mean all information relating to an identified or identifiable individual.

ARTICLE 2

Scope

1. The Parties shall assist each other, in the manner and under the conditions laid down in this Annex, in ensuring that customs legislation is correctly applied, in particular by the prevention, detection and investigation of contraventions of this legislation.
2. Assistance in customs matters, as provided for in this Annex, applies to customs authority of a Party which is competent for the application of this Annex. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of the judicial authority, unless those authorities so agree.

ARTICLE 3

Assistance on request

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information to enable it to ensure that customs legislation is correctly applied, including information regarding operations noted or planned which contravene or would contravene such legislation.
2. At the request of the applicant authority, the requested authority shall inform it whether goods exported from the territory of one of the Parties

have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.

3. At the request of the applicant authority, the requested authority shall take the necessary steps to ensure that a surveillance is kept on:
- a) natural or legal persons of whom there are reasonable grounds for believing that they are contravening or have contravened customs legislation;
 - b) places where goods are stored in a way that gives grounds for suspecting that they are intended to supply operations contrary to customs legislation;
 - c) movement of goods notified as possibly giving rise to substantial contraventions of customs legislation;
 - d) means of transport for which there are reasonable grounds for believing that they have been, are or may be used in the contravening of customs legislation.

ARTICLE 4

Spontaneous assistance

The Parties shall within their competencies provide each other with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

- operations which have contravened, contravene or would contravene such legislation and which may be of interest to the other Party;
- new means or methods employed in realizing such operations;

- goods known to be subject to substantial contravention of customs legislation on import, export, transit or any other customs procedure;
- persons known or suspected of committing or having committed offenses against the customs legislation in force in the territory of the other Party;
- means of transport and containers, for which knowledge or suspicions exist that they were, are or could be used in committing offenses against the customs legislation in force in the territory of the other Party.

ARTICLE 5

Delivery/Notification

At the request of the applicant authority, the requested authority shall in accordance with its legislation take all necessary measures in order

- to deliver all documents
- to notify all decisions

falling within the scope of this Annex to an addressee, residing or established in its territory. In such a case Article 6 (3) is applicable.

ARTICLE 6

Form and substance of requests for assistance

1. Requests pursuant to the present Annex shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.
2. Requests pursuant to paragraph 1 of this Article shall include the following information:
 - a) the applicant authority making the request;

- b) the measure requested;
 - c) the object of and the reason for the request;
 - d) the laws, rules, and other legal elements involved;
 - e) indications as exact and comprehensive as possible on the natural or legal persons being the target of the investigations;
 - f) a summary of the relevant facts, except in cases provided for in Article 5.
3. Request shall be submitted in an official language of the requested authority or in a language acceptable to such authority.
 4. If a request does not meet the formal requirements, its correction or completion may be demanded; the ordering of precautionary measures may however, take place.

ARTICLE 7

Execution of requests

1. In order to comply with a request for assistance, the requested authority or, when the latter cannot act on its own account, the administrative department to which the request has been addressed by this authority, shall proceed, within its competence and available resources, as though it was acting on its own account or at the request of other authorities of that same Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out.
2. Requests for assistance will be executed in accordance with the laws, rules, and other legal instruments of the requested Party.
3. Duly authorized officials of a Party may, with the agreement of the other Party involved and within the conditions laid down by the latter, obtain from the offices of the requested authority or other authority for which the

requested authority is responsible, information relating to the contravention of customs legislation which the applicant authority needs for the purposes of this Annex.

4. Officials of a Party may, with the agreement of the other Party involved and within the conditions laid down by the latter, be present at enquiries carried out in the lathers territory.

ARTICLE 8

Form in which information is to be communicated

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.
2. The documents provided for in paragraph 1 may be replaced by computerized information produced in any form for the same purpose.

ARTICLE 9

Exceptions to the obligation to provide assistance

1. The Parties may refuse to give assistance as provided for in this Annex, where to do would:
 - a) be likely to prejudice the sovereignty of Slovenia or Bulgaria; or
 - b) be likely to prejudice public policy, security or other essential interests;
 - c) involve currency or tax regulations other than regulations concerning customs duties; or
 - d) violate an industrial, commercial or professional secret.
2. Where an applicant authority request assistance which it would itself be unable to provide if so asked, it shall draw attention to the fact in its

request. It shall then be for the requested authority to decide how to respond to such a request.

3. If assistance is withheld or denied, the decision and the reasons therefore must be notified to the applicant authority without delay.

ARTICLE 10

Obligation to observe confidentiality

1. Any information communicated in whatsoever form pursuant to this Annex shall be of a confidential nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended under the relevant laws applicable in the Party which received it.
2. Personal data may only be transmitted if the level of personal protection afforded by the legislation of the Party is equivalent. The Parties shall ensure at least a level of protection based on the principles laid down in the Attachment to this Annex.

ARTICLE 11

Use of information

1. Information obtained shall be used solely for the purposes of this Annex and may be used within each Party for other purposes only with the prior written consent of the customs authority which furnished the information and shall be subject to any restrictions laid down by that authority. These provisions are not applicable to information concerning offenses relating

to narcotic drugs and psychotropic substances. Such information may be communicated to other authorities directly involved in the combating of illicit drug traffic, within the limits of Article 2.

2. Paragraph 1 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with customs legislation.
3. The Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Annex.

ARTICLE 12

Experts and witnesses

An official of a requested authority may be authorized to appear, within the limitations of the authorization granted, as expert or witness in judicial or administrative proceedings regarding the matters covered by this Annex in the jurisdiction of the other Party, and produce such objects, documents or authenticated copies thereof, as may be needed for the proceedings. The request for an appearance must indicate specifically on what matter and by virtue of what title or qualification the official will be questioned.

ARTICLE 13

Assistance expenses

The Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Annex, except, as appropriate, for expenses to experts and witnesses and to interpreters and translators who are not public service employees.

ARTICLE 14

Implementation

1. The management of this Annex shall be entrusted to the customs authorities of the Parties. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration rules in the field of data protection.
2. The Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Article.
3. The customs authorities of the Parties may arrange for their investigation services to be in direct communication with each other.

Attachment to the Annex II to Article 9

BASIC PRINCIPLES OF DATA PROTECTION

1. Personal data undergoing automatic processing shall be:
 - a) obtained and processed fairly and lawfully;
 - b) stored for specified and legitimate purposes and not used in a way incompatible with those purposes;
 - c) adequate, relevant and not excessive in relation to the purposes for which they are stored;
 - d) accurate and, where necessary, kept up to date;
 - e) preserved in a form which permits identification of the data subjects for no longer than is required for the purpose for which those data are stored.
2. Personal data revealing racial origin, political opinions or religious or other beliefs, as well as personal data concerning health or sexual life, may not be processed automatically unless domestic law provides appropriate safeguards. The same shall apply to personal data relating to criminal convictions.
3. Appropriate security measures shall be taken for the protection of personal data stored in automated data files against unauthorised destruction or accidental loss as well as against unauthorised access, alteration or dissemination.
4. Any person shall be enabled:
 - a) to establish the existence of an automated personal data file, its main purposes, as well as the identity and habitual residence or principal place of business of the controller of the file;

- b) to obtain at reasonable intervals and without excessive delay or expense confirmation of whether personal data relating to him are stored in the automated data file as well as communication to him of such data in an intelligible form;
 - c) to obtain, as the case may be, rectification or erasure of such data if they have been processed contrary to the provisions of domestic law giving effect to the basic principles set out in principles 1 and 2 of this Attachment;
 - d) to have remedy if a request for communication or, as the case may be, communication, rectification or erasure as referred to in paragraphs b and c of this principle is not complied with.
5. No exception to the provisions under principles 1,2 and 4 of this Attachment shall be allowed except within the limits defined in this principle.
6. Derogation from the provisions under principles 1,2 and 4 of this Attachment shall be allowed when such derogation is provided for by the law of the Party and constitutes a necessary measure in a democratic society in the interest of;
- a) protecting State security, public safety, the monetary interests of the State or the suppression of criminal offenses;
 - b) protecting the data subject or the rights and freedoms of others.
7. Restrictions on the exercise of the rights specified in principle 4, paragraph b, c and d of this Attachment, may be provided by law with respect to automated personal data files used for statistics or for scientific research purposes where there is obviously no risk of an infringement of the privacy of the data subjects.

8. None of the provisions of this Attachment shall be interpreted as limiting or otherwise affecting the possibility for a Party to grant data subjects a wider measure of protection than that stipulated in this Attachment.

P R O T O C O L 22
(referred to in paragraph 2 of Article 3)

ABOLITION OF CUSTOMS DUTIES BETWEEN
THE CZECH REPUBLIC AND THE SLOVAK REPUBLIC ON THE ONE SIDE
AND
THE REPUBLIC OF BULGARIA ON THE OTHER SIDE

1. Customs duties on imports applicable in the Czech Republic and the Slovak Republic to products originating in the Republic of Bulgaria shall be abolished on the date of application of this Agreement.
2. Customs duties on imports applicable in the Republic of Bulgaria to products originating in the Czech Republic and the Slovak Republic shall be abolished on the date of application of this Agreement.

P R O T O C O L 23
(referred to in paragraph 2 of Article 3)

ABOLITION OF CUSTOMS DUTIES BETWEEN
THE REPUBLIC OF HUNGARY ON THE ONE SIDE
AND
THE REPUBLIC BULGARIA OF ON THE OTHER SIDE

1. Customs duties on imports applicable in the Republic of Bulgaria to products originating in the Republic of Hungary listed in Annex A to this Protocol shall be progressively reduced in accordance with the following timetable:
 - on the date of application of this Agreement - to 30% of the basic duty,
 - on January 1, 2000 - to 15% of the basic duty,
 - on January 1, 2001 - the remaining duties shall be eliminated.
2. For the products originating in the Republic of Hungary imported to the Republic of Bulgaria and not listed in the Annex A to this Protocol zero customs duties shall be applied from the date of application of this Agreement.
3. Customs duties on imports applicable in the Republic of Hungary to products originating in the Republic of Bulgaria listed in Annex B to this Protocol shall be progressively reduced in accordance with the following timetable:
 - on the date of application of this Agreement - to 30% of the basic duty,

- on January 1, 2000 - to 15% of the basic duty,
- on January 1, 2001 - the remaining duties shall be eliminated.

4. For the products originating in the Republic of Bulgaria imported to the Republic of Hungary and not listed in the Annex B to this Protocol zero customs duties shall be applied from the date of application of this Agreement.

Annex A to Protocol 23

250840	330420	392072	401013	420321
252020	330430	392073	401019	440920
252321	330491	392091	401021	441011
252329	330499	392092	401022	441019
252330	330510	392093	401023	441090
253090	330520	392094	401024	441111
271000	330530	392099	401029	441119
280430	330590	392210	401110	441121
281310	330610	392220	401120	441129
281410	340111	392290	401140	441131
281511	340119	392310	401150	441139
281512	340120	392321	401191	441191
282810	340220	392329	401199	441199
282890	340290	392330	401210	441213
283010	340410	392340	401220	441214
283410	340420	392390	401290	441219
283531	340510	392410	401310	441222
283620	340520	392490	401320	441223
283630	340530	392510	401390	441229
283650	360200	392520	401610	441292
284210	360410	392530	401691	441293
284290	360490	392590	401692	441299
284910	360500	392610	401693	441300
290315	380820	392620	401694	441510
290531	381900	392630	401695	441520
290941	382000	392640	401699	441600
290950	390110	392690	401700	441810
291411	390810	400241	410511	441820
291735	391721	400300	410520	441830
291813	391722	400400	410611	441840
292610	391723	400599	410620	441850
293340	391810	400610	420100	441890
293371	391890	400690	420211	442110
300410	391990	400700	420212	442190
300510	392010	400811	420219	480251
300590	392020	400819	420221	480252
310210	392041	400821	420222	480253
310221	392042	400829	420229	480300
310230	392051	400910	420231	480411
310250	392059	400920	420232	480431
310280	392061	400930	420239	480439
320810	392062	400940	420291	480441
320910	392063	400950	420292	480449
320990	392069	401011	420299	480459
330410	392071	401012	420310	480510