

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 113 final

Brussels, 17th March 1980

PROPOSAL FOR A COUNCIL REGULATION (EEC)
ON THE SAFEGUARD MEASURES PROVIDED FOR IN
THE ACP-EEC CONVENTION OF LOME

(presented by the Commission to the Council)

COM(80) 113 final

Explanatory Memorandum

Articles 12 to 16 of the second ACP-EEC Convention signed in Lomé on 31 October 1979 contain provisions regarding safeguards which, when this Convention enters into force, will replace the corresponding provisions in the first Lomé Convention, which have been extended under the transitional arrangements.

In view of the significant differences between the two sets of provisions, and in order to enable the Community and the Member States to comply with the obligations they have assumed in this field, Council Regulation n° (EEC) 157/76 of 20 January 1976 on the safeguard measures provided for in the first Lomé Convention should be repealed and its provisions replaced by those of the attached proposal for a regulation.

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PROPOSAL FOR
COUNCIL REGULATION (EEC)

on the safeguard measures provided for in the ACP-EEC Convention of Lomé

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the detailed rules for implementing the safeguard clauses provided for in Title I, Chapter 1, of the second ACP-EEC Convention of Lomé, signed on 31 October 1979 (hereinafter called the Convention), should be such as to enable the Community and the Member States to comply with the obligations they have assumed in this connection;

Whereas the procedures concerning the safeguard clauses provided for in the Treaty establishing the European Economic Community and in the regulations on the common organization of agricultural markets are also applicable,

Whereas the provisions of this Regulation replace those of Council Regulation (EEC) No 157/76 of 20 January 1976 on the safeguard measures provided for in the ACP-EEC Convention of Lomé¹; whereas the latter Regulation should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

1. Before applying the safeguard measures which the Community is entitled to take under Article 12 of the Convention, at the request of a Member State or on its own initiative, to products originating in the African, Caribbean and Pacific States which are members of the Convention, the Commission shall inform the ACP States and shall notify them of the opening of the consultations referred to in Article 13(1) of the Convention.

(1) OJ No L 18, 27.1.1976, p.1.

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The Commission shall be assisted during the consultations by a Committee composed of representatives of the Member States and chaired by a Commission representative.

If the Commission receives a request from a Member State, it shall take a decision thereon within three working days following receipt of the request.

2. After the consultations with the ACP States, and at all events after a period of 21 days from the notification referred to in the preceding paragraph, the Commission may take appropriate measures to implement Article 12 of the Convention. Such measures shall be communicated to the Member States and shall apply forthwith.

3. Any Member State may refer a Commission decision adopted pursuant to this Article to the Council within 10 working days of notification of that decision. The Council shall meet without delay. Acting by a qualified majority, it may amend or annul the measures in question.

Article 2

1. Should special factors arise within the meaning of Article 13 (3) of the Convention, the Commission may take, or may authorise a Member State to take, immediate safeguard measures.

The special factors referred to in the preceding subparagraph shall be deemed to be present notably where critical circumstances, or any delay capable of causing harm that would be difficult to remedy, necessitate immediate action to safeguard the Community's interests.

2. If the Commission receives a request from a Member State, it shall take a decision thereon within three working days following receipt of the request.

The Commission's decision shall be notified to all Member States.

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3. Any Member State may refer the Commission's decision to the Council in accordance with the procedure provided for in Article 1 (3).

The measures taken by a Member State in implementation of the Commission's decision, or where appropriate of the Council, and any amendment which it makes thereto, shall be notified to the other Member States and to the Commission.

Article 3

1. Without prejudice to the application of Article 2, the Member State or States concerned may, in a special emergency, introduce safeguard measures. Such measures shall not be applicable until 48 hours after their notification to the other Member States and the Commission.

After consultation with the Member States, the Commission shall, within five working days of the notification referred to in the first subparagraph, decide whether the measures are to be retained, amended or abolished.

The Commission's decision shall be notified to all Member States. It shall be immediately enforceable.

2. Any Member State may refer the Commission's decision to the Council within 10 working days of notification of that decision. The Council shall meet without delay. Acting by a qualified majority, it may amend or annul the decision taken by the Commission.

If the matter is referred to the Council by the Member State which has taken the measures, the Commission's decision shall be suspended. Such suspension shall cease to apply 30 days after the matter has been referred to the Council, if the latter has not by then amended or annulled the Commission's decision.

Article 4

This Regulation shall not prejudice the application of provisions establishing the common organization of agricultural markets or of Community

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or national administrative provisions derived therefrom or of the specific rules adopted under Article 235 of the Treaty applicable to agricultural products, but shall complement them.

Article 5

Community notifications, as provided for in Article 12 of the Convention, shall be made to the ACP-EEC Council of Ministers by the Commission.

Article 6

Regulation (EEC) No 157/76 is hereby repealed.

Article 7

This Regulation shall enter into force at the same time as the second ACP-EEC Convention of Lomé.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council,

The President