

EUROPEAN COMMUNITIES

Collected Acts

**OVERSEAS COUNTRIES AND  
TERRITORIES  
FRENCH OVERSEAS DEPARTMENTS**

‡  
Vol. II

Secretariat of the Council  
of the European Communities

The French overseas departments (FOD) are at present :  
Guyana, Martinique, Guadeloupe and Reunion.

Since acts in the OCT-FOD series concern the EEC only they are not grouped under the headings ECSC, Euratom or COM. Exceptionnally the acts in this series are divided into three groups, which in turn are subdivided into headings identified by roman numerals. These headings are as follows :

- Overseas countries and territories : text of association provisions concerning those countries and territories which have not become independant.
  - 0 - General
  - I - Institutional matters
  - II - Trade
  - III - Financial and Technical Co-operation
  - IV - Right of establishment, services, payments and capital
  - V - Netherlands Antilles
  
- French overseas departments : text of provisions enabling the French overseas departments to benefit from certain provisions of the Implementing Convention annexed to the EEC Treaty.
  - 0 - General
  - I - (not applicable)
  - II - Trade
  - III - Financial and technical co-operation
  - IV - Establishment, payments and capital movements
  - V - Freedom of movement for workers

The series "Overseas Countries and Territories - French Overseas Departments" is contained in a single volume.

## 2. Presentation

To enable new acts to be added at any timz the collection is published in loose-leaf form.

The top of each page bears a reference number composed as follows : abbreviation indicating the series (OCT for acts relating to the overseas countries and territories, FOD for acts relating to the French overseas departments and OCT-FOD for acts relating to both contained in texts published before the Yaoundé Convention, abbreviation indicating the Community which to the acts relates, roman numeral indicating the heading and arabic numeral for the page number within the heading.

Example : OCT-FOD/EEC IV 37

OCT-FOD : the text is part of the series "Overseas Countries and Territories - French Overseas Departments" ;

EEC : the Community concerned is the European Economic Community ;

IV : the heading is "IV European Development Fund for the overseas countries and territories" ;

37 : the page number is 37.

Where it is necessary to change a page a replacement loose-leaf sheet is sent. The bottom right-hand corner of the page bears a number which distinguishes it from the page which it replaces. Example : page OCT-FOD/EEC IV 43 is marked "No 2 and bears the date "2.2.64", which means that the previous sheet was replaced by a second new sheet on 2.2.1964.

Cross-references to the acts are given in footnotes.

### 3. Tables

At the beginning of each heading in the Compilation there is a table listing the titles of the acts recorded in it. It will be brought up to date at regular intervals.

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Directions for use

1. Structure of the series "Overseas Countries and Territories - French Overseas Departments" (OCT-FOD)

Annexed to the Treaty establishing the European Economic Community (EEC) is an Implementing Convention on the Association of the Overseas Countries and Territories with the EEC. This Convention was concluded for 5 years and therefore expired on 31 December 1962. In the meantime the majority of the overseas countries and territories had become independant and entered into negotiations with the EEC for the purpose of concluding a new "Convention of Association between the European Economic Community and the African States and Madagascar (AASM) associated with that Community", which was signed in Yaoundé on 20.7.1963. The text of that Convention, all the acts adopted pursuant to it by the various institutions of the association between the EEC and the AASM and the acts adopted by the EEC relating to the AASM are published in the special collection : "Association between the European Economic Community and the African States and Madagascar associated with that Community".

This series comprises all the acts adopted pursuant to the Articles of the EEC Treaty contained in the Chapter "Association of the Overseas Countries and Territories", Article 227 (2) (French overseas departments) and the "Implementing Convention on the Association of the Overseas Countries and Territories with the Community" annexed to the Treaty, which in some cases are still applicable to overseas countries and territories or French overseas departments which have not become independant.

The overseas countries and territories (OCT) are at present : (1)

1. Overseas countries of the Kingdom of the Netherlands :
  - the Netherlands Antilles (Aruba, Bonaire, Curaçao, St. Martin, Saba, St Eustatius).
2. Overseas territories of the French Republic :
  - Saint Pierre and Miquelon,
  - Mayotte,
  - Territory of the Afars and Issas,
  - New Caledonia and Dependencies,
  - Wallis and Futuna Islands,
  - French Polynesia,
  - French Southern and Antarctic Territories.
3. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland :
  - Belize,
  - Brunei,
  - Associated States in the Caribbean (Antigua, Dominica, St Lucia, St Vincent, St Kitts, Nevis and Anguilla),
  - Cayman Islands,
  - Falkland Islands and Dependencies,
  - Gilbert Islands,
  - Solomon Islands,
  - Turks and Caicos Islands,
  - British Virgin Islands,
  - Montserrat,
  - Pitcairn,
  - St Helena and Dependencies,
  - Seychelles,
  - British Antarctic Territory,
  - British Indian Ocean Territory,
  - Tuvalu.
4. Anglo-French Condominium of the New Hebrides.

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(1) This list does not prejudice the status of these countries and territories now or in the future.

In addition to this compilation, there are also the "European Communities" Collected Acts, the Compilation of Acts of the "Association between the European Economic Community and the African States and Madagascar associated with the Community", the Compilation of Acts of the "Association between the European Economic Community and Turkey", the Compilation of Acts of the "Association between the European Economic Community and Greece", the Compilation of Acts of the "Association between the European Economic Community and the Tunisian Republic", the Compilation of Acts of the "Association between the European Economic Community and the Kingdom of Morocco", the Compilation of Acts of the "Association between the European Economic Community and Malta", the Compilation of Acts of the "Association between the European Economic Community and the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya", and the Compilation of Acts of the "Association between the European Economic Community and the Republic of Cyprus".

Products obtained		Working or processing that does not confer the status of originating product.	Working or processing that confer the status of originating products when the following conditions are met
CCT heading No	Description		
57.08	Paper yarn		Manufacture from products of Chapter 47, from chemical products, textile pulp or from natural textile fibres discontinuous man-made fibres or their waste, neither carded nor combed
57.09 <sup>(1)</sup>	Woven fabrics of true hemp		Manufacture from products of heading No 57.01
57.10 <sup>(1)</sup>	Woven fabrics of jute or of other textile bast fabrics of heading No 57.03		Manufacture from raw jute, jute tow or from other raw textile bast fibres of heading No 57.03
57.11 <sup>(1)</sup>	Woven fabrics of other vegetable textile fibres		Manufacture from materials of heading No 57.02 or 57.04 or from coir yarn of heading No 57.07
57.12	Woven fabrics of paper yarn		Manufacture from paper, from chemical products, textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste
58.01 <sup>(2)</sup>	Carpets, carpeting and rugs, knotted (made up or not)		Manufacture from materials of heading Nos 50.01 to 50.03, 51.01, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04
58.02 <sup>(2)</sup>	Other carpets, carpeting, rugs, mats and matting, and 'Kelem', 'Schumacks' and 'Karamanie' rugs and the like (made up or not)		Manufacture from materials of heading Nos 50.01 to 50.03, 51.01, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03, 57.01 to 57.04 or from coir yarn of heading No 57.07
58.04 <sup>(2)</sup>	Woven pile fabric and chenille fabrics (other than terry towelling or similar terry fabrics of cotton of heading No 55.08 and fabrics of heading No 58.05)		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03, 57.01 to 57.04 or from chemical products or textile pulp

<sup>(1)</sup> For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

- (i) to 20% where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;
- (ii) to 30% where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

<sup>(2)</sup> For products composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which products of the other textile materials of which the mixed product is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

- (i) to 20% where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;
- (ii) to 30% where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods		Manufacture from yarn
59.12	Textile fabrics otherwise impregnated or coated; painted canvas being theatrical scenery, studio backcloths or the like		Manufacture from yarn
59.13 <sup>(1)</sup>	Elastic fabrics and trimmings (other than knitted or crocheted goods) consisting of textile materials combined with rubber threads		Manufacture from single yarn
59.15 <sup>(1)</sup>	Textile hosepiping and similar tubing, with or without lining, armour or accessories of other materials		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
59.16 <sup>(1)</sup>	Transmission, conveyor or elevator belts or belting, of textile material, whether or not strengthened with metal or other material		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
59.17 <sup>(1)</sup>	Textile fabrics and textile articles, of a kind commonly used in machinery or plant		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
ex Chapter 60 <sup>(1)</sup>	Knitted and crocheted goods, excluding knitted or crocheted goods obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from natural fibres, carded or combed, from materials of heading Nos 56.01 to 56.03, from chemical products or textile pulp
ex 60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(2)</sup>

<sup>(1)</sup> For products composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which products of the other textile materials of which the mixed product is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

(i) to 20% where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;

(ii) to 30% where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

<sup>(2)</sup> Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

## ANNEX

to the Commission Regulation of 4 January 1973, fixing the levies on cereals and wheat or rye flour, groats and meal

CCT heading No	Description of goods	u.a./ton
10.01 A	Common wheat, and meslin	26.94
10.01 B	Durum wheat	33.43 <sup>(1)</sup> <sup>(4)</sup>
10.02	Rye	27.91 <sup>(5)</sup>
10.03	Barley	15.26
10.04	Oats	17.76
10.05 B	Maize other than hybrid maize for sowing	24.53 <sup>(2)</sup> <sup>(3)</sup>
10.07 A	Buckwheat	0
10.07 B	Millet	6.81
10.07 C	Grain sorghum	18.93
10.07 D	Canary seed; other cereals	0 <sup>(4)</sup>
11.01 A	Wheat or meslin flour	55.74
11.01 B	Rye flour	49.45
11.02 A I a	Durum wheat groats and meal	60.62
11.02 A I b	Common wheat groats and meal	59.60

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

<sup>(2)</sup> Where maize originating in the AASM and OCT is imported into the French Overseas Departments, the levy is reduced by 6 u.a./metric ton.

<sup>(3)</sup> Where maize originating in Tanzania, Uganda and Kenya is imported into the Community, the levy is reduced by 1 u.a./metric ton.

<sup>(4)</sup> Where wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

<sup>(5)</sup> The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1234/71 and Commission Regulation (EEC) No 2622/71.

## ANNEX

to the Commission Regulation of 11 January 1973 altering the import levies on products  
processed from cereals and rice

CCT heading No	Nomenclature in simplified wording	Levies in u.a./100 kg	
		Third countries (other than AASM and OCT, Tanzania, Uganda and Kenya)	AASM, OCT, Tanzania, Uganda and Kenya
11.08 A II	Rice starch	4.407	1.857

1. 3. 73

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## REGULATION (EEC) No 569/73 OF THE COUNCIL

of 26 February 1973

temporarily suspending customs duties on certain fruits and vegetables originating in the Associated African and Malagasy States and in the overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 28 thereof ;

Having regard to the Opinion of the European Parliament ;

Whereas imports into the Community of certain fruits and vegetables originating in the Associated African and Malagasy States and the Overseas Countries and Territories are subject during certain periods of the year to the levy of Common Customs Tariff duties ; whereas it has been agreed to review the timetable for duty-free imports of several of these products ; whereas, pending this review, the customs duties on imports into the Community of products originating in these States, countries or territories should be suspended autonomously for longer periods than those at present laid down ;

HAS ADOPTED THIS REGULATION :

*Article 1*

Until 31 May 1973, the Common Tariff duties on the products listed below originating in the Associated African and Malagasy States and the Overseas Countries and Territories shall be temporarily suspended. This suspension shall apply to :

07.01 Vegetables, fresh or chilled :

F. Leguminous vegetables, shelled or unshelled :

ex I. Peas : from 1 March to 30 April

ex II. Beans : from 1 to 31 May

S. Sweet peppers : from 1 to 31 May

T. Other :

— Aubergines :

from 1 March to 15 May

— Pumpkins, marrows, gourds :

from 1 April to 15 May

08.09 Other fruit, fresh :

— Melons and the like :

from 1 April to 31 May.

*Article 2*

This Regulation shall enter into force on 1 March 1973.

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

Done at Brussels, 26 February 1973.

*For the Council*

*The President*

E. GLINNE

## Whereas

- Council Regulation (EEC) No 805/68<sup>(1)</sup> of 27 June 1968 on the common organization of the market in beef and veal, as last amended by Regulation (EEC) No 1855/74<sup>(2)</sup>,
- Council Regulation (EEC) No 2142/70<sup>(3)</sup> of 20 October 1970 on the common organization of the market in fishery products, as last amended by Regulation (EEC) No 1182/75<sup>(4)</sup>,
- Council Regulation No 136/66/EEC<sup>(5)</sup> of 22 September 1966 on the establishment of a common organization of the market in oils and fats, as last amended by Regulation (EEC) No 1707/73<sup>(6)</sup>,
- Council Regulation No 120/67/EEC<sup>(7)</sup> of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 665/75<sup>(8)</sup>,
- Council Regulation No 359/67/EEC<sup>(9)</sup> of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 668/75<sup>(10)</sup>,
- Council Regulation (EEC) No 1035/72<sup>(11)</sup> of 18 May 1972 on the common organization of the market in fruit and vegetables, as last amended by Regulation (EEC) No 2745/72<sup>(12)</sup>,
- Council Regulation (EEC) No 865/68<sup>(13)</sup> of 28 June 1968 on the common organization of the market in products processed from fruit and vegetables, as last amended by Regulation (EEC) No 981/75<sup>(14)</sup>,
- Regulation (EEC) No 1059/69,
- Council Regulation (EEC) No 727/70<sup>(15)</sup> of 21 April 1970 on the common organization of

the market in raw tobacco, as last amended by the Act of Accession<sup>(16)</sup>,

- Council Regulation (EEC) No 1308/70<sup>(17)</sup> of 29 June 1970 on the common organization of the market in flax and hemp, as last amended by the Act of Accession,
- Council Regulation (EEC) No 1696/71<sup>(18)</sup> of 26 July 1971 on the common organization of the market in hops, as last amended by the Act of Accession,
- Council Regulation (EEC) No 234/68<sup>(19)</sup> of 27 February 1968 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage, as last amended by the Act of Accession,
- Council Regulation (EEC) No 2358/71<sup>(20)</sup> of 26 October 1971 on the common organization of the market in seeds, as last amended by Regulation (EEC) No 671/75<sup>(21)</sup>,
- Council Regulation (EEC) No 827/68<sup>(22)</sup> of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty, as last amended by Regulation (EEC) No 1067/74<sup>(23)</sup>, and
- Council Regulation (EEC) No 1067/74 of 30 April 1974 on the common organization of the market in dehydrated fodder, as last amended by Regulation (EEC) No 1420/75<sup>(24)</sup>,

establish trade arrangements with third countries;

Whereas, on the one hand, these arrangements provide only for the application of custom duties on the importation of a number of products; whereas it should therefore be ensured that the exemption from duties provided for in Article 2 (2) (a) (i) of the convention is applied from 1 July 1975;

Whereas, on the other hand, these trade arrangements involve the application of customs duties and import levies on beef and veal and on products processed from fruit and vegetables the charging of levies in

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 195, 18. 7. 1974, p. 14.

<sup>(3)</sup> OJ No L 236, 27. 10. 1970, p. 5.

<sup>(4)</sup> OJ No L 118, 8. 5. 1975, p. 1.

<sup>(5)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(6)</sup> OJ No L 175, 29. 6. 1973, p. 5.

<sup>(7)</sup> OJ No 117, 19. 6. 1967, p. 2269/67.

<sup>(8)</sup> OJ No L 72, 20. 3. 1975, p. 14.

<sup>(9)</sup> OJ No 174, 31. 7. 1967, p. 1.

<sup>(10)</sup> OJ No L 72, 20. 3. 1975, p. 18.

<sup>(11)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(12)</sup> OJ No L 291, 28. 12. 1972, p. 14.

<sup>(13)</sup> OJ No L 153, 1. 7. 1968, p. 8.

<sup>(14)</sup> OJ No L 95, 17. 4. 1975, p. 2.

<sup>(15)</sup> OJ No L 94, 28. 4. 1970, p. 1.

<sup>(16)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(17)</sup> OJ No L 146, 4. 7. 1970, p. 1.

<sup>(18)</sup> OJ No L 175, 4. 8. 1971, p. 1.

<sup>(19)</sup> OJ No L 55, 2. 3. 1968, p. 1.

<sup>(20)</sup> OJ No L 246, 5. 11. 1971, p. 1.

<sup>(21)</sup> OJ No L 72, 20. 3. 1975, p. 21.

<sup>(22)</sup> OJ No L 151, 30. 6. 1968, p. 16.

<sup>(23)</sup> OJ No L 120, 1. 5. 1974, p. 2.

<sup>(24)</sup> OJ No L 141, 3. 6. 1975, p. 1.

## ANNEXE — ANNEX — ANHANG — ALLEGATO — BIJLAGE — BILAG

N° du tarif douanier commun CCT heading No Nr. des Gemeinsamen Zolltarifs Numero della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief Position i den fælles toldtarif	Ireland + United Kingdom  UC/100 kg	Autres Etats membres Other Member States Andere Mitgliedstaaten Altri Stati membri Andere Lid-Staten Andre medlemsstater UC/RE/UA/100 kg
01.02 A II a)	19,252	39,438
01.02 A II b)	19,252	39,438
02.01 A II a) 1 aa) 11	37,698	74,932
02.01 A II a) 1 aa) 22	30,075	59,945
02.01 A II a) 1 aa) 33	45,322	89,919
02.01 A II a) 1 bb) 11	37,698	74,932
02.01 A II a) 1 bb) 22	30,075	59,945
02.01 A II a) 1 bb) 33	45,322	89,919
02.01 A II a) 1 cc) 11	77,369	112,398
02.01 A II a) 1 cc) 22	81,762	128,568
02.01 A II a) 2 aa)	44,048	78,569
02.01 A II a) 2 bb)	35,155	62,855
02.01 A II a) 2 cc)	55,164	98,212
02.01 A II a) 2 dd) 11	86,123	117,854
02.01 A II a) 2 dd) 22 aaa)	53,859	98,212
02.01 A II a) 2 dd) 22 bbb) (1)	53,859	98,212
02.01 A II a) 2 dd) 22 ccc)	90,867	135,139
02.06 C I a) 1	79,736	112,398
02.06 C I a) 2	74,409	128,568

(1) L'admission dans cette sous-position est subordonnée à la présentation d'un certificat délivré dans les conditions prévues par les autorités compétentes des Communautés européennes.

(1) Entry under this subheading is subject to the production of a certificate issued on conditions laid down by the competent authorities of the European Communities.

(1) Die Zulassung zu dieser Tarifstelle ist abhängig von der Vorlage einer Bescheinigung, die den von den zuständigen Stellen der Europäischen Gemeinschaften festgesetzten Voraussetzungen entspricht.

(1) L'ammissione in questa sottovoce è subordinata alla presentazione di un certificato conformemente alle condizioni stabilite dalle autorità competenti delle Comunità europee.

(1) Indeling onder deze onderverdeling is onderworpen aan de voorwaarde dat een certificaat wordt voorgelegd, hetwelk is afgegeven onder de voorwaarden en bepalingen, vastgesteld door de bevoegde autoriteiten van de Europese Gemeenschappen.

(1) Henførsel under denne underposition er betinget af, at der fremlægges et certifikat, der opfylder de betingelser, der er fastsat af de kompetente myndigheder i De europæiske Fællesskaber.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
48.06	Paper and paperboard, ruled, lined or squared, but not otherwise printed, in rolls or sheets		Manufacture from paper pulp
48.14	Writing blocks, envelopes, letter cards, plain postcards, correspondence cards; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing only an assortment of paper stationery		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
48.15	Other paper and paperboard, cut to size or shape		Manufacture from paper pulp
48.16	Boxes, bags and other packing containers, of paper or paperboard		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
49.09	Picture postcards, Christmas and other picture greeting cards, printed by any process, with or without trimmings	Manufacture from products of heading No 49.11	
49.10	Calendars of any kind, of paper or paperboard, including calendar blocks	Manufacture from products of heading No 49.11	
50.04 <sup>(1)</sup>	Silk yarn, other than yarn of noil or other waste silk, not put up for retail sale		Manufacture from products other than those of heading No 50.04
50.05 <sup>(1)</sup>	Yarn spun from silk waste other than noil, not put up for retail sale		Manufacture from products of heading No 50.03
50.06 <sup>(1)</sup>	Yarn spun from noil silk, not put up for retail sale		Manufacture from products of heading No 50.03
50.07 <sup>(1)</sup>	Silk yarn and yarn spun from noil or other waste silk, put up for retail sale		Manufacture from products of heading Nos 50.01 to 50.03
x50.08 <sup>(1)</sup>	Imitation catgut of silk		Manufacture from products of heading No 50.01 or from products of heading No 50.03, neither carded nor combed

<sup>(1)</sup> For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 60.03	Stockings, under stockings, socks, anklesocks, sockettes and the like, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(1)</sup>
ex 60.04	Under garments, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(1)</sup>
ex 60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(1)</sup>
ex 60.06	Other articles, knitted or crocheted, elastic or rubberized (including elastic knee-caps and elastic stockings), obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(1)</sup>
61.01	Men's and boys' outer garments		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
ex 61.01	Fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from uncoated cloth of which the value does not exceed 40% of the value of the finished product <sup>(1)</sup> <sup>(2)</sup>
ex 61.02	Women's, girls' and infants' outer garments, not embroidered		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
ex 61.02	Fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from uncoated cloth of which the value does not exceed 40% of the value of the finished product <sup>(1)</sup> <sup>(2)</sup>
ex 61.02	Women's, girls' and infants' outer garments, embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product <sup>(1)</sup>

<sup>(1)</sup> Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

<sup>(2)</sup> These provisions do not apply where the products are obtained from printed fabric in accordance with the conditions shown in List B.

31. 7. 75

Official Journal of the European Communities

No L 201 73

## REGULATION (EEC) No 1958/75 OF THE COUNCIL

of 30 July 1975

extending certain transitional measures for rum, arrack and tafia in relation with certain overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof;

Having regard to the Act of Accession <sup>(1)</sup>, and in particular Article 119 (3) thereof;

Having regard to the Opinion of the Commission;

Whereas, with a view to the advance implementation of Article 2 (1) of the ACP-EEC Lomé convention and Protocol 7 thereto, which was announced by the Community when that convention was signed, the Council, by Regulation (EEC) No 1600/75 <sup>(2)</sup>, opened a duty-free Community tariff quota for products falling within subheading 22.09 C I of the Common Customs Tariff (rum, arrack and tafia) originating in the ACP States; whereas special import arrangements should therefore be made for these products when they originate in the overseas countries and territories;

Whereas Council Decision No 70/549/EEC <sup>(3)</sup> of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community, expired on 31 January 1975; whereas, under Decision No 75/89/EEC <sup>(4)</sup>, Decision No 70/549/EEC and its Annexes, and the provisions adopted for their implementation continue to apply beyond 31 January 1975 until the entry into force of the provisions which are to replace this Decision or until 31 July 1975, whichever is the earlier; whereas, however, Council Decision No 75/463/EEC of 22 July 1975 on the extension of certain transitional measures in relations with certain overseas countries and territories, maintains in force Decision No 70/549/EEC provided that no new provisions relating to the same fields have entered into force or until 31 July 1976, whichever is the earlier;

Whereas Regulation (EEC) No 1957/75, which enters into force on 1 August 1975, lays down interim trade arrangements with the overseas countries and territories associated with the European Economic Community similar to those laid down for products originating in the ACP States; whereas Article 1 of this Regulation provides that certain products originating in the overseas countries and territories shall be imported into the Community free of customs duties and charges having equivalent effect; whereas, however, the abovementioned Regulation provides for the adoption of a special Regulation for products falling within subheading 22.09 C I of the Common Customs Tariff;

Whereas, pursuant to Article 115 (3) of the Act of Accession the Council, by Decision No 75/462/EEC <sup>(5)</sup> maintained in force the arrangements provided for in Articles 109 (1), 114 and 119 (1) of that Act;

Whereas, pursuant to Article 119 of the Act of Accession, the arrangements resulting from Decision No 70/549/EEC shall not apply in relations between the new Member States and the overseas countries and territories;

Whereas the import arrangements for the products falling within subheading 22.09 C I of the Common Customs Tariff (rum, arrack and tafia) originating in the overseas countries and territories are not covered by Regulation (EEC) No 1957/75; whereas the Council has agreed to adopt texts laying down these arrangements by 30 November 1975; whereas, pending this decision, the status quo should be maintained for imports of these products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The products falling within subheading 22.09 C I of the Common Customs Tariff (rum, arrack and tafia) originating in the overseas countries and territories listed in Annex I shall be subject:

<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(2)</sup> OJ No L 166, 28. 6. 1975, p. 81.

<sup>(3)</sup> OJ No L 282, 28. 12. 1970, p. 83.

<sup>(4)</sup> OJ No L 26, 31. 1. 1975, p. 9.

(5) OJ No L 201, 31.7.1975

## ANNEX

## List of products which are the subject of this Regulation

Nimex code	Tariff description
(a) <i>Ground-nut products</i> 12.01.31 to 12.01.35  15.07.74 and 15.07.87  23.04.10	Oil seeds and oleaginous fruit, whole or broken : Ground-nuts, in shell or shelled  Ground-nut oil for the manufacture of foodstuffs for human consumption, crude  Ground-nut oil for the manufacture of foodstuffs for human consumption, other  Oil-cake and other residues (except dregs) resulting from the extraction of vegetable oils : Other : Of ground-nuts
(b) <i>Cocoa products</i> 18.01.00 18.03.10 to 18.03.30  18.04.00	Cocoa beans, whole or broken, raw or roasted Cocoa paste (in bulk or in block), whether or not defatted : Not defatted Wholly or partly defatted Cocoa butter (fat or oil)
(c) <i>Coffee products</i> 09.01.11 to 09.01.17  21.02.10	Coffee, whether or not roasted or freed of caffeine ; coffee husks and skins ; containing coffee in any proportion Coffee, unroasted : Not freed of caffeine ; freed of caffeine Coffee, roasted : Not freed of caffeine ; freed of caffeine Extracts, essences or concentrates of coffee ; preparations with a basis of coffee extracts, essences or concentrates
(d) <i>Cotton products</i> 55.01.10 to 55.01.90 55.02.10 to 55.02.90	Cotton, not carded or combed Cotton linters, raw and other
(e) <i>Coconut products</i> 08.01.71 to 08.01.75  12.01.42  15.07.77 and 15.07.92	Coconuts : Desiccated coconut : Other Oil-seeds and oleaginous fruit, whole or broken : Copra Coconut or copra oil for the manufacture of foodstuffs for human consumption, crude Coconut or copra oil for the manufacture of foodstuffs for human consumption, other

26. 6. 76

Official Journal of the European Communities

No L 167/9

## COUNCIL REGULATION (EEC) No 1487/76

of 22 June 1976

amending Regulation (EEC) No 3330/74 on the common organization of the market in sugar

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé, as also Council Decision 75/614/EEC of 25 February 1975 concerning the importation of cane sugar originating in the overseas countries and territories (OCT), supplemented by Decision 75/615/EEC (1), and the Agreement between the European Economic Community and the Republic of India on cane sugar (2), affirm two basic principles whereby on the one hand the Community undertakes to purchase and import the sugar at negotiated prices and to provide intervention guarantees, and on the other these undertakings are to be implemented within the framework of the common organization of the market in sugar; whereas the incorporation of Title V concerning the system of preferential imports into Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar (3), as last amended by Regulation (EEC) No 832/76 (4), establishes the latter principle on a permanent footing; whereas, therefore, save as otherwise provided, the relevant provisions of the other titles of the said Regulation are applicable to preferential sugar referred to in Article 43 of the said Regulation;

Whereas, however, since Article 8 of Regulation (EEC) No 3330/74 provides that storage costs for white sugar, raw sugar and certain syrups produced prior to the crystallizing stage, manufactured from beet or cane harvested in the Community, shall be reimbursed at a flat rate by the Member States, preferential sugar is not entitled to such reimbursement;

Whereas the system of reimbursement for storage costs is to be regarded as a means of ensuring that supplies are spread as evenly as possible over the entire marketing year; whereas preferential sugar

should be used in attaining this objective, in particular by enabling Community refineries to maintain a steady rhythm of work irrespective of the pattern of supplies which is dependent to a large extent on geographical factors;

Whereas since 1 January 1976 Member States have been able to authorize within the framework of inward processing traffic *inter alia* operations which consist in exporting white sugar then in compensating for such exportation, within a certain period, by a later importation of raw sugar; whereas such operations can have a determining influence on supplies to the Community market, in particular during the period of transition from one harvest to the next; whereas, therefore, the possibility of excluding the use of the inward processing traffic system in the case of the refining of raw sugar should be extended;

Whereas the abovementioned undertakings have the effect of conferring the same rights on preferential sugar as those of Community sugar produced under the quota system; whereas, therefore, preferential sugar should contribute to ensuring normal supplies to the Community which is the main purpose of Article 18 of Regulation (EEC) No 3330/74; whereas, therefore, preferential sugar should be subject to the minimum stock system;

Whereas with regard in particular to the foreseeable beet and sugar production situation in Italy in the 1976/77 sugar marketing year, provision should be made, exceptionally, for Italy to grant adaptation aid during the said marketing year in excess of that currently authorized,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 8 (1) of Regulation (EEC) No 3330/74 shall be replaced by the following:

'1. Subject to Article 31 (2), storage costs for white sugar, raw sugar and certain syrups produced prior to the crystallizing stage, manufactured from beet or cane harvested in the Community shall be reimbursed at a flat rate by the Member States.

(1) OJ No L 268, 17. 10. 1975, p. 45.  
 (2) OJ No L 190, 23. 7. 1975, p. 36.  
 (3) OJ No L 359, 31. 12. 1974, p. 1.  
 (4) OJ No L 100, 14. 4. 1976, p. 1.

tions, provision may be made for the owner of the minimum stock to be released in whole or in part from the obligation to stock the sugar in question.

*Article 5*

Where the market position so requires or where action to release sugar taken in accordance with Article 4 is ineffective, the Council, acting by a qualified majority on a proposal from the Commission, shall adopt appropriate measures to ensure that the necessary quantities are taken out of stock to supply the Community or one or more Community regions under normal conditions.

*Article 6*

When sugar from the minimum stock is marketed under conditions other than those provided for by the rules of the minimum stock system, a charge shall be levied in respect of the quantity of sugar marketed.

This amount shall be calculated on the basis of:

- (a) a sum representing the profit resulting from taking account of the costs involved in maintaining the minimum stock in fixing sugar prices;

and

- (b) the difference between the threshold price and the intervention price fixed for white sugar for the sugar marketing year in question, plus a fixed amount of two units of account per 100 kilogrammes.

*Article 7*

Detailed rules for the application of this Regulation, in particular the amount laid down in Article 6, and any derogations from Article 2 shall be adopted in accordance with the procedure laid down in Article 36 of Regulation (EEC) No 3330/74.

*Article 8*

1. This Regulation shall enter into force on 1 July 1976.

2. This Regulation shall apply from the 1976/77 sugar marketing year:

- to the French departments of Guadeloupe and Martinique, as from 1 June 1977,
- to the other regions of the Community, as from 1 February 1977.

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

Done at Luxembourg, 22 June 1976.

*For the Council*

*The President*

J. HAMILIUS

CCT heading No	Description	Rate of duty
20.06 (cont'd)	<p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>2. Of less than 4.5 kg:</p> <p>ex bb). Other fruit and mixtures of fruit:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p>	<p>8 %</p> <p>8 %</p>
20.07 (*)	<p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:</p> <p>A. Of a specific gravity exceeding 1.33 at 15 °C:</p> <p>III. Other:</p> <p>ex a) Of a value exceeding 30 u.a. per 100 kg net weight:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons .....</p> <p>b) Of a value not exceeding 30 u.a. per 100 kg net weight:</p> <p>ex 1. With an added sugar content exceeding 30 % weight:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>ex 2. Other:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>B. Of a specific gravity of 1.33 or less at 15 °C:</p> <p>II. Other:</p> <p>a) Of a value exceeding 30 u.a. per 100 kg net weight:</p> <p>2. Grapefruit juice .....</p> <p>3. Lemon juice or other citrus fruit juices:</p> <p>ex aa) Containing added sugar:</p> <p>— Excluding lemon juice .....</p> <p>ex bb) Other:</p> <p>-- Excluding lemon juice .....</p> <p>6. Other fruit and vegetable juices:</p> <p>ex aa) Containing added sugar:</p>	<p>15 %</p> <p>15 % + (L)]</p> <p>15 %</p> <p>8 %</p> <p>13 %</p> <p>13 %</p>

## COUNCIL DECISION

of 21 April 1975

on the definition and conversion of the European unit of account used for expressing the amounts of aid mentioned in Article 42 of the ACP-EEC convention of Lomé

(75/250/EEC)

## THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the recommendation of the Commission;

Having regard to the report of the Monetary Committee;

Whereas at the signing of the ACP-EEC convention of Lomé on 28 February 1975, the Community declared that the Council would have to define the European unit of account to be used for expressing the amounts of aid mentioned in Article 42 of the said convention;

Whereas the unit of account has been established on the basis of an initial value equivalent to the value fixed by the International Monetary Fund on 28 June 1974 for the special drawing right;

Whereas the unit of account should represent the average of any changes in the value of the currencies of the Member States of the Community,

HEREBY DECIDES:

*Article 1*

The amounts of aid mentioned in Article 42 of the ACP-EEC convention of Lomé shall be expressed in a unit of account, defined as the sum of the following amounts in the currencies of the Member States of the Community:

German mark	0.828
Pound sterling	0.0885
French franc	1.15
Italian lira	109
Dutch guilder	0.286
Belgian franc	3.66
Luxembourg franc	0.14
Danish krone	0.217
Irish pound	0.00759

20. 8. 76

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No L 229/9

## FINANCIAL REGULATION

of 27 July 1976

applicable to the fourth European Development Fund

(76/647/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES.

Having regard to the Treaty establishing the European Economic Community,

Having regard to the ACP-EEC Convention of Lomé<sup>(1)</sup>, signed on 28 February 1975, hereinafter referred to as 'the Convention',

Having regard to Council Decision 76/568/EEC of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community<sup>(2)</sup>,

Having regard to Council Decision 75/250/EEC of 21 April 1975 on the definition and conversion of the European unit of account used for expressing the amounts of aid mentioned in Article 42 of the ACP-EEC Convention of Lomé<sup>(3)</sup>,

Having regard to the Internal Agreement on the financing and administration of Community aid<sup>(4)</sup> signed on 11 July 1975, hereinafter referred to as

'the Internal Agreement', and in particular Article 30 thereof,

Having regard to the draft Financial Regulation presented by the Commission,

Having regard to the opinion of the European Investment Bank, hereinafter referred to as 'the Bank',

Whereas pursuant to Article 1 (1) of the Internal Agreement the Member States have set up a fourth European Development Fund, hereinafter referred to as 'the EDF';

Whereas according to Article 30 of the Internal Agreement the provisions for implementing that Agreement shall be the subject of a Financial Regulation adopted, upon the entry into force of the Convention, by the Council acting by the qualified majority laid down in Article 18 (4) of the said Agreement,

HAS ADOPTED THIS FINANCIAL REGULATION:

## TITLE I

## FINANCIAL ARRANGEMENTS

*Article 1*

1. The financial contributions of the Member States shall be expressed in the European unit of account, hereinafter referred to as 'EUA', referred to in Article 3 of the Internal Agreement and defined by Decision 75/250/EEC. Each Member State shall pay the amount of its contribution in its national currency on the basis of the conversion rate calculated by the Commission pursuant to Article 2 of the said Decision.

2. The financial contributions shall be credited by each Member State to a special account entitled 'Commission of the European Communities — European Development Fund' opened with the Treasury of that Member State or the body designated by it.

3. Upon expiry of the Convention and Decision 76/568/EEC, that part of the contributions which the

Member States remain obliged to make shall be called up by the Commission, as required, on the conditions laid down in this Financial Regulation.

*Article 2*

1. The Council Decision provided for in the first subparagraph of Article 7 (2) of the Internal Agreement and which relates to the schedule of calls for contributions, shall be notified to the Commission by 31 October each year.

2. The annual contributions shall normally be payable:

(a) before 20 January for the requirements of the EDF as forecast for the first seven months of the year in question;

(b) on 1 July for the balance of the annual contribution.

3. Each Member State shall make the payments referred to in paragraph 2 in proportion to its contributions as fixed in Article 1 (2) of the Internal Agreement.

<sup>(1)</sup> OJ No L 25, 30. 1. 1976, p. 1.

<sup>(2)</sup> OCT/EEC O 103

<sup>(3)</sup> OJ No L 104, 24. 4. 1975, p. 35.

<sup>(4)</sup> OJ No L 25, 30. 1. 1976, p. 168.

tion, provision may be made for the owner of the minimum stock to be released in whole or in part from the obligation to stock the sugar in question.

*Article 5*

Where the market position so requires or where action to release sugar taken in accordance with Article 4 is ineffective, the Council, acting by a qualified majority on a proposal from the Commission, shall adopt appropriate measures to ensure that the necessary quantities are taken out of stock to supply the Community or one or more Community regions under normal conditions.

*Article 6*

When sugar from the minimum stock is marketed under conditions other than those provided for by the rules of the minimum stock system, a charge shall be levied in respect of the quantity of sugar marketed.

This amount shall be calculated on the basis of:

- (a) a sum representing the profit resulting from taking account of the costs involved in maintaining the minimum stock in fixing sugar prices,

and

- (b) the difference between the threshold price and the intervention price fixed for white sugar for the sugar marketing year in question, plus a fixed amount of two units of account per 100 kilogrammes.

*Article 7*

Detailed rules for the application of this Regulation, in particular the amount laid down in Article 6, and any derogations from Article 2 shall be adopted in accordance with the procedure laid down in Article 36 of Regulation (EEC) No 3330/74.

*Article 8*

1. This Regulation shall enter into force on 1 July 1976.
2. This Regulation shall apply from the 1976/77 sugar marketing year:
  - to the French departments of Guadeloupe and Martinique, as from 1 June 1977,
  - to the other regions of the Community, as from 1 February 1977.

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

Done at Luxembourg, 22 June 1976.

*For the Council*

*The President*

J. HAMILIUS

27. 7. 76

Official Journal of the European Communities

No 1 201/5

**COUNCIL REGULATION (EEC) No 1795/76**  
**of 20 July 1976**  
**concerning the application of Article 40 (4) of the Treaty to the French overseas departments**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 and 227 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the scope of the Guidance Section of the European Agricultural Guidance and Guarantee Fund should be extended to include the French overseas departments so that they may receive the Community aid for the improvement of agricultural structures provided for in Article 6 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy<sup>(1)</sup>, as last amended by Regulation (EEC) No 2788/72<sup>(2)</sup>, and thus promote the economic and social development of these areas which are basically agricultural;

Whereas the activities of the Guidance Section should be extended to the French overseas departments as soon as possible,

HAS ADOPTED THIS REGULATION

*Article 1*

Article 40 (4) of the Treaty shall apply to the French overseas departments as regards the Guidance Section of the European Agricultural Guidance and Guarantee Fund.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 20 July 1976.

*For the Council*

*The President*

A. P. L. M. M. van der STEE

<sup>(1)</sup> OJ No L 94, 28. 4. 1970, p. 13.

<sup>(2)</sup> OJ No L 295, 30. 12. 1972, p. 1.

for each item are firm or estimated quantities. The tenderer shall make good any omissions in the itemized estimate and correct such errors as he may find in the firm quantities, taking into account the plans, the special conditions, his knowledge or personal findings. He shall attach to his tender a note setting out the reason for such amendments.

He shall adopt a similar procedure for the correction of the estimated quantities in respect of which the specific conditions authorize such a correction, provided that the proposed rectification amounts to at least 10 % of the item under consideration.

The administration has the right to decide:

- (a) that the estimated quantity thus reduced becomes binding upon the originator of the reduction;
- (b) that the unit price stated in the itemized estimate for the quantity which has become firm does not constitute the basis for determining the deductions necessitated by modifications ordered during the performance of the contract.

The contractor who is the author of the reduction shall be informed of these decisions when notification is given of approval of the contract.

2. The tenderer shall include the requisite information in the itemized estimate, make the necessary calculations, sign the document and attach it to his tender, in which he shall mention the overall amount of the itemized estimate.

3. The unit prices must be determined in such a way as to correspond with the relative value of each item in relation to the total amount of the tender. They must in particular not be of such a nature as to distort the comparison of tenders or to result in the payment of part payments which are clearly disproportionate to the normal value of the services rendered.

#### *Article 30*

1. Tenders relating to supply contracts shall state the unit price, the amount per article and the total amount of each lot.

Where the invitation to tender contains an itemized estimate, the tenderer shall include therein the requisite information, make the necessary arithmetical calculations, sign the document and attach it to his tender, in which he shall mention the overall amount of the itemized estimate.

Save where there is express authorization in the Special Conditions the quantities referred to in the itemized estimate may not be amended by the tenderer, regardless of whether such quantities are firm or estimated.

2. A supply contract for which the itemized estimate comprises only items with constant quantities shall constitute an overall price undertaking.

If the itemized estimate does not refer to any quantity, or if the quantities therein are only estimated, in particular where the Special Conditions provide for a certain margin in respect of the quantities to be supplied, or where the administration reserves the right to adapt its orders to its requirements, the contract shall be a unit price contract.

#### *Article 31*

Tenders in respect of public works contracts shall be expressed in the currency of the country.

#### *Article 32*

Tenders in respect of supply contracts shall be expressed either in the currency of the country or in the currency of the Member State or Associated State of which the tenderer is a national or in which he has his registered place of business, or in the currency of the Member State or Associated State in which the supplies are produced.

#### *Article 33*

For the comparison of tenders, prices submitted in a currency other than the currency of the country shall be converted on the basis of the parity declared to the International Monetary Fund.

However, in the absence of a declared parity or in the event of the application to current payments of rates of exchange which diverge from this parity by a margin greater than that authorized by the International Monetary Fund, prices of tenders will be compared on the basis of the rates of exchange applicable for current payments.

These parities or rates of exchange shall be those in force on the first working day of the month preceding the month in which the date fixed for the opening of tenders occurs.

*Article 34*

With regard to public works contracts, the price offered by the tenderer shall include all entry duties, charges and taxes payable in the Associated State in connection with the performance of the contract as defined in the 'General Information Sheet' referred to in item 5 of Article 20.

*Article 35*

With regard to supply contracts, the tenderer shall, when calculating his tender, exclude stamp duty and registration duty on contracts. Customs duties, entry duties and indirect charges on the import into or manufacture of the supplies in the Associated State shall be those referred to in Article 3 of Annex X.

*Article 36*

The total amount of the tender and the unit prices in the price list shall be written out in full. The same applies to the overall amount of each item of the itemized estimate if the Special Conditions so require.

Where a price is stated in figures and in words and there is a discrepancy between the two, the price expressed in words shall be authentic.

*Article 37*

Persons tendering for a public works contract shall specify in their tender the percentage of the price of the tender for which they request payment, on the basis of the parities defined in Article 33, in the currency of the Member State or Associated State of which they are nationals or in which they have their registered place of business. They must be able to give reasons justifying the choice of this percentage.

Settlement of supply contracts shall be made in the currency of the tender.

**Grouping into lots***Article 38*

1. Should it be decided to divide up an invitation to tender for economic and technical reasons, account shall be taken of the advantage of grouping the works and supplies into homogeneous lots which are as large as possible.

The Special Conditions shall stipulate the number of lots, the nature or size of each lot and shall indicate, where appropriate, the minimum and maximum

number which may be offered by one and the same tenderer.

A tender shall be submitted in respect of each lot.

However, the tenderer may submit a tender relating to several lots, provided that he tenders therein for each lot separately. This condition need not be observed, however, if the lots are identical.

Unless the Special Conditions otherwise prescribe, the tenderer may supplement his offers by referring to the overall rebate he would grant in the event of certain lots for which he has submitted individual tenders being amalgamated.

2. Each lot shall be the subject of a separate contract.

However, the Special Conditions may lay down that lots apportioned to the same tenderer, even if they differ, shall form a single contract, the period for the performance of which it shall specify.

3. Where works or supply lots are apportioned to different contractors, the Special Conditions may provide for the nomination of one contractor as joint agent to ensure coordination in the carrying out of such works or supplies.

The Special Conditions shall stipulate whether the lots are the subject of separate contracts or whether they are grouped together in a single contract.

The allottees shall appoint one of their number to be the joint agent. He shall be jointly and severally liable with them for the performance of the lot or lots apportioned to each.

**Submission of tenders***Article 39*

1. The tender, together with its annexes as laid down in the Special Conditions, shall be placed in a sealed envelope called the inner envelope.

This envelope, and the supporting documents referred to in Article 23, shall be put into another sealed envelope, called the outer envelope, bearing the address indicated in the notice of invitation to tender, the reference to the notice of invitation to tender to which it is a reply, where appropriate the number of the lots referred to and the following words: 'to be opened only during an envelope-opening session', drafted in the language of the invitation to tender.

Envelopes containing tenders must be sent by post or transmitted by any other means. The tenderer may request an acknowledgement.

On receipt, the envelopes, which must not bear any reference to the tenderer, shall be entered in a special register in the order of their arrival. The registration number and the date and time of arrival shall be recorded on the envelope. These envelopes must remain sealed until they are opened under the conditions referred to in Article 42.

2. With regard to supply contracts, the supporting documents referred to in Article 23 shall be placed in the inner envelope.

#### *Article 40*

Any tender may be withdrawn, supplemented or amended prior to the date fixed for the receipt of tenders.

Withdrawals, additions or amendments shall be stated in writing and signed by the tenderer or his agent.

On pain of rendering the tender null and void, amendments and additions must indicate precisely the intention and the extent of the desired change.

Withdrawal must be unconditional.

The provisions of Articles 28 and 39 relating to tenders shall be applicable to withdrawals, additions or amendments.

If a tenderer who has withdrawn his tender files a new one in the proper manner, he may refer therein to the documents attached to the first tender which he intends to use in support of the second.

#### *Article 41*

Tenderers shall be bound by their tenders, where necessary corrected by the administration in accordance with Article 44 (2) and (3), during the period laid down in the notice of invitation to tender.

If, during the period, the administration considers that it is not in a position to make a choice, it may propose, by means of a registered letter, the extension of such period. The agreement of the tenderers must be conveyed to the administration by registered letter.

### **Opening of tenders**

#### *Article 42*

1. The envelopes containing the tenders, withdrawals, amendments or additions shall be

opened at the place, on the date and at the time fixed in the notice of invitation to tender, by a committee whose composition and operating procedures shall be laid down by the Associated State.

Only those envelopes may qualify which have been received in accordance with the conditions specified in Articles 39 and 40 not later than the final date fixed for the receipt of tenders, without prejudice to the provisions of paragraph 3.

Minutes of the envelope-opening operations shall be drawn up, giving details of:

- the number and condition of the envelopes received;
- the identity of the tenderers;
- the documents contained in the envelopes;
- the amount of the tenders;
- possible amendments or withdrawals of tenders.

The Minutes shall be signed by the Chairman, who shall also endorse the documents contained in the envelopes. These Minutes may not be made public or communicated to any candidate.

2. With regard to supply contracts, the envelopes shall be opened during a public session, at the conclusion of which the Chairman of the Committee shall read aloud the names of the tenderers, the amounts of the tenders, price amendments and withdrawals. After this announcement the Committee shall continue its work in camera.

3. Envelopes arriving after the final date fixed for the receipt of tenders shall be taken into consideration only if:

- (a) they were posted by registered mail no later than ten days before the final date fixed for the receipt of tenders; and
- (b) they reach the Chairman of the Committee responsible for opening the envelopes before he has declared the session open.

If possible, envelopes which arrive late shall be entered in the register by the Committee in accordance with Article 39.

#### *Article 43*

Without prejudice to the invalidity of any tender, the provisions of which might conflict with the essential requirements of these general conditions, in particular

those set out in Article 28, the Committee may consider tenders which do not conform with the provisions of Articles 22 to 40, which express reservations or the elements of which clearly do not correspond with reality, to be irregular and, hence, to be null and void.

#### Selection of contractor

##### *Article 44*

1. Before classifying the tenders, the Committee shall eliminate candidates not qualified to tender or whose qualifications are judged insufficient, in accordance with the provisions of Articles 22 and 23.

The reasons for acceptance or rejection given by the Committee shall be mentioned in the Minutes provided for in Article 45 (2).

2. The Committee shall then verify the results of the arithmetical calculations contained in these tenders. It shall correct obvious material errors or mistakes in calculation and, in case of doubt, shall invite the tenderer by registered letter, to give further details of his tender.

The administration shall not be held responsible as a result of the existence of errors which have not been detected.

The tenderers may not take advantage of possible defects of form in the tender, nor of any errors or omissions that it may contain.

3. (a) Where a tenderer has amended the quantity of one or more items in the itemized estimate in application of Article 29, the Committee shall check such amendments, rectify them according to its own calculations and apply them to the other tenders.

Should the Committee not be in a position to verify by its own calculations the amendments to the quantities submitted for an item in a unit price contract, the special conditions for which have authorized the correction, it shall reduce to the proposed initial quantity tenders containing quantities greater than the proposed initial quantity, and shall leave unchanged any reductions made by the tenderers, without prejudice to the provisions of Article 29 (1) (a) and (b);

(b) Where a tenderer, in application of Article 29 (1), has rectified omissions in the itemized

estimate, the Committee shall establish that the correction was justified and, where necessary, rectify it according to its own calculations.

Tenderers who have not rectified omissions shall be invited by registered letter to complete their tenders, taking into consideration the correction that has been allowed;

(c) Where the Committee, on the basis of Article 29 (3), finds the unit prices of a tender to be apparently abnormal, it shall invite the tenderer concerned by registered letter to furnish an explanation of his unit prices.

##### *Article 45*

1. The Committee shall recommend the most economically advantageous tender to the administration, taking into account, in particular, the price of the services, the cost of their utilization, their technical value and the financial guarantees.

2. The discussions of the Committee shall be the subject of Minutes which may not be made public or communicated to any candidate. These Minutes shall be endorsed by the members of the Committee.

By way of information, the administration shall notify the tenderer it has selected of its choice by registered letter, with acknowledgement of receipt, to be posted before the expiry of the period laid down in Article 41.

The selected tenderer shall remain bound by his offer for a further period of 40 days following the date of signature of the acknowledgement of receipt.

The administration shall also notify the other tenderers by registered letter of the rejection of their tenders.

The administration is not obliged to state the reasons for its choice.

The name of the contractor and the overall amount of his tender shall be published by the administration.

3. The administration shall not enter into any discussion with the candidates, save to request them to specify or supplement the terms of their tenders.

4. Where the administration decides not to proceed with an invitation to tender it shall notify the tenderers thereof. It is not obliged to give reasons for its decision.

## Variations

## Article 46

If the invitation to tender has made provision for the submission of variant solutions, the special conditions must specify the subject, limits and basic conditions thereof; in particular, it must state whether or not the submission of variations exempts the tenderer from submitting a tender for the administrative solution.

Variant solutions may not derogate from the requirements of the general conditions. They shall be binding on the contestant in his capacity as author of the project.

Submission of any variant solution must include:

(a) *for unit price contracts:*

- an individual tender for each variation,
- the draft amendments to the special conditions necessitated by the variation submitted by the tenderer,
- the price list as modified by the variation,
- the itemized estimate as modified by the variation,
- the preliminary survey of works provided for in the administration draft but not affected by the variant solution,
- the preliminary survey of works affected by the variant solution,
- a technical note on the concept of the variation and, where appropriate, summary of the calculations.

If the variant solution is adopted by the administration, the preliminary survey of works to which it relates shall become a term of the contract and fixed. However, this preliminary survey shall cease to be so in respect of variations in quantities which the implementation of the administrative solution would in any case have entailed as a result of the alteration of the basic suppositions;

(b) *for overall price contracts:*

- an individual tender for each variation,
- the draft amendments to the Special Conditions necessitated by the variation submitted by the tenderer,

- the breakdown of the overall amount,
- a technical note on the concept of the variation and, where necessary, a summary of the calculations.

## Notification of acceptance of contract

## Article 47

1. (a) The contract shall be concluded when the tenderer is notified that his tender has been accepted. This notification must be within the period of 40 days laid down in Article 45 (2) at the latest;
- (b) This notification shall be made by registered letter with acknowledgement of receipt. It shall be deemed to have been made by the mere act of posting the letter;
- (c) The letter of contract shall include in particular:
  - a list of the documents relating to the contract, together with their references,
  - all departures of the contract from these documents,
  - the contractual performance period,
  - the amount of the contract and the manner of payment,
  - the decisions taken by the administration pursuant to Article 29,
  - the designation of the official instructed to direct performance of the contract, the administration to which he belongs and his authority regarding the performance of the contract,
  - all other factors necessary for determining the obligations arising from the contract.

2. After the expiry of the period laid down in paragraph 1 (a), if notification of acceptance of the contract has not been given, the tenderer selected shall be free to withdraw from the undertaking. This withdrawal shall be addressed to the administration by registered letter with acknowledgement of receipt.

Should the date of the belated notification of acceptance of the contract be the same as that of the

selected tenderer's withdrawal, the withdrawal shall be deemed to precede the notification.

In the event of withdrawal by the selected tenderer, the administration may apply in turn to the other tenderers according to the order of classification of their tenders or initiate a new procedure for the invitation of tenders or, if necessary, negotiate a contract by mutual agreement if the contract corresponds to one of the cases referred to in Article 53.

3. If the tenderer has not taken the option of withdrawal provided for in paragraph 2 before notification of acceptance of the contract has been given, he shall be bound by such notification. However, if such notification is given more than three months after the expiry of the period laid down in paragraph 1, the tenderer shall be bound only if he records his agreement by registered letter within a period of 15 days from the date of notification of acceptance of the contract.

#### Invitation to tender with competition

##### *Article 48*

The invitation to tender may take the form of a competition.

A competition procedure shall be adopted where special investigations are justified for technical, aesthetic or financial reasons.

The competition shall take place on the basis of a schedule drawn up by the administration.

##### *Article 49*

1. The competition shall be for the preparation of a project and for its execution.

2. The committee instructed to examine tenders shall be called 'the board'. The composition of this board shall be laid down in the competition schedule.

3. The award of the contract shall be decided by the administration after receiving the opinion of the board.

The schedule may make provision for projects which receive the best classifications, after the project adopted for the contract, to be granted prizes. Such prizes shall be laid down in the schedule and allotted to the authors of such projects in accordance with the order drawn up by the board. Prizes may be withheld if the projects are not adjudged satisfactory.

4. The schedule shall establish precisely the respective rights of the administration and the competitors to the ownership and use of the projects.

##### *Article 50*

The notice of invitation to tender with competition and the compilation of the file must comply with the provisions of Articles 18, 19 and 20.

##### *Article 51*

The preparation of tenders, the procedure for their scrutiny, their classification and the notification of approval of the plan adopted shall comply with the corresponding provisions relating to invitation to tender without competition, save which the schedule otherwise provides.

#### Section II

#### MUTUAL AGREEMENT CONTRACTS

##### *Article 52*

1. The contract shall be designated a contract by mutual agreement where the administration enters freely into such discussions as it may consider useful and allots the contract to the undertaking or supplier whom it has accepted.

2. The administration shall be bound to arrange a competition, as far as possible and by all appropriate means, for undertakings or suppliers capable of carrying out the service which is the subject of such contract.

##### *Article 53*

Contracts by mutual agreement may be negotiated:

1. where the minor importance of the subject of the contract does not justify recourse to the normal procedure of prior competition;
2. where no regular tenders have been received or where only unacceptable prices have been proposed;
3. for works or supplies the execution or manufacture of which is reserved exclusively for persons holding patents or licences for inventions, improvements or importation, or for works or supplies which can only be obtained
  - from a single undertaking or supplier;
4. for works or supplies the execution of which may, for reasons of technical necessity or

significant prior investment, be entrusted to one specific undertaking or supplier only;

5. where the works or supplies are carried out only in the form of research, tests, studies or improvements;
6. for works or supplies for which, in cases of emergency, compliance with the time limits of the procedure for invitation of tenders is impossible;
7. where the prices submitted are, in fact, outside the normal play of market forces;
8. for additional works or supply contracts which cannot, for technical and economic reasons, be separated from the principal contract or the cost of which does not exceed 20 % of that contract;
9. for works or supply contracts in which, pursuant to Article 13, the prices can be determined only provisionally;
10. in cases where, pursuant to Article 47, the tenderer has withdrawn his tender.

#### Instrument of contract

##### Article 54

The instrument of a contract by mutual agreement shall be a registered letter with acknowledgement of receipt, by which the administration accepts the tender of the undertaking or supplier.

The letter of contract shall comply with Article 47 (1) (c).

#### CHAPTER III

#### SETTLEMENT OF DISPUTES

##### Article 55

1. Any dispute arising either between the administration and a tenderer in connection with the procedure for the award of a contract or between the administration and the contractor resulting from the interpretation or execution of a contract shall be settled by arbitration in accordance with the rules of arbitration adopted by the Council of the European Communities acting unanimously on the basis of a draft from the Commission.

No dispute may be submitted to arbitration until all possibility of review by administrative procedure, as laid down by national law have been exhausted. Such possibilities shall be deemed to have been exhausted if no final decision by the administration has been taken within a period of four months from the date when the application for a review was lodged by the tenderer or contractor.

The rules of arbitration provided for in the first subparagraph shall fix the period during which the request for a dispute to be settled must be introduced under penalty of preclusion, before the arbitrating authority.

2. The parties to a dispute arising in connection with the award or performance of contracts concluded prior to the entry into force of these general conditions may also agree to submit such dispute to the arbitration procedure referred to in paragraph 1.

#### TITLE II

#### CONTRACTUAL, ADMINISTRATIVE AND TECHNICAL CLAUSES

##### CHAPTER I

##### CLAUSES COMMON TO ALL CONTRACTS

##### Section I

##### PERFORMANCE OF CONTRACTS

##### Official responsible for directing performance of the contract

##### Article 56

The official responsible for directing performance of the contract shall be made known by the

administration to the contractor in the letter notifying him of award of the contract. This letter of contract shall also state, in accordance with Article 47 (1) (c), the authority of the official responsible for directing performance of the contract.

##### Article 57

The contractor shall ensure that the official responsible for directing performance of the contract has free access to the place where the services of the contract are performed, and shall provide him with any information that he requires. In the performance of his duties, the official responsible for directing performance of the contract shall be subject to the

same obligations as those laid down for the representative of the administration in the last paragraph of Article 61.

#### Plans, documents and objects

##### *Article 58*

1. After giving notification of acceptance of the contract, the administration shall provide the contractor, free of charge, with a verified and where relevant corrected copy of the tender, the Special Conditions and the annexes thereto.

At the request of the contractor, the administration shall forward to him free of charge and postage paid a complete set of copies of the plans it has drawn up with a view to the performance of the contract. The administration shall be responsible for the conformity of such copies with the originals.

2. The Special Conditions shall state the documents and objects which may also be placed at the disposal of the contractor at his request, in order to facilitate his work.

3. After the expiry of eight days following the provision of these documents and objects, the contractor shall be deemed to have verified that they conform with those which served as the basis for the invitation to tender and which are held by the administration for use in connection with the acceptance of the works and supplies.

4. The Special Conditions shall specify the date and conditions for the return of these documents and objects.

5. The contractor may purchase additional copies of these plans, documents or objects, in so far as they are available.

6. The administration may not hand over these plans, documents and objects prior to the establishment of the deposit or the commitment of the directly liable guarantor provided for in Article 62.

#### Detailed plans and performance plans

##### *Article 59*

Detailed plans which the contractor must draw up and submit for the approval of the administration shall be referred to in the Special Conditions, which shall also state the time limit within such approval

must be given. The same shall apply to the timetable of performance and to the documents and objects which must be submitted to the administration for endorsement or acceptance.

Any delay by the contractor in submitting these plans, documents and objects may, without formal notice being given, result in the application of a penalty for each day of delay, the rate for which shall be determined in the Special Conditions.

Any delay by the administration in approving or accepting these plans, documents or objects shall, upon a substantiated request by the contractor, result in an extension of the period of performance equal to the length of the delay. If such extension of the period of performance does not make good the injury suffered by the contractor, the latter may claim a longer extension of the period of performance or possibly an indemnity.

The Special Conditions may provide for a period of time during which the contractor must submit all or part of these plans, documents and objects.

The Special Conditions may provide that the start of performance of the contract shall be subject to the submission of all or part of the plans, documents and objects, and to the approval or acceptance thereof, without this provision affecting the initial date of the contractual period.

Unless otherwise specified in the Special Conditions, the detailed plans, other documents and objects prepared by the contractor may not be reproduced or used by the administration for another purpose nor communicated to third parties.

#### Quality of works and supplies

##### *Article 60*

The works and objects or materials to be supplied must correspond in all points to the technical specifications laid down in the Special Conditions. They must conform in all respects with the plans, drawings, surveys, models, samples, patterns, etc., which have been held at the disposal of the contractor for identification, in accordance with the Special Conditions, during the period of one month following the date of notification of acceptance of the contract.

Where materials and objects to be supplied are defined at the same time by plans, samples and models, and if the Special Conditions contain no stipulation to the contrary, the plan shall determine the form of the object, its dimensions and the material from which it is made; as regards the finished article and the sample the model is to be taken into consideration only in respect of the quality of the material.

**Supervision and inspection of preparations and  
manufacture**

*Article 61*

The administration may arrange for the preparation and manufacture of everything to be delivered to it to be supervised and inspected.

To this end, it may have recourse to such tests as it considers necessary from among those provided for in these contractual clauses, supplemented or amended, where appropriate, by the Special Conditions, in order to establish whether the materials, objects and supplies are of the requisite quality and quantity. It may require the replacement or repair, as the case may be, of items which do not conform with the contract, even after they have been placed in position.

The contractor may not seek to rely on the fact that such supervision and inspection have been exercised in order to avoid his responsibility in the event of the works or supplies being rejected by reason of any defect whatsoever.

The contractor shall place at the disposal of the administration, provisionally and free of charge, the patterns and instruments specified in the Special Conditions which are considered necessary for verifying and inspecting the work to be carried out and the objects to be supplied.

The representative of the administration, kept informed by his supervisory and inspection activities of the methods of manufacture and operation of the undertakings, shall be under an obligation not to disclose such information except to those members of the administration who need to know of it.

**Guarantee of contract by means of a deposit or a  
directly liable guarantor**

*Article 62*

Save where the Special Conditions otherwise provide, the contractor shall be obliged to establish a deposit or, if he so wishes, provide a directly liable guarantor as guarantee of the sums of money which he is acknowledged as owing under the contract.

The amount of the deposit or commitment of the directly liable guarantor may not exceed 3 % of the original amount of the contract, increased where appropriate by the amount set out in the additional

clauses where the contract does not include a guarantee period and by 10 % where the contract contains a guarantee period.

Within the above limits, and in accordance with the provisions of the Special Conditions, the deposit or the commitment of the directly liable guarantor may be established progressively, as the contract is executed.

*Article 63*

The deposit shall be established in the currency of the contract. It shall be deposited in accordance with national regulations.

The directly liable guarantor shall be any body under public or private law established in an associated country or in a Member State and empowered to issue such a guarantee by the authorities under whose control it operates.

*Article 64*

Save when there are special provisions in the Special Conditions, the establishment of the deposit or the commitment of the directly liable guarantor must take place within one month from the date of the notification of acceptance of the contract.

No payment may be made in favour of the contractor prior to the establishment of the deposit or the commitment of the directly liable guarantor.

**Failure to establish a deposit or to provide a directly  
liable guarantor**

*Article 65*

If the contractor does not produce proof of the establishment of the deposit or the commitment of the directly liable guarantor within the period laid down in Article 64, the administration shall have the option of applying as of right the measures provided for in Article 121, point 2 and Article 136 (2).

Before applying these measures, the administration shall send the contractor a registered letter giving formal notice regarding the establishment of the deposit or the commitment of the directly liable guarantor. Such formal notice shall introduce a new time-limit which may not be less than 10 calendar days and which shall take effect from the date of despatch of the letter.

**Right of the administration over the deposit or directly liable guarantor**

*Article 66*

1. The administration shall as of right levy on the deposit any amounts due from the contractor under the contract.

The deposit shall continue to be applied to meet the obligations of the contractor until the contract has been performed completely.

Should a deposit guaranteeing performance of the contract cease to be constituted in full and should the contractor remain in default in making good the deficit, a deduction equal to the amount of the latter may be made on future payments and used to re-establish the deposit.

2. The directly liable guarantor shall pay off the sums due from the contractor under the contract, without being able to defer payment or raise any objection for any reason whatsoever.

During the performance of the contract, if the directly liable guarantor is not in a position to abide by its commitments, the administration shall treat it as terminated. It shall invite the contractor to provide a new guarantor which shall undertake liability within the same limits as the previous one.

Should the contractor fail to provide a new guarantor, the administration may cause the provisions of Article 65 to be applied.

**Return of deposit or discharge of the directly liable guarantor**

*Article 67*

1. The deposit shall be returned or the directly liable guarantor discharged as a result of a cancellation order issued by the administration within a period of one month following the date of final acceptance of the works or supplies, in so far as the contractor has by that date fulfilled his obligations towards the administration.

Upon the expiry of this period, the liability of the guarantor shall cease to have effect, even in the absence of a cancellation order, unless the administration has stated in a registered letter addressed to the guarantor that the contractor has not fulfilled all his obligations. In this case, the guarantor may be discharged only by a cancellation order issued by the administration.

2. However, in view of the special features of the contract, the Special Conditions may provide that one

half of the deposit will be returned or one half of the commitment of the directly liable guarantor be discharged within one month of the date of the provisional acceptance.

In this case, paragraph 1 shall apply to that part of the deposit not yet returned or to that part of the commitment of the directly liable guarantor not yet discharged.

**Assignment, sub-contracting and sub-ordering**

*Article 68*

1. An assignment shall be an agreement by which the contractor transfers his contract to a third party.

A sub-contract shall be an agreement by which the contractor entrusts the performance of a part of his contract to a third party.

A sub-order shall be an order made to a third party by the contractor or by that third party himself to another third party, with a view either to the manufacture of intermediate objects or materials which are to be incorporated in the works carried out or the supplies provided, or to the performance of certain operations affecting the carrying out of such services.

2. The contractor may not assign or sub-contract the contract without the express authorization of the administration. Assignees or sub-contractors may be only natural or legal persons who are nationals of the Member States or Associated States.

Sub-orders may be concluded freely. Nevertheless, the Special Conditions may make provision for the prior authorization of the administration in respect of certain sub-orders.

3. In all cases of sub-contracts and sub-orders the administration shall acknowledge no legal connection with the sub-contractors and persons with whom sub-orders are placed, and the latter may not claim settlement from the administration in respect of works or supplies which they have performed.

The administration may make use of the rights laid down in Article 61 with regard to services carried out or provided by sub-contractors or persons with whom sub-orders are placed.

4. If, without being authorized to do so, the contractor has assigned his contract, concluded a sub-contract or placed a sub-order for which authorization was necessary, the administration may, without giving formal notice thereof, apply as of right the measures laid down in Article 121 point 2 and Article 136 (2).

**Simultaneous contracts***Article 69*

1. Subject to the application of such rules governing legal compensation as may be laid down by national law, and without prejudice to the provisions of Article 126, each works or supply contract and its performance by the contractor shall be independent of all other works or supply contracts of which the contractor is holder.

2. Any difficulties arising with regard to one contract may in no case authorize the contractor to amend or delay execution of the other contracts; similarly, the administration may not take advantage of such difficulties to suspend payments due under another contract.

**Order to commence performance of contract***Article 70*

The administration may not fix the date on which performance of the contract is to commence later than the 120th day following notification of acceptance of the contract.

The order to commence performance of the contract shall result either from the notification of acceptance of the contract or from orders of the administration.

Where the order to commence performance of the contract results from the notification of acceptance of the contract, a period of 20 days must elapse between the notification of acceptance of the contract and the beginning of the contractual period of performance.

Where the order to commence performance of the contract results from orders of the administration, a period of at least 20 days must elapse between the date of notification of the orders of the administration and the beginning of the contractual period of performance.

If the date fixed for the beginning of performance of the contract does not fall within the period of 120 days provided for in the first paragraph, the contractor may demand the rescission of the contract and/or reparation for damage he has suffered. The contractor shall forfeit this right unless he makes use of it not later than 30 days following expiry of the period of 120 days.

**Orders of the Administration***Article 71*

Orders of the administration must be in writing. They shall be dated, numbered and entered in a register.

The contractor shall comply with the orders of the administration drawn up by the official responsible for directing execution of the contract or by any other authorized representative of the administration.

Where the contractor considers that the requirements of an order of the administration go beyond the obligations under the contract, he must, on pain of being time barred, submit notice thereof in writing to the administration within 15 days. Unless the administration orders otherwise, execution of the order of the administration shall not be suspended because of the objection.

**Patents and licences***Article 72*

The contractor shall guarantee the administration against any claim resulting from the use, during the performance of the contract, of patents, licences, drawings, models, or factory or trade marks.

Where the administration gives a description of all or part of the works or supplies, without referring to the existence of a patent, licence, drawing, model, trade mark or trade name whose use is necessary in the execution of such works or supplies, it shall bear all costs and charges; in this case, it shall guarantee the successful tenderer against any appeal by the holder resulting from such use.

**Payment of contracts***Article 73*

The Special Conditions shall determine the administrative or technical conditions to which payment of advances, instalments or payment of balance is subject, in accordance with the rules of entitlement set out below.

*Article 74*

Where the prices of works or supplies or the exact conditions for determining them are not immediately evident from the provisions of the contract, the latter must, for the purpose of making its funds available

and the payment of instalments, state a provisional price which is either an overall price or a price corresponding with the basic services or the technical stages or execution.

### Advances

#### Article 75

1. Advances may be granted to the contractor for operations preparatory to the performance of the works or supplies which are the subject of the contract, in the cases listed hereinafter:

- (a) as a lump-sum advance enabling him to meet expenditure resulting from the start of the contract;
- (b) if he affords proof of the conclusion of a contract for the purchase or order of plant, machines, tools and materials necessary for the performance of the contract and of any other prior expenses of a major kind, such as the acquisition of patents and study costs.

2. The amount of the advances may not exceed 10 % of the original amount of the contract in respect of the lump-sum allowance and 20 % for all other advances.

3. The particular conditions for granting and reimbursing advances shall be laid down in the Special Conditions.

4. No advance may be made before the contractor has furnished proof of the establishment of the deposit or the commitment of the directly liable guarantor.

5. Any advance granted must be guaranteed in its entirety by the commitment of a directly liable guarantor satisfying the conditions of Article 63.

### Reimbursement of advances

#### Article 76

Reimbursement of the lump-sum advance referred to in Article 75 (1) (a) shall begin when the amount of sums due under the contract has reached 60 % of the original amount of the latter. It must be completed when 80 % of this amount has been reached.

Reimbursement of the advances referred to in Article 75 (1) (b) shall be made by means of a deduction from the instalments and possibly from the balance owing to the contractor in accordance with the procedure laid down in the Special Conditions. Reimbursement of such advances must be completed at the latest when the amount of sums due under the

contract has reached 90 % of the original amount of the latter.

In all cases of rescission of the contract, for any reason whatsoever, the advances shall be settled immediately.

The directly liable guarantor provided for in Article 75 (5) shall be released as and when the advances are reimbursed.

### Partial payments

#### Article 77

Under the conditions laid down in the Special Conditions, the administration must make partial payments to the contractor if the latter furnishes proof that he has carried out one of the following services:

1. delivery at the building site or place of manufacture of materials which are to form part of the works or supplies stipulated in the contract, provided that they have been fully acquired and paid for by the contractor, that they have been recognized as conforming to the requirements of the contract and that they are set out in batches in such a way that they may be checked by the administration;
2. performance of operations intrinsic to the carrying out of works or supplies inspected by the administration.

#### Article 78

Materials for which partial payments have been made shall remain the property of the contractor who may in no circumstances make use of them for other works or supplies.

However, the Special Conditions may lay down that, to set off partial payments, the ownership of the materials corresponding to such partial payments shall be transferred to the administration. In this case, the contractor shall, nevertheless, assume the responsibility of trustee in respect of these materials.

### Revision of prices

#### Article 79

1. Provision may be made for the revision of prices with regard both to works contracts and supply contracts.

2. Where prices may be revised under a contract, revision shall take place either at the request of the contractor or on the initiative of the administration,

by applying the procedures set out in the Special Conditions. Such procedures may take into account a variation in the prices of manpower, services, materials and supplies, as well as of charges laid down by law or administration action forming part of the unit prices.

Prices contained in the contractor's tender shall be deemed to have been arrived at on the basis of the economic conditions in force on the reference date. This date shall be the first working day of the month preceding that in which the final date for the receipt of tenders occurs.

3. In the event of a delay in execution of the works, which is attributable to the successful tenderer, the lowest of the following three coefficients will be applied during the period between the contractual date for the completion of the works and the actual date of completion (provisional acceptance):

- arithmetical average of the monthly coefficients for the last 12 months of the contractual period;
- variation coefficient for the last month of the contractual period;
- variation coefficient established by applying the price variation procedure during the actual period of execution of the works.

#### *Article 80*

Application of the revision procedures shall be governed by the degree of variation of the contract price, which must be equal to or more than the percentage of variation laid down in the Special Conditions. This percentage shall form the revision threshold.

Once this threshold has been reached, the variation resulting from application of the procedure shall be fully taken into account.

#### *Article 81*

Where advances have been granted and where, pursuant to the second paragraph of Article 76, they are reimbursed by deduction from sums due for partial payment or from the balance, the price revision clause shall apply only to the difference between the initial amount of the instalment or balance and the amount of the advance to be deducted.

#### *Article 82*

The periods for settling sums due in application of the price variation procedures shall be laid down in the Special Conditions.

### **Rules for payment**

#### *Article 83*

#### **Payment for works**

1. Payment of both the instalments and the balance of the contract shall be made only when the contractor has produced a statement of credit, dated, signed and supported by a detailed work progress report which, according to the contractor justifies the requested payment.

This progress report, compiled on the basis of the daily statements provided for in Article 108, may include:

- (a) quantities carried out in excess of the estimated quantities contained in the itemized estimate of a unit price contract;
- (b) additional works performed in accordance with an order of the administration made by the official responsible for directing performance of the contract;
- (c) works carried out at prices proposed by the contractor and not yet accepted by the administration.

2. The administration shall verify and where necessary correct the work progress report; should such report contain quantities the unit prices for which have not yet been agreed by the parties, it shall automatically determine the prices, all rights of the contractor remaining unaffected.

After receiving each statement of credit it shall prepare a certificate of payment at the earliest opportunity, setting out the amount which it considers effectively due, and shall inform the contractor of the works for which payment is being made.

3. Payment of sums due to the contractor shall be made within 90 calendar days of the date of receipt of the statement of account by the administration.

#### **Payment for supplies**

#### *Article 84*

With regard to supplies, payment shall be made within 90 calendar days of the due date as laid down in the Special Conditions.

## Payment in the event of attachment

*Article 85*

In the event of a judgment ordering attachment against the contractor, and without prejudice to the periods of 90 days laid down in Articles 83 and 84, the administration shall be given a period of 15 calendar days, starting from the day when it receives notification of the lifting of the obstacle to payment, to resume payments to the contractor.

## Interest in respect of delay in payments

*Article 86*

If the period laid down for payment has been exceeded, although the contract has not given rise to dispute, the contractor shall benefit fully and without formal notice from interest calculated pro rata on the basis of the number of calendar days' delay at the rediscount rate of the issuing institute of the associated country, increased by 1 % per annum.

This supplement to the rate shall be increased to 4.5 % per year as from the 91st day of delay.

However, payment of the interest on delay shall be subject to the submission by the contractor, not later than the 60th calendar day following the day for payment of the balance of the contract, of a written request having the effect of a statement of account.

A remission of the penalties for delay occurring after payment of the balance may not be regarded as constituting the payment of a new balance and shall not re-open the period provided for in the preceding paragraph.

## Payment for the benefit of third parties

*Article 87*

All orders for payment to third parties may be carried out only after a transfer of credit or a collateral security, in accordance with the relevant provisions of the laws of the Associated State where the contract is performed.

The transfer of credit or the collateral security shall be notified to the administration by registered letter with acknowledgement of receipt.

## Notification to third parties

*Article 88*

The contractor and the beneficiaries of transfers of credit and collateral securities may, during the

performance of the contract, seek from the administration either a summary progress report of the work and supplies carried out, accompanied by an estimate which shall not be binding upon the administration, or a detailed account of rights enjoyed by the contractor; they may also request a statement of the advances and instalments paid and a detailed report on information received relating to such contract.

If a creditor, giving evidence of his capacity as such, should make such a request by registered letter, the administration shall be obliged to notify him, at the same time as the contractor, of all amendments to the contract which affect the guarantee resulting from the transfer of credit or collateral security.

Beneficiaries of transfers of credit and collateral securities may not call for any information other than that provided for in the first and second paragraphs, nor may they intervene in the performance of the contract.

## Preliminary technical acceptance

*Article 89*

1. If the Special Conditions lay down technical conditions for the acceptance of materials or items which the contractor must incorporate in connection with the works to be carried out or for the manufacture of objects that he must supply, such materials or items must be received by the administration prior to their incorporation in the works.

The same shall apply if the Special Conditions make provision for the manufacture of one or more standard items and the examination of samples before manufacture is to commence.

Any preliminary technical acceptance shall be the subject of a request sent by registered post by the contractor to the administration; such request shall be made in accordance with the forms laid down by the administration, which must act upon it within the period provided for in the Special Conditions.

The request shall indicate the specification of the materials, items or samples submitted for acceptance and shall also indicate the number of the Special Conditions, the number of the lot and the location where acceptance is to take place.

Even if materials or items to be incorporated in the works to be executed or in the manufacture of objects to be supplied have been accepted in this way, they may still be rejected and must be replaced immediately by the contractor if a further examination reveals defects or faults.

2. The Special Conditions shall make provision for all the procedures relating to preliminary technical acceptance, in particular, the period of time during which the administration must take its decision to accept or reject materials, standard items and samples, and also, in the event of this period being exceeded, the administration's option to extend the period of performance at the request of the contractor.

#### Claims by the contractor

##### Article 90

1. The contractor may avail himself of facts alleged against the administration and which would involve him in delay and/or detriment in order to obtain, where appropriate, an extension of the periods of performance, the revision or rescission of the contract and/or damages.

2. In principle, the contractor shall not be entitled to make any amendment to the contractual conditions as a result of circumstances which remain unknown to the administration.

However, an extension of the periods shall be justified by circumstances which the contractor could not reasonably foresee when the tender was filed or the contract concluded, which he could not avoid and the consequences of which he was unable to avert even though he had taken every necessary step to that end.

Furthermore, if the contractor has suffered very considerable detriment, he may avail himself of the same circumstances to obtain the variation or rescission of the contract.

Various natural phenomena and their consequences, where they are recognized by the administration as being abnormal for the place or the season, shall, in particular, be regarded as circumstances within the meaning of the second and third subparagraphs.

The contractor may invoke the default of a sub-contractor or a person with whom a sub-order has been placed only in so far as the latter would avail himself of the circumstances which the contractor would have been able to invoke in a similar situation.

3. The contractor shall be obliged to report to the administration, by registered letter, the facts and circumstances referred to in paragraphs (1) and (2) as soon as he would normally expect to be aware of them and not later than 30 days after their occurrence.

4. Claims by the contractor must, under penalty of being time-barred, be made by registered letter within the following periods:

- (a) before expiry of the contractual periods, in order to obtain an extension of the periods of performance or cancellation of the contract;
- (b) in order to obtain a variation of the contract or damages not later than 60 days after
  - provisional acceptance of all works or supplies, or
  - acceptance of all supplies, where the contract provides for only one acceptance.

##### Article 91

1. The contractor shall have the right to obtain remission of the penalties for delay referred to in Article 121 point 1 (c) and Article 136 (1):

- (a) in whole or in part, if he proves that the delay is due wholly or in part to acts by the administration or to the circumstances referred to in Article 90 (1) and (2);
- (b) partially, if the administration considers that the amount of the penalties is disproportionate to the minimal importance of the works or supplies thus delayed, provided however that the works and supplies carried out are capable of being used normally and that the contractor has made every effort to complete his services in the shortest possible time.

2. The contractor must, under penalty of being time-barred, submit any request for the remission of penalties by registered letter within a period of 60 days from:

- the payment of the balance, in the case of works contracts, or
- the payment of the invoice to which the penalty was applied, in the case of supply contracts.

#### Period of guarantee: maintenance, repair and replacement

##### Article 92

1. Without prejudice to the special provisions relating to the acceptance of works and supplies, the contractor shall be obliged during the period of guarantee to carry out maintenance, repair and replacement covering all services under the contract, subject to normal conditions of use.

Deteriorations resulting from the circumstances provided for in Article 90 or from abnormal use shall be excluded from the guarantee unless they reveal a fault or defect such as to justify the request for repair or replacement.

The guarantee may be the subject of stipulations in the Special Conditions and of technical specifications which shall determine the period and conditions thereof.

Where the Special Conditions or the contract provide for a period of guarantee, they may fix the duration, thereof. If not otherwise specified, the duration of this period shall be one year.

The period of guarantee shall commence on the date of provisional acceptance in the case of works and supply contracts. Where a supply contract accompanied by a period of guarantee includes one acceptance only, the period of guarantee shall commence as from that acceptance.

Where necessary, the period of guarantee shall be extended by the time during which it has not been possible to use a product or an element of the contract because of deterioration for reasons for which the contractor must assume responsibility.

All items provided in replacement shall be subject to the full period of guarantee.

2. The contractor shall repair or replace at his own expense any item which has deteriorated or fails to function in the course of normal use during the period of guarantee.

3. Any statement regarding deterioration or failure to function must be made in the form of a report drawn up by the official in charge or by any other representative authorized by the administration, before the expiry of the period of guarantee. A copy of the report shall be sent to the contractor within one month.

4. Should the interests of the service so require, the administration may have the repairs carried out at the expense of the contractor, the latter having been duly informed by the copy of the report.

#### Cessation or postponement of performance of contract

##### Article 93

1. Where the administration unilaterally orders the final cessation of performance of the contract, the latter shall be immediately reminded. The contractor shall be entitled to an indemnity for any injury which he may have suffered by reason of such omission for which he is not responsible.

2. Where the administration orders the postponement of the contract outside the specific cases that may be provided for in the Special Conditions, for more than six months either before or after performance, the contractor shall be entitled to the cancellation of the contract and indemnity for any injury which he may have suffered.

The same shall apply in the case of successive postponements, the total duration of which exceeds six months, even if performance of the contract has been resumed in the meantime.

The request for cancellation shall be acceptable only if it is submitted by registered letter by the contractor within two months of the date of receiving the order of the administration involving the postponement of performance of the contract for more than six months, or as from the expiry of the sixth month of postponement if such order has not fixed the duration of the postponement.

If performance of the contract has commenced, the contractor may require that acceptance of services should take place forthwith.

If the contractor limits his request to an indemnity, it must be submitted by registered letter not later than 60 days after:

- provisional acceptance of all works or supplies, or
- acceptance of all supplies, where the contract provides for only one acceptance.

3. Where the administration orders the postponement of performance of the contract for less than six months, the contractor shall be entitled to an indemnity for any injury which he may have suffered. He must submit his request by registered letter not later than 60 days after:

- provisional acceptance of all works or supplies, or
- acceptance of all supplies, where the contract provides for only one acceptance.

4. During the period of the postponements, the contractor shall take all such protective measures as may be necessary to safeguard the portion of the contract already executed.

Expenses incurred in connection with such protective measures shall be reimbursed to the contractor, without prejudice to the indemnity which he may claim in accordance with paragraphs 2 and 3.

## Section II

## Specific grounds for remission

## COMPLETION OF CONTRACTS

## Article 96

## Non-performance of contract

## Article 94

In the event of non-performance of the contract, the contractor shall be subject to the measures laid down in the special contractual clauses relating to the works and supplies provided for in this Title and in the Special Conditions:

Recovery of outstanding sums in connection with these measures shall be made by means of levies on amounts due to the contractor, on the deposit or by contribution from the directly liable guarantor.

## Decease

## Article 95

1. Where the contract is given to one natural person, it shall be automatically rescinded if that person dies.

However, the administration shall examine any proposal made by the heirs if they have notified it of their intention to continue the contract. The decision of the administration shall be notified to those concerned within one month of receipt of such proposal.

2. Where the contract is given to several natural persons and one or several of them die, a control report shall be agreed between the parties on the progress of the works and supplies and the administration shall decide whether to rescind or continue the contract in accordance with the undertaking of the survivors and possibly of the heirs.

3. In the cases provided for in paragraphs 1 and 2, persons offering to continue to perform the contract shall notify the administration thereof by registered letter within ten days of the date of decease.

They must accept joint and several liability in accordance with the first paragraph of Article 27.

Continuation of the contract shall be subject to the rules relating to establishment of the deposit or the commitment of the directly liable guarantor in accordance with Article 62.

1. Without prejudice to the measures provided for in Articles 121 and 136, the administration may rescind the contract in the following cases:

- bankruptcy of the contractor,
- any situation involving suspension of payments, other than bankruptcy, established by entailing judgment of a court and resulting in accordance with his national law in the total or partial loss of the contractor's right to administer and dispose of his property,
- any final judgment of a court or tribunal of the Associated State justifying the rescission of public contracts in accordance with national law,
- any other legal disability hindering performance of the contract,
- any organizational modification that must be notified to the administration involving a change in the legal personality of the contractor, unless such modification is recorded in an endorsement to the contract.

2. in the event of a works contract being rescinded:

- (a) The contractor or his representatives being present or duly convened, a report shall be drawn up of work performed, and inventories prepared of materials supplied, and of the plant and site installations of the undertaking.

Statements shall also be drawn up of emoluments still owed by the contractor to workers employed on the building site, and of sums owed by the contractor to the administration.

- (b) The administration shall have the option of acquiring, wholly or in part:

- temporary items of work which have been approved by the administration,
- materials specially constructed in connection with the execution of work under the contract and which cannot be re-used.

- (c) The purchase price of the temporary items of work and materials referred to above shall be equal to the unpaid portion of the expenditure incurred by the contractor, such expenditure being limited, where necessary, to that corresponding to the normal performance of the contract.

(d) The administration shall purchase at market prices the materials and items supplied or ordered on conditions that it considers appropriate.

3. In the event of the recession of a supply contract, the account shall be settled solely on the basis of supplies delivered and accepted.

4. However, the administration may without waiting for the definitive settlement, and if it is so requested, pay the contractor up to 80 % of the credit balance shown by the provisional settlement. Likewise, if the provisional settlement shows a credit balance in favour of the administration, the latter may require the contractor to return 80 % of the amount of such balance.

## CHAPTER II

### CLAUSES RELATING SPECIFICALLY TO WORKS CONTRACTS

#### Section I

#### PRELIMINARY PROVISIONS

##### *Article 97*

In overall price contracts, the contractor shall be considered to have prepared the sum contained in his tender according to his own operations, calculations and estimates.

After the final date fixed for filing tenders he shall no longer be allowed to enter any claim concerning possible errors or omissions in the itemized estimate furnished by the administration.

Details included in this document by the administration are given solely for purposes of information and may be invoked, if necessary, only to make good any inadequacy in the Special Conditions and in the approved plans.

In the event of a discrepancy between the details of the plans and the Special Conditions or the itemized estimate, the plans shall prevail.

Should the plans contain discrepancies, the contractor may claim to have provided for the

contingency which is most advantageous to him, unless the itemized estimate gives more precise details on this matter.

##### *Article 98*

1. The contractor shall be deemed to have prepared his tender on the basis of the data, in particular hydrological, climatic and physical data, provided by the administration in the invitation to tender. However, as a result of his own investigations and the on-the-spot visits organized by the administration in cases where the importance of the work so justifies, he shall be deemed to have ascertained, as far as possible, before filing his tender, the characteristics of the location, the nature of the work, the quantities to be produced, the amount of the materials to be provided, the ways and means of access to the building sites, the necessary equipment, and, in a general manner, to have obtained all information concerning risks, hazards and circumstances likely to influence his tender.

2. Even if they are not the subject of an item on the itemized estimate, all works, measures and expenses relating to execution of the contract shall be the responsibility of the contractor, in particular the preservation, removal and possible replacement of the cables, conduits and installations specified by the administration in the contract plans and documents.

Where the presence of cables, conduits and installations has not been specified in the contract plans and documents but is revealed by benchmarks and references, the contractor shall be bound by a general duty of care and similar obligations regarding preservation, removal and replacement. In this case, the administration shall compensate him for expenditure relating to such work, to the extent to which this is necessary for the execution of the contract.

However, the obligation to remove and replace cables, conduits and installations and the expenditure resulting therefrom shall not be the responsibility of the contractor if the administration decides to accept the same itself. The same shall apply where this obligation and the expenditure resulting therefrom devolve upon another specialist administration or on an agent.

Damage caused by the contractor to cables, conduits and installations which have not been notified, or marked, and of which he could not reasonably have been aware, shall be regarded as being the result of a circumstance provided for in Article 90 (2).

3. The contractor shall carry out, at his expense, any works whatsoever which, by their nature, are dependent upon or bound up with those defined in the approved plans and which are described, in addition, by the requirements of the Special Conditions and the itemized estimate.

Since the contractor is deemed to have determined his prices on the basis of his own calculations, operations, and estimates, he must carry out, free of charge, any work which is the subject of any item whatsoever, for which he neither indicates a unit price nor a firm sum.

#### Address for service of the contractor and representation

##### Article 99

The contractor shall give an address for service close to the works and shall notify the administration of that address. Should he fail to fulfil this obligation within a period of two months from notification of award of the contract, all notifications concerning the contract shall be valid where these are made to the address designated for this purpose in the Special Conditions.

After final acceptance of the works, the contractor shall be relieved of this obligation. Should he fail to give notice of his new address to the administration, notifications concerning the contract, made to the address given in the Special Conditions shall be valid.

The contractor shall himself carry out and supervise the works or he shall appoint a representative for this purpose; in any case, he shall be responsible for carrying out the works satisfactorily.

The representative shall be deemed to have his address at the address for service given by the contractor.

The administration shall be entitled at any time, to call for replacement of the representative.

## Section II

### PERFORMANCE OF CONTRACT

#### Checking of materials and supplies

##### Article 100

#### 1. Identification

The Special Conditions may require all articles and supplies, where possible, to bear the contractor's mark in a specified place.

#### 2. Provision and acceptance of materials and supplies

The contractor shall be required to take the necessary steps to ensure that the plant, materials and supplies are conveyed to the site in good time and that the administration has the necessary time at its disposal to proceed with the formalities of accepting the materials and supplies irrespective of the state of the means of communication and the mode of transport used. Since the contractor is deemed to have fully appreciated the difficulties which he might encounter in this respect, he shall not be permitted to put forward grounds for delay in taking these steps, without prejudice to the provisions of Article 90.

The materials and supplies may not be used unless they have first been accepted by the official responsible for directing performance of the contract or his representative.

#### 3. Tests

The tests required for technical verification of materials and supplies shall be laid down in the Special Conditions. These shall specify whether the tests are to take place:

- (a) on the work site or at the place of delivery,
- (b) at the manufacturer's factories,
- (c) in the administration's laboratories,
- (d) in laboratories approved by the administration.

In the case of verification on site or at the place of delivery as provided for under (a), the contractor shall place at the disposal of the administration, at his own expense, the workmen and the tools and articles normally used on sites, needed for the verification and acceptance of the materials.

In the case of verification at the factory as provided for under (b), the test samples or parts to be tested, ready for testing shall be made available to the representative of the administration within five calendar days of being marked. The tests shall be carried out in the presence of this representative; the contractor shall bear the costs of preparing parts, test samples, and the costs of the tests themselves.

In the case of verification in the laboratories as provided for under (c) and (d), immediately after the parts to be tested or the substances to be used in preparing the test samples have been selected and marked by the representative of the administration, they shall be sent by the contractor, free of charge, to the laboratory responsible for the tests, under the supervision of the representative of the administration.

The administration shall bear the costs of preparing parts and test samples. It shall also bear the cost of tests carried out in its laboratories or in an approved laboratory, with the exception of tests which should have been carried out by the contractor in the manufacturer's factories. The residue of test samples, broken parts and surplus samples shall remain the property of the administration.

The contractor may be present when the tests are carried out in one of the administration's laboratories or in a laboratory approved by the administration.

In any case, the markings must be present until the time of testing.

Where tests carried out to ascertain the quality of supplies involve the destruction of certain parts or certain quantities of materials, these must be replaced by the contractor, at his expense.

The extent to which the tests may involve such destruction shall be indicated in the Special Conditions.

#### 4. *Test period*

The period which extends from the date of despatch to the date of arrival in the establishment responsible for testing shall not be included in the period laid down in the Special Conditions for notifying the contractor of the decision of approval or rejection.

#### 5. *Verifications*

Weighing required to verify the articles and materials for which theoretical weights or weight tolerances are laid down shall be carried out at the contractor's factory; the contractor shall place the weighing instruments at the disposal of the administration, free of charge, in accordance with Article 61.

The same shall apply in the case of duly verified measuring equipment and test machinery required for the test provided for in the contractor's factories and on site.

#### 6. *Check tests*

In the event of an objection by one or other party to the result of the tests, each of the parties shall be

entitled to request a check test. This shall be carried out in a laboratory selected by common consent from the laboratories approved by the administration.

If the objection concerns an item which is incapable of exact evaluation, each of the parties shall be entitled to request an expert opinion. The expert shall be selected by common consent. The expert shall conduct his examination at a place nominated by the expert and approved by the administration.

The report drawn up by the laboratory or by the expert shall be submitted to the administration, which shall communicate it, without delay, to the contractor by registered mail. The results of the check test or the expert opinion shall be conclusive.

The costs of the check test or the expert opinion shall be borne by the party for whom the result is unfavourable.

#### 7. *Period for check tests*

Under penalty of being time-barred, the contractor shall address the request for a check test or an expert opinion to the administration by registered letter not later than the fifteenth calendar day following the day on which the decision of rejection is notified.

Paragraph 4 shall apply to the period for notifying the decision of acceptance or rejection resulting from the check test or the expert opinion.

#### 8. *Extension of the period of performance*

An extension of the period of performance may be granted to the contractor where the check test or the expert opinion is in his favour.

#### 9. *Materials and supplies which have been accepted*

Materials and supplies which have been accepted and which are on site may not be removed without the authorization of the administration.

#### 10. *Rejects*

Materials and supplies which are not of the required quality shall be rejected.

A special mark may be applied to the latter; this may not be such as to alter the supplies, nor may it modify their commercial value.

Materials and supplies which have been rejected shall be removed by the contractor from the sites, if the administration so requires, within a period which it shall specify, failing which the administration shall as of right effect their removal at the expense and risk of the contractor.

Making use of rejected materials and supplies shall result in a refusal to accept the works.

### Special situations

#### Article 101

##### 1. *Suspension of works for climatic reasons*

The administration may suspend execution of the works for a certain period, where it considers that they cannot be carried out without difficulty by reason of climatic conditions or the results thereof.

During the periods of suspension, the contractor shall take, at his expense, all protective measures to safeguard works and materials.

The periods of suspension may in no case be aggregated with the periods of postponement provided for in Article 93.

##### 2. *Discoveries while work is in progress*

The administration reserves the right of ownership of materials found during the excavation and demolition work carried out on land belonging to it, subject to compensating the contractor for any special efforts.

Discoveries of any interest whatsoever made in these excavations or in this demolition work shall be brought immediately to the attention of the administration.

Objets d'art, antiques, natural history, numismatic, or other objects which are of scientific interest, and also rare objects or objects made of precious materials found in these excavations or in this demolition work shall be the property of the administration and shall be held at the disposal of the official responsible for directing performance of the contract or his representative.

In the event of dispute, the administration shall have sole authority to decide as to the characteristics set out in the second and third subparagraphs.

### 3. *Overlapping contracts*

Where other contracts must be carried out simultaneously on the same site or in the same building, the contractor shall comply with orders given to him by the official responsible for directing the performance of the contract, so as to enable the contracts to be carried out.

### General measures

#### Article 102

1. The contractor shall comply with national rules, especially those governing building, highways, hygiene, and the protection of work.

The contractor shall have the right to forbid any person not involved in the performance of the contract to have access to the site, with the exception, however, of persons authorized by the administration in accordance with Article 57.

He shall ensure that sites are policed as long as work is in progress, and shall be responsible for taking the necessary steps, both in the interests of his servants, agents of the administration and third parties, to prevent any loss or accident which may result from carrying out the works. In particular, he shall see to it that the works and installations of his undertaking cause neither difficulties nor obstacles to traffic on roads, railways, waterways, aerodromes etc., other than those permitted by the Special Conditions.

Any work which the administration indicates to the contractor, or which appears of itself as being capable of causing damage or disturbance to a public utility service shall be the subject of a notice issued by the contractor and lodged with the operating body, at least 10 calendar days prior to the commencement of the works.

This obligation shall be laid upon the contractor without prejudice to the application of the national rules governing telecommunications.

Where, in the course of carrying out the works, the contractor encounters benchmarks indicating the course of underground conduits, he shall be required to keep such benchmarks in position or to replace them should execution of the works have necessitated their temporary removal.

2. The contractor shall take all essential steps, on his own responsibility, and at his expense, to ensure that existing structures and installations are protected, preserved and maintained; he shall also take all the precautions required by building practice and by the special circumstances to safeguard neighbouring properties and to avoid causing any disturbance therein.

### Outline of works

#### *Article 103*

Before starting to carry out the works the contractor shall produce an outline of the work and shall set up an adequate number of benchmarks to which the relative height of the various parts of the work must be exactly related. He shall have pegs, stakes, profile battens, etc., positioned wherever the administration shall judge it necessary.

When these operations are completed he shall inform the administration thereof in writing. The latter shall verify them without delay and, where necessary, shall rectify them in the presence of the contractor or his representative.

The contractor shall see to it that pegs, stakes, profile battens etc. remain in the position and at the height thus fixed; he shall be responsible, in any event, for the consequences which could result from their being moved or disturbed.

The contractor shall place the pegs, lines, boards, stakes, set-squares, profile battens, water and spirit levels, levelling rods, chains, etc., at the disposal of the administration, on each occasion that it needs them, together with all the articles necessary to the operations which have to be carried out so that it may be ascertained that the works are being carried out in accordance with the approved plans and the conditions of the contract.

The administration may select from among the contractor's staff, and with the latter's consent, the workmen most capable of assisting him in the operations in question. The contractor shall bear the cost of the wages of these workmen.

### Occupation of land or premises

#### *Article 104*

##### *1. Use of land belonging to the administration*

Apart from the actual building land, the contractor shall himself procure the land he considers necessary for carrying out the works. If the administration proposes to provide him with such land, wholly or in

part, this shall be stipulated in the Special Conditions or in the contract plans.

The contractor may not make use of land procured for him by the administration, without authorization in writing.

##### *2. Use of premises belonging to the administration*

If premises are placed at his disposal for any use whatsoever, the contractor shall be required to keep them in a good state of preservation while he is in occupation and to restore them to their original state, on completion of the contract, if called upon to do so.

No payment may be claimed for improvements resulting from installation work carried out by the contractor of his own accord, if the administration decides to retain them.

### Materials obtained from demolition

#### *Article 105*

Where the contract includes demolition work, materials and articles obtained therefrom shall be the property of the contractor subject to the provisions of Article 101 (2).

Should the Special Conditions depart from this rule and reserve to the administration the right of ownership of materials or all or part of the articles obtained from the demolition work, the contractor shall take all the necessary precautions to ensure that these are preserved. He shall be answerable for any destruction of or damage to such materials caused by him or his servants.

Irrespective of the use to which the administration intends to put the materials or articles, in respect of which it reserves the right of ownership, all costs incurred in storing them at the place indicated by the official responsible for directing the contract shall be borne by the contractor for any carriage not exceeding 100 metres.

Where the Special Conditions do not otherwise provide, the contractor shall progressively remove rubble and other demolition materials, rubbish and debris in accordance with the instructions of the administration.

### Temporary works and soil studies

#### *Article 106*

##### *1. Temporary works*

The contractor shall carry out at his expense all the temporary works to enable the construction work to be carried out.

He shall submit the plans for such temporary works, such as coffer-dams, scaffolding, trusses, shuttering etc., which he intends to use, to the administration. He shall take account of any observations made to him, while assuming sole responsibility for these plans.

## 2. Soil studies

In accordance with the Special Conditions the contractor shall hold at the disposal of the administration the personnel and equipment necessary for carrying out any soil survey which the administration shall judge necessary. He shall be compensated for the cost of the manpower and equipment used in this work.

### Staff for the undertaking

#### Article 107

The agents and workmen employed by the contractor must be sufficient in number, and each must be suitably qualified in his own field to ensure steady progress and satisfactory execution of the works. The contractor shall immediately replace all persons indicated by the administration as capable of jeopardizing satisfactory execution of the works.

The general bases of remuneration and the general working conditions as laid down in national law shall apply to staff on the site of the undertaking.

In the event of delay being duly ascertained in the payment of wages and salaries and the allowances and contributions laid down in national law, the administration may, as of right, after giving notice to the contractor, pay arrears of wages and salaries, allowances and contributions out of amounts due to the contractor or, failing this, by making a deduction from the deposit, or obtaining a contribution from the directly liable guarantor.

### Record of work — Daily statements of materials used and work done

#### Article 108

1. A record of work shall be kept on each building site by the representative of the administration who shall enter in it, in particular, the following information:

- (a) An indication of the atmospheric conditions, interruptions of work owing to inclement weather, hours of work, number and type of workmen employed on the site, materials supplied, equipment in use, equipment not in

working order, tests carried out *in situ*, samples despatched, unforeseen circumstances etc., as well as orders given to the contractor which are purely occasional and of little importance;

- (b) Detailed daily statements of all the quantitative and qualitative elements of the work done and the supplies effected, capable of inspection on the site and relevant in calculating the payments to be made to the contractor.

The contractor shall ensure that daily statements are drawn up, in good time and in accordance with the provisions of the Special Conditions, in respect of work, services and supplies which could not be traced or verified subsequently; failing this, he must accept the decisions of the administration unless he provides evidence to the contrary, at his own expense.

These daily statements shall form an integral part of the record of work but they may, where appropriate, be recorded in separate documents.

2. Entries made in the record of work, as work progresses, shall be signed by the representative of the administration and countersigned by the contractor or his representative.

The contractor shall communicate his views to the administration by registered letter within 15 calendar days of the date on which the entry or the statements objected to are recorded.

Should he fail to countersign or to submit his views within the period allowed, the contractor shall be deemed to agree with the notes shown in the record.

The contractor may examine the record of work at any time and may, without removing the document, make or receive a copy of entries which he considers necessary for his own information.

3. At the request of the representative of the administration, the contractor shall provide him with the information needed to keep the record of work in good order.

### Insurance

#### Article 109

Within 15 days following notification of the award of the contract, the contractor shall take out insurance, to take effect from the actual commencement of the work, covering his liability with regard to accidents at work and civil liability in the event of accidents

caused to third parties as a result of the works; he shall be obliged to furnish proof of regular payment of premiums each time he is required to do so.

#### Unforeseen work and modifications to the contract

##### *Article 110*

Where the administration, without changing the subject matter of the contract, considers it necessary to carry out unforeseen work or to effect changes in the work to be done, the contractor shall comply with the orders of the administration he receives in this respect.

The price of such work shall be determined in accordance with Article 83.

#### Increase in the volume of work

##### *Article 111*

In the event of an increase in the volume of work required by the administration, the contractor may not object if such increase, calculated on the basis of the original prices, does not exceed one fifth of the amount originally provided for in the contract unless the Special Conditions otherwise provide. In that case, the contractor shall, on application, be entitled to an extension of the contractual period of performance; he must give reasons for the length of the extension he requires.

Where the increase, calculated in the same manner, exceeds one fifth, the contractor may, when the final detailed statement is drawn up, request compensation for any loss incurred by him as a result of the modifications to the original project. He shall also be entitled to an extension of the contractual period of performance.

Where this increase, calculated in the same manner, exceeds one third, the contractor shall be entitled to refuse to carry out any work over and above this fraction. In this case he shall inform the administration of his decision by registered letter within a period of two months of the order of the administration stipulating that increase.

#### Reduction in the volume of work

##### *Article 112*

In the event of a reduction in the volume of work required by the administration, the contractor may

not object if such reduction, calculated on the basis of the original prices, does not exceed one fifth of the amount originally provided for in the contract unless the Special Conditions otherwise provide.

Where the reduction, calculated in the same manner, exceeds one fifth, the contractor may, when the final detailed statement is drawn up, request compensation for any loss incurred by him as a result of the modifications to the original project.

Where this reduction, calculated in the same manner, exceeds one third, the contractor shall, within a period of two months of the order of the administration stipulating such reduction, request compensation for the loss incurred by him as a result of the modifications to the original project. Where, within two months following the lodging of the request for compensation, no agreement has been reached with the administration as to the amount of the compensation, the contractor shall be entitled to rescind the contract and to receive compensation for any loss caused by such rescission.

#### Change in the quantities of the various items in the itemized estimate

##### *Article 113*

1. Without prejudice to the application of Articles 111 and 112, where the contract contains an itemized estimate showing, for each item, the quantities of the various works and the respective price for each of these items, and where the alterations required by the administration modify the quantities of certain of these works in such a way that the quantity shown for any item differs by more or less than one fifth, the contractor may, when the final detailed statement is drawn up, request compensation for any loss incurred by him as a result of the modifications to the original project, in this respect.

2. Where the price list shows items with prices for reference purposes only for which no quantity is indicated in the itemized estimate, the provision contained in paragraph 1 may not be invoked by the contractor.

##### *Article 114*

1. Without prejudice to the application of Articles 111, 112 and 113, where, independently of any modification made by the administration to the contract, any volume of work actually carried out, which is covered by an item in the itemized estimate

and which is provided with a separate unit price, exceeds four times the estimated volume or is less than one half of such volume, the administration or the contractor may request revision of this price and/or the original time limits.

This revision shall be subject to it being shown that the estimated quantities have been modified in such a way that the price and/or the time limits no longer correspond with the new situation thus created.

In cases where the administration and the contractor are unable to agree on the fixing of the new unit price, the administration shall determine this as of right, without prejudice to any rights of the contractor.

2. The provisions of paragraph 1 may also be invoked where, in the case of a particular item in the itemized estimate, the variation in the quantity of work carried out by comparison with the estimated quantity entails an upward or downward variation in excess of 20 % of the volume calculated on the basis of the original prices.

#### Use of works by the administration

##### *Article 115*

Immediately after provisional acceptance, the administration may make use of all the works completed by the contractor.

However, if the Special Conditions so allow, the administration may make use of the various structures forming part of the contract as and when they are completed, on condition that an inventory is drawn up as appropriate.

Should the administration take over the work, this shall not count as provisional acceptance.

Once the administration has taken possession of a structure or a part thereof, the contractor shall no longer be required to make good damage resulting from use.

#### Acceptance

##### *Article 116*

###### *1. Verification and testing*

The works shall not be accepted until the prescribed verifications and tests have been carried out at the expense of the contractor.

###### *2. Rejection of works*

Works which do not satisfy the terms and conditions of the contract or which are not carried out in accordance with trade practices shall be demolished and rebuilt by the contractor; otherwise this shall be done, as of right, at his expense, by order of the administration, in one or other of the ways indicated in Article 121.

The administration may also require the demolition and reconstruction by the contractor, under the same conditions as those laid down in the preceding subparagraph, of structures in which materials have been used which have not been accepted, or of those carried out in a period of suspension, as laid down in Article 101 (1).

###### *3. Provisional acceptance*

The contractor must advise the administration of completion of the works, by registered letter.

Within 30 calendar days of the date of receipt of the communication from the contractor, or within a longer period if so provided in the Special Conditions, the administration shall draw up a statement of provisional acceptance of the works or of rejection, and shall forward a copy thereof to the contractor.

If this time-limit is exceeded, and the delay is not attributable to the contractor, the administration shall become liable to pay him compensation equal to 0.5 % per week of delay on the amounts, payment of which is dependent upon provisional acceptance, up to a limit of 5 % of the total of such sums.

However, the payment of this compensation shall be subject to submission by the contractor of a request in writing within 30 calendar days from the date of provisional acceptance.

Works which are subject to provisional acceptance shall, unless the contrary is proved, be deemed to have been so accepted on the completion date indicated by the contractor in his registered letter.

###### *4. Final acceptance*

Upon expiry of the guarantee period, the administration shall draw up, as soon as possible, and within a maximum of 30 days, a statement of final acceptance of the works or of rejection and shall forward a copy thereof to the contractor.

In the case of a statement of rejection of the works, it shall be incumbent upon the contractor subsequently to give notice to the administration, by registered letter, that all the works of the undertaking are ready for final acceptance, and acceptance of the works shall take place within 20 calendar days from receipt of the registered letter.

*5. Clauses applicable in respect of both provisional and final acceptance*

Verification of works with a view to provisional or final acceptance shall take place in the presence of the contractor. The absence of the latter shall not be a bar to acceptance on condition that he has been summoned in due form by registered letter posted at least 20 calendar days prior to the date of acceptance.

Should one or several of the exceptional circumstances referred to in Article 90 make it impossible to ascertain the state of the works during the period of 20 days fixed for provisional or final acceptance, a statement certifying such impossibility shall be drawn up after summoning the contractor. The statement of acceptance or rejection shall be drawn up within 20 calendar days from the date on which such impossibility ceases to exist.

The contractor shall not be entitled to invoke these circumstances in order to avoid the obligation of presenting the works in a state suitable for acceptance.

The works shall not be regarded as completed until the contractor has had removed any goods in storage, litter or redressed any change in the condition of the premises, resulting solely from the requirements for performing his contract.

### Section III

#### COMPLETION OF THE CONTRACTS

##### Responsibility of the contractor

###### *Article 117*

Without prejudice to the guarantee obligation laid down in Article 92, the contractor shall no longer be responsible, after provisional acceptance, for risks which may affect the works which are the subject of the contract and which result from causes not attributable to him.

However, the contractor shall be responsible, as from the date of provisional acceptance, for the soundness of the structures, in accordance with the provisions of the national law.

##### Fraud and faulty workmanship

###### *Article 118*

If fraud or faulty workmanship is suspected, the contractor may be required, either while work is in progress or after final acceptance, to demolish the works carried out and to rebuild them. The costs of such demolition and reconstruction shall be borne by the contractor or the administration, according to whether the suspicion is confirmed or not.

##### Non-performance of contract by contractor

###### *Article 119*

Non-performance of the contract by the contractor occurs:

1. where the work is not carried out in accordance with the provisions of the contract;
2. where the work is not completed within the contractual period of performance or where, at any time it is not proceeded with, in any respect whatsoever, so as to be capable of being entirely completed within this period;
3. where the contractor departs from written instructions given by the administration.

##### Finding of non-performance attributable to the contractor

###### *Article 120*

Non-performance of the contract shall be established by means of an entry in the record of work.

This entry shall constitute formal notice to put an end to the failure to perform the contract.

Within 15 days of the date of entry in the record of work, the contractor shall be obliged to submit the grounds of his defence to the administration by registered letter. At the end of this period, silence on his part shall be deemed to constitute admission of the facts established.

The administration shall give a ruling on the defence submitted by the contractor, without delay, and shall inform him of its decision by registered letter.

##### Sanctions for non-performance attributable to the contractor

###### *Article 121*

If no ground for non-performance of the contract is accepted or furnished within the period laid down in

Article 120, the contractor shall be subject to one or more of the measures defined in, and governed by the following paragraphs:

#### 1. Penalties

- (a) Special penalties for specific failures in performing the contract;
- (b) Penalty per calendar day for any form of non-performance of the contract which must be terminated immediately.

This penalty shall be applied as from the date on which non-performance of the contract has been established by an entry in the record of work in accordance with Article 120, up to and including the date on which such non-performance has been ended by the contractor or by the administration;

- (c) Penalties for delay where non-performance results from non-completion of the contract within the contractual time limits. Notwithstanding Article 120, these penalties shall be due without formal notice;
- (d) General penalty for any form of non-performance of the contract other than those laid down under (a), (b) and (c).

The amount of and the detailed procedures relating to these penalties shall be stipulated in the Special Conditions.

#### 2. Measures to be taken as of right

A decision of the administration relating to the application of measures taken as of right shall be notified to the contractor by registered letter.

These measures shall be the following:

- (a) execution of all or part of the works under the supervision of the administration;
- (b) conclusion of a contract with a third party, to the account of the contractor, after prior rescission of the original contract.

In applying one or other of these measures, the administration shall make any necessary arrangements to ensure the protection or satisfactory execution of the works.

After the contractor has been summoned by registered letter, the works shall be checked, an inventory of plant and materials shall be drawn up, and a statement of the wages and salaries due and the amounts owed by the contractor to the administration shall be made out.

In the event of supervision by the administration, and while that procedure

applies, the contractor shall be authorized to observe the operations without, however, being able to interfere with the execution of instructions given by the administration. Supervision by the administration may be terminated if he furnishes proof of the necessary means to resume the work and to bring it to a satisfactory conclusion.

Additional expenses resulting from supervision by the administration or from the new contract shall be borne by the contractor.

If supervision by the administration or the new contract results in a reduction in the expenses, the contractor may not claim any part of the profit thus derived, which shall be the property of the administration;

- (c) rescission of all or part of the contract, decided against the contractor;
- (d) temporary or permanent exclusion from the award of contracts.

#### 3. Rules governing concurrence of sanctions for non-performance of the contract

For the application of the measures laid down in points 1 and 2, the following rules shall be applied:

- (a) a single failure to perform the contract may only give rise to the application of a single penalty;
- (b) supervision by the administration may be combined with penalties for delay and with exclusion;
- (c) a contract to the account of the contractor may be combined with exclusion;
- (d) cancellation arising from the fault of the contractor may be combined with exclusion and penalties for delay relating to the period prior to the date of cancellation;
- (e) exclusion may be combined with any measures by the administration.

#### Recovery of penalties

##### Article 122

Recovery of penalties and recovery of amounts relating to damages, disbursements or expenses resulting from the application of the measures provided for in point 2 of Article 121 shall be effected by deduction from the sums due to the contractor, from the deposit, or by contribution of the directly liable guarantor.

CHAPTER III  
CLAUSES RELATING SPECIFICALLY TO  
SUPPLY CONTRACTS

Section I

PRELIMINARY PROVISIONS

**Elements included in the prices of all supply  
contracts**

*Article 123*

1. Subject to any special conditions for which provision may be made in the Special Conditions, the contractor shall be deemed to have included in his prices all costs charged on supplies, in particular:

- (a) The costs of transport and insurance;
- (b) The costs of packing, transshipment, unloading, transit, unpacking and making available at the place of delivery.

The packing materials shall be the property of the administration unless the Special Conditions otherwise provide;

- (c) The cost of documents relating to the supplies where such documents are required by the administration.

2. The contractor shall bear the expense of assembling the supplies and putting them into working order where the Special Conditions so provide.

**Verification by contractor of technical documents  
made available to him**

*Article 124*

The contractor shall be obliged to verify the technical documents submitted to him by the administration and to give notice, without delay, of errors, omissions or contradictions which these documents may contain, and which are evident to a person skilled in the art. Adjustments to prices and time limits which may result therefrom shall be negotiated in accordance with Article 128.

**Address for service of the contractor and  
representation**

*Article 125*

The administration shall send all notifications relating to the contract to the address for service given by the contractor for this purpose in his tender.

Where the person concerned has changed this address without advising the administration thereof, all notifications relating to the contract deemed made to the address designated for this purpose in the Special Conditions shall be valid.

Furthermore, the Special Conditions may provide that the contractor shall be required to give an address for service within a specific period, or to establish a representative in a place designated for this purpose.

Where the contractor does not fulfil this obligation within the time limit laid down, all notifications relating to the contract made to the address shown in the Special Conditions shall be valid.

**Overlapping contracts**

*Article 126*

Where the contractor is party to several contracts relating to like supplies, the deliveries which he makes shall be ascribed to one or other of the contracts in the order in which delivery dates fall due.

Where the contractor is the holder of a contract for several like lots but at different prices, the deliveries shall be paid for at the average price.

Section II

PERFORMANCE OF CONTRACTS

**Identifications**

*Article 127*

The Special Conditions may require all articles and supplies, where possible, to bear the contractor's mark in a specified place.

**Technical modifications during execution of  
contract**

*Article 128*

During execution of the contract, the administration may require the contractor to carry out modifications of a technical nature to the extent that these are compatible with the technical capacity of his undertaking, or accept modifications proposed by him.

The contractor must provide a detailed estimate, if so requested by the administration, within the time limit prescribed for this purpose, showing the increase or decrease in price, and the alterations to the period of performance for which provision is to be made.

Without prejudice to the provisions of Article 71, the administration shall notify its decision by order sent by registered mail.

### Tests and check tests

#### Article 129

##### 1. Tests

The tests required for technical verification of materials and supplies shall be laid down in the Special Conditions. These shall specify whether the tests are to take place:

- (a) at the manufacturer's factories,
- (b) in the administration's laboratories,
- (c) in laboratories approved by the administration.

In the case of verification at the factory as provided for under (a), the test samples or parts to be tested, ready for testing, shall be made available to the representative of the administration within five calendar days of being marked. The tests shall be carried out in the presence of this representative; the contractor shall bear the costs of preparing parts, test samples, and the costs of the tests themselves.

In the case of verification in the laboratories as provided for under (b) and (c), immediately after the parts to be tested or the substances to be used in preparing the test samples have been selected and marked by the representative of the administration, they shall within five calendar days be sent by the contractor, free of charge, to the laboratory responsible for the tests, under the supervision of the representative of the administration. The administration shall bear the costs of preparing parts and test samples. It shall also bear the cost of tests carried out in its laboratories or in an approved laboratory, with the exception of tests which must be carried out by the contractor in the manufacturer's factories. The residue of test samples, broken parts and surplus samples shall remain the property of the administration. The contractor may be present when the tests are carried out in one of the administration's laboratories or in a laboratory approved by the administration.

In any case, the markings must be present the time of testing.

Where tests carried out to ascertain the quality of supplies involve the destruction of certain parts of certain quantities of materials, these must be replaced by the contractor, at his expense.

The extent to which the tests may involve such destruction shall be indicated in the Special Conditions.

##### 2. Test period

The period which extends from the date of despatch to the date of arrival in the establishment responsible for testing shall not be included in the period laid down in the Special Conditions for notifying the contractor of one decision of approval or rejection.

##### 3. Verifications

Weighing required to verify the articles and materials for which theoretical weights or weight tolerances are laid down shall be carried out at the contractor's factory; the contractor shall place the weighing instruments at the disposal of the administration, free of charge, in accordance with Article 61.

The same shall apply in the case of duly verified measuring equipment and test machinery required for the test provided for in the contractor's factories or at the place of delivery.

##### 4. Check tests

In the event of an objection by one or other party to the result of the tests, each of the parties shall be entitled to request a check test. This shall be carried out in a laboratory selected by common consent from the laboratories approved by the administration.

If the objection concerns an item which is incapable of exact evaluation, each of the parties shall be entitled to request an expert opinion. The expert shall be selected by common consent. The expert shall conduct his examination at a place nominated by the expert and approved by the administration.

The report drawn up by the laboratory or by the expert shall be submitted to the administration, which shall communicate it, without delay, to the contractor, by registered mail.

The results of the check test or the expert opinion shall be conclusive.

The costs of the check test or the expert opinion shall be borne by the party for whom the result is unfavourable.

#### 5. *Period for check tests*

Under penalty of being time-barred, the contractor shall address the request for a check test or an expert opinion to the administration by registered letter not later than the fifteenth calendar day following the day on which the decision of rejection is notified.

Paragraph 2 shall apply to the period for notifying the decision of acceptance or rejection resulting from the check test or the expert opinion.

#### 6. *Extension of the period of performance*

An extension of the period of performance may be granted to the contractor where the check test or the expert opinion is in his favour.

#### 7. *Rejects*

Materials and supplies which are not of the required quality shall be rejected.

A special mark may be applied to the latter; this may not be such as to alter the supplies, nor may it modify their commercial value.

Making use of rejected materials and supplies shall result in a refusal to accept the supplies.

### **Delivery**

#### *Article 130*

The supplies shall be delivered to the place, within the time limits and in accordance with the conditions stipulated in the contract.

Each delivery must be accompanied by a statement drawn up by the contractor. This statement, the form of which may be prescribed by the administration, shall contain, in particular:

- the date of delivery,
- the reference number of the contract,
- the identification of the contractor,
- particulars of the goods supplied and, where appropriate, details of how they were divided for packing.

Each package must be clearly marked with its order number as shown on the relevant statement; in the

absence of indications to the contrary, it shall contain a list of its contents. The delivery of the supplies shall be confirmed by the issue of a receipt to the contractor.

Where the supplies are delivered to an establishment of the administration, the latter shall bear the responsibility of bailee during the time which elapses between their being delivered for storage and acceptance.

### Section III

#### TERMINATION OF CONTRACTS ACCEPTANCE

#### Verification operations

#### *Article 131*

1. The supplies presented by the contractor shall be subjected to qualitative and quantitative verifications intended to establish that they satisfy the contract specifications.

2. The Special Conditions shall indicate:

- the nature of and detailed procedures for verifications,
- the administrative authorities responsible therefor,
- the place where they are to be carried out,
- the period available to the administration for effecting the verifications and notifying its decision.

3. This period shall begin on the first working day following the date of delivery on condition that the administration is in possession of the statement provided for in Article 130.

Unless the Special Conditions provide otherwise, the length of this period shall be twenty days.

4. The authority responsible for verifications shall advise the contractor, in good time, of the date and time fixed for them so as to enable him to be present or to be represented. However, the absence of the contractor or his representative shall not prevent the verifications being carried out.

#### Postponements, price reduction penalties, rejections

#### *Article 132*

1. Where the authority responsible for the verifications considers that the supplies could be

accepted if certain adjustments were carried out, it shall declare a postponement and shall invite the contractor to present them again within a specific period after having carried out these adjustments. Where the contract does not specifically provide otherwise, the administration must be informed of the acceptance of the contractor within a period of 15 days from notification of the postponement decision.

In the event of refusal or silence on the part of the contractor within this period, or of failure to present the supplies again within the period allowed for their adjustment, such supplies shall be accepted subject to a price reduction penalty or shall be rejected in accordance with the conditions set out below.

The work of adjusting postponed supplies may only be carried out inside the establishments of the administration with the special authorization of the latter and at the contractor's expense.

Except in special cases which shall be decided upon by the administration, no supply may be the subject of more than two postponements.

2. At the end of the verifications, supplies which do not entirely satisfy the conditions of the contract but which nevertheless seem to be usable in their existing state may be accepted subject to price reduction penalties which shall consist of:

- a reduction in price if the defects found affect all or part of the delivery,
- a reduction in quantities in the event that the supplies exhibit localized blemishes.

The administration shall inform the contractor of the price reduction penalties which it proposes to apply.

The administration must be informed of any objection of the contractor within 15 days of notification of the proposed price reduction penalty. At the end of that period, the administration shall make a decision. If the contractor does not accept this decision, the supply shall be rejected.

However, where the contractor is not in a position to replace forthwith the supplies adjudged to be defective, he shall be obliged to submit to such price reduction penalty:

- where the supply is urgently required,
- where, because of their nature, supplies could not be stored separately in the administration's warehouses.

3. Where the supplies presented give rise to reservations such that adjustments do not seem practicable and that their use in their existing state does not seem possible, the administration shall notify the contractor of its intention to reject them.

The administration must be informed of any objection of the contractor within 15 days of notification of the proposed price reduction penalty. At the end of that period, the administration shall make a decision.

The time limit stipulated in the preceding subparagraph shall not be taken into account when making that decision, where it follows a refusal on the part of the contractor to accept a price reduction penalty or where, because of their nature, supplies could not be stored separately in the administration's warehouses.

4. If postponement is granted in respect of the supplies, the whole of the period laid down for effecting the verifications shall be available to the administration, from the date on which the supplies are again presented by the contractor. The same shall apply in the event of rejection, where the administration has authorized the contractor to present new supplies.

The period available to the contractor for submitting any objections, and the period which he requires to present the supplies again following postponement or rejection, do not in themselves constitute grounds for requesting an extension of the period of performance.

5. The decisions taken by the administration shall give the reasons for rejection, postponement or price reduction penalties. They shall be notified to the contractor, without delay, by registered letter with acknowledgement of receipt.

#### **Marking and removal of postponed or rejected supplies**

##### *Article 133*

1. The Special Conditions may stipulate that materials or articles which have been postponed or finally rejected will be marked with a special sign by the administration and that, where appropriate, rejects will be denatured or destroyed.

2. The handling and transport costs which may result from the postponement or rejection of supplies shall be borne by the contractor.

3. Should the verification operations have been carried out in the administration's warehouses, the decision to reject the supplies shall stipulate a time limit for their removal, if the Special Conditions have not already done so.

4. On expiry of that time limit, the administration is relieved of its responsibility as bailee and may:

— either send back as of right the supplies in question at the expense and risk of the contractor, or

— have them sold by public auction in accordance with the national law.

The proceeds of the sale, less expenses, shall be held at the disposal of the contractor unless they should serve to pay off debts which he may be found liable to pay to the administration under the contract.

#### Acceptance

##### Article 134

1. At the end of the verifications, where the supplies satisfy the contract specifications, or on the date of the decision to apply a price reduction penalty, where they are accepted solely on that condition, the administration shall draw up a statement of acceptance by which transfer of ownership is effected and shall forward a copy thereof to the contractor.

2. Where the Special Conditions on the contract have made provision for a guarantee period, the acceptance referred to in paragraph 1 shall constitute provisional acceptance. At the end of this period, the administration shall draw up a statement of final acceptance and shall forward a copy thereof to the contractor. The final acceptance may be tacit if the supplies have not given rise to any claim during this period.

3. Where one or more of the exceptional circumstances referred to in Article 90 make it impossible to carry out the verifications laid down in paragraph 1, a statement shall be drawn up establishing such impossibility, after summoning the contractor or his representative. The statement of acceptance or rejection shall be drawn up once this impossibility ceases.

#### Non-performance of contract by contractor

##### Article 135

Non-performance of the contract by the contractor occurs:

1. where supplies are not carried out in accordance with the provisions of the contract;
2. where the supplies are not delivered within the contractual period of performance or where, at any time, performance is not proceeded with, in any respect whatsoever, so as to be capable of being entirely completed within this period;
3. where the contractor departs from written instructions given by the administration.

#### Sanctions for non-performance attributable to contractor

##### Article 136

#### 1. Penalties for delay

The contractor shall, without formal notice, be liable for penalties for late deliveries solely by the fact of the expiry of the period of performance.

The amount of and the detailed procedures relating to these penalties shall be stipulated in the Special Conditions.

#### 2. Measures to be taken as of right

Where the administration decides to apply to the contractor one or more of the measures taken as of right listed below, it shall first give him formal notice, by registered letter with acknowledgement of receipt, to put an end to the non-performance of the contract. The contractor may present any objections, by registered letter, within 15 days from the date of receipt of the formal notice. Upon expiry of a period of 25 days from receipt of such formal notice, the administration shall inform the contractor of its decision by registered letter.

The following measures may be taken as of right:

- (a) rescission of all or part of the contract, decided against the contractor;
- (b) execution of the supplies outstanding under the supervision of the administration up to the quantity not delivered, or only a part thereof;
- (c) conclusion of a contract with a third party, to the account of the contract or for all or part of the supplies still to be delivered, after prior cancellation of the original contract.

The contractor may no longer take part in the execution of that part of the contract covered by the measure taken of right, once this has been notified.

If it is not possible for the administration to obtain raw materials or articles which correspond exactly with those delivered and laid down in the Special Conditions, under conditions which are appropriate to its needs, it may substitute equivalent materials or articles.

Additional expenses resulting from supervision by the administration or from the new contract shall be borne by the contractor.

- (d) temporary or permanent exclusion from the award of contracts.

*3. Rules governing concurrence of sanctions for non-performance of the contract*

For the application of the measures laid down in points 1 and 2, the following rules shall be applied:

- (a) supervision by the administration may be combined with penalties for delay and with exclusion;

- (b) a contract to the account of the contractor may be combined with exclusion;

- (c) cancellation decided against the contractor may be combined with exclusion and penalties for delay relating to the period prior to the date of cancellation;

- (d) exclusion may be combined with any measures by the administration.

**Recovery of penalties**

*Article 137*

Recovery of penalties and recovery of amounts relating to damages, disbursements or expenses resulting from the application of the measures provided for in paragraph 2 of Article 136 shall be effected by deduction from the sums due to the contractor, from the deposit, or by contribution from the directly liable guarantor.

**Declaration relating to Article 5 of the general terms and conditions of public works and supply contracts financed by the European Development Fund**

'The word "may" used in paragraphs 3 and 4 of Article 5 means that the provisions of these two paragraphs will only apply to the European Development Fund referred to in Article 17 of the Council Decision of 29 September 1970, on the association of the Overseas Countries and Territories with the European Economic Community.'

31. 1. 75

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**COUNCIL DECISION**

of 30 January 1975

**on transitional measures to be applied after 31 January 1975 in relations with the overseas countries and territories**

(75/89/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof;

Whereas Council Decision No 70/549/EEC of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community expires on 31 January 1975;

Whereas the provisions which are to replace this Decision cannot enter into force until after that date;

Whereas, pending the entry into force of these provisions, this Decision should be maintained in force provisionally;

Whereas, pursuant to Article 119 of the Act of Accession, the arrangements resulting from Decision No 70/549/EEC shall not apply in relations between those countries and territories and the new Member States; whereas, pursuant to Article 119 (3) of the Act of Accession, the Council, by Decision No 75/88/EEC of 30 January 1975, has extended these arrangements until expiry of the period during which the transitional measures are applied,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Council Decision No 70/549/EEC and its Annexes, and the arrangements adopted for their implementation, shall remain applicable beyond 31 January 1975 until the entry into force of the provisions which are to replace this Decision or until 31 July 1975, whichever is the earlier.

Done at Brussels, 30 January 1975.

*For the Council**The President*

G. FITZGERALD

## COUNCIL DECISION

of 22 July 1975

on maintaining the arrangements provided for in Articles 109 (1), 114 and 119 (1) of the Act of Accession

(75/462/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession<sup>(1)</sup>, and in particular Articles 115 (3) and 119 (3) thereof;

Having regard to the Opinion of the Commission;

Whereas the Association Council set up under the convention of association between the European Economic Community and the African States and Madagascar associated with that Community, hereinafter called the 'convention', and the Association Council set up under the Agreement establishing an association between the European Economic Community and the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya, hereinafter called the 'Agreement', implemented the transitional measures provided for in Article 62 of the convention and in Article 36 of the Agreement until 31 July 1975 at the latest;

Whereas certain provisions of the ACP-EEC Lomé convention, signed on 28 February 1975, were implemented unilaterally on 1 July 1975; whereas, for the fields not covered by these provisions, the aforementioned Association Councils decided to maintain the relevant provisions of the convention and of the Agreement until the entry into force of the new provisions relating to the same fields, or until 31 July 1976, whichever is the earlier;

Whereas, under Decision No 75/88/EEC<sup>(2)</sup>, the arrangements provided for in Articles 109 to 114 and in Article 119 of the Act of Accession have been maintained until the entry into force of the new provisions relating to the same fields, or until 31 July 1975, whichever is the earlier; whereas this Decision should remain in force alongside the provisions decided on in the context of the convention and the Agreement,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Provided that no new provisions relating to the same fields have entered into force, the arrangements provided for in Articles 109 (1), 114 and 119 (1) of the Act of Accession shall be maintained.

The preceding paragraph shall continue to apply until the entry into force of the new provisions relating to the same fields, or until 31 July 1976, whichever is the earlier.

Done at Brussels, 22 July 1975.

*For the Council*  
*The President*  
M. RUMOR

<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(2)</sup> OJ No L 26, 31. 1. 1975, p. 8.

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## COUNCIL DECISION

of 22 July 1975

on the extension of certain transitional measures in relation with certain overseas countries and territories

(75/463/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof;

Whereas Council Decision No 70/549/EEC of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community, expired on 31 January 1975;

Whereas, pursuant to Decision No 75/89/EEC, Decision No 70/549/EEC and its Annexes and the arrangements adopted for their implementation remain applicable beyond 31 January 1975 until the entry into force of the provisions which are to replace that Decision or until 31 July 1975, whichever is the earlier;

Whereas Council Regulation (EEC) No 1957/75 (1) of 30 July 1975 on the interim trade arrangements with the overseas countries and territories associated with the European Economic Community, enters into force on 1 August 1975;

Whereas Decision No 70/549/EEC should continue to apply provisionally to fields not covered by that Regulation;

(1) OCT/EEC II 290

Whereas, pursuant to Article 119 of the Act of Accession, the arrangements resulting from Decision No 70/549/EEC do not apply in relations between the new Member States and the overseas countries and territories; whereas, pursuant to Article 119 (3) of the Act of Accession, the Council, by Decisions No 75/88/EEC (2) and No 75/462/EEC, has extended these arrangements until expiry of the period during which the transitional measures are applied,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Provided that no new provisions relating to the same fields have entered into force, Decision No 70/549/EEC, its Annexes and the arrangements adopted for their implementation shall remain in force.

The preceding paragraph shall continue to apply until the entry into force of the new provisions relating to the same fields, or until 31 July 1976, whichever is the earlier.

Done at Brussels, 22 July 1975.

*For the Council*  
*The President*  
M. RUMOR

(2) OJ No L 26, 31. 1. 1975, p. 8.

## COUNCIL DECISION

of 29 June 1976

on the association of the overseas countries and territories with the European Economic Community

(76/568/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the Internal Agreement on the financing and administration of Community aid signed in Brussels on 11 July 1975,

Having regard to the recommendation from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the provisions applicable to the association of the overseas countries and territories (hereinafter called 'the countries and territories') with the European Economic Community must be laid down for a further period;

Whereas these provisions form part of the European Economic Community's efforts to establish, in particular by means of the ACP-EEC Convention of Lomé (hereinafter called 'the Convention') signed on 28 February 1975, a new model for relations between developed and developing regions, compatible with the aspirations of the international community towards a more just and more balanced economic order;

Whereas the development needs of the countries and territories and the needs related to the promotion of their industrial development justify the maintenance of the possibility of levying customs duties and imposing quantitative restrictions;

Whereas special provisions in respect of rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff are laid down in Decision 76/198/EEC (1);

Whereas Article 89 of the Convention provides for the possibility of accession to the Convention by a country or territory referred to in the fourth part of the Treaty which becomes independent; whereas it is therefore necessary to make provision for possible adaptation of this Decision;

Whereas until 25 November 1975 Surinam was part of the Kingdom of the Netherlands; whereas it became independent on that date; whereas it was therefore unable to participate in the Convention; whereas for that reason the arrangements adopted for the associated countries and territories pursuant to the Decision of 1970 were kept in force in respect of Surinam; whereas therefore, in accordance with its wishes, the arrangements applicable to the countries and territories should continue to apply provisionally to Surinam until it is able to accede to the Convention;

Whereas Article 1 of the Internal Financial Agreement provides that where a country or territory which has become independent accedes to the Convention

(1) OJ No L 37, 12. 2. 1976, p. 24.

the financial aid allocated to the countries and territories from European Development Fund resources shall, by decision of the Council, be reduced and the amounts allocated to the ACP States correspondingly increased; whereas it is necessary, both to facilitate future application of this provision, in respect of Surinam in particular, and to ensure that financial aid is distributed as fairly as possible, to lay down the allocation of aid among the countries and territories and the overseas departments for which the French Republic has responsibility, the countries and territories for which the United Kingdom has responsibility, and Surinam and the Netherlands Antilles; whereas extension of the European Agricultural Guidance and Guarantee Fund to the French overseas departments necessitates certain adjustments to the distribution of financial aid among these three sectors;

Whereas provision should be made for financial aid for the least-favoured overseas countries and territories, irrespective of the zones within which they fall; whereas the zone from which the amount necessary for this aid is taken must benefit from corresponding compensation; whereas a decision to this effect was taken by the Council on 29 June 1976 <sup>(1)</sup>,

HAS DECIDED AS FOLLOWS:

#### Article 1

The aim of this Decision is to facilitate the economic and social development and to strengthen the economic structures of the countries and territories listed in Annex I, in particular by developing trade, economic relations and industrial cooperation between the Community and the countries and territories, by helping to safeguard the interests of those among them whose economies depend to a considerable extent on the export of commodities, and by affording financial aid and technical cooperation.

#### TITLE I

#### TRADE COOPERATION

#### Chapter 1

#### Trade arrangements

#### Article 2

1. Subject to paragraph 2, products originating in the countries and territories shall be imported into the Community free of customs duties and charges

having equivalent effect, but the treatment applied to these products may not be more favourable than that applied by the Member States among themselves. For the purposes of the first subparagraph the customs duties and charges having equivalent effect applied pursuant to Articles 32, 36 and 59 of the Act of Accession shall not be taken into account.

2. (a) Products originating in the countries and territories:

- listed in Annex II to the Treaty when they come under a common organization of the market within the meaning of Article 40 of the Treaty, or
- subject, on importation into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy;

shall be imported into the Community notwithstanding the general arrangements applied in respect of third countries, in accordance with the following provisions:

- (i) those products shall be imported free of customs duties for which Community provisions in force at the time of importation do not provide, apart from customs duties, for the application of any other measure relating to their importation;
- (ii) for products other than those referred to under (i) the Community shall take the necessary measures to ensure, as a general rule, more favourable treatment than the general treatment applicable to the same products originating in third countries to which the most-favoured-nation clause applies.

(b) These arrangements shall enter into force at the same time as this Decision and shall remain applicable for its duration.

If, however, during the application of this Decision, the Community,

- subjects one or more products to common organization of the market or to specific rules introduced as a result of the implementation of the common agricultural policy, it reserves the right to adapt the import treatment for these products originating in the countries and territories. In such cases, paragraph 2 (a) shall be applicable,
- modifies the common organization of the market in a particular product or the specific rules introduced as a result of the implementation of the common agricultural policy, it reserves the right to

<sup>(1)</sup> OCT/EEC III 25

modify the arrangements laid down for products originating in the countries and territories. In such cases, the Community shall ensure that products originating in the countries and territories continue to enjoy an advantage comparable to that previously enjoyed in relation to products originating in third countries benefiting from the most-favoured-nation clause.

- (c) If, during the period of application of this Decision, the relevant authorities of the countries and territories consider that the application of such arrangements to agricultural products referred to in subparagraph (a), other than those covered by special rules, is warranted, the Commission shall, where appropriate, submit a proposal to the Council.

#### *Article 3*

1. The Community shall not apply to imports of products originating in the countries and territories any quantitative restrictions or measures having equivalent effect other than those which the Member States apply among themselves.
2. Paragraph 1, however, shall not prejudice the import treatment applied to the products referred to in the first indent of Article 2 (2) (a).

#### *Article 4*

This Decision shall not prejudice the treatment that the Community applies to certain products in implementation of world commodity agreements to which the Community is a signatory.

#### *Article 5*

The relevant authorities of a country or territory may retain or introduce, in respect of imports of products originating in the Community or in other countries or territories, such customs duties or quantitative restrictions as they consider necessary, in view of their development needs.

#### *Article 6*

Articles 3 and 5 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 and plants; the protection of national treasures possessing artistic, historic or archeological 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.

#### *Article 7*

1. The trade arrangements applied to the Community by the countries and territories shall not give rise to any discrimination between Member States nor be less favourable than the most-favoured-nation treatment.
2. Paragraph 1 shall not preclude a country or territory from granting certain other countries or territories or other developing countries more favourable treatment than that accorded to the Community.

#### *Article 8*

1. France, the Netherlands and the United Kingdom shall communicate to the Commission, within a period of three months following the entry into force of this Decision, the customs tariffs of the countries and territories with which they have special relations.

Any customs duties and charges having equivalent effect which are still applicable to products originating in the Community and in the other countries and territories shall be specified in this communication.

The Member States concerned shall also communicate to the Commission any subsequent modifications of the customs tariffs of the countries and territories as and when they are made.

2. The Commission shall communicate to the Member States the customs tariffs of the countries and territories, and any subsequent amendments thereto, and, where appropriate, shall inform the Council of its observations on them.

3. At the request of a Member State or of the Commission, consultations shall be held within the Council on these tariffs or amendments thereto.

#### *Article 9*

1. France, the Netherlands and the United Kingdom shall communicate to the Commission, within a period of three months following the entry into force of this Decision, the lists of quantitative restrictions and measures having equivalent effect retained by the countries and territories with which they have special relations.

The Member States concerned shall also communicate to the Commission any subsequent modification of such measures.

2. The Commission shall communicate to the Member States the lists referred to in paragraph 1 and any subsequent amendments thereto and where appropriate, shall inform the Council of its observations on them.

3. At the request of a Member State or of the Commission, consultations shall be held within the Council on the quantitative restrictions and measures having equivalent effect applied by the countries and territories.

#### *Article 10*

1. For the purposes of implementing this Chapter the concept of originating products and the methods of administrative cooperation relating thereto are laid down in Annex II.

2. The Council acting unanimously on a recommendation from the Commission, may adopt any amendment to Annex II.

3. If, for any product, the concept of originating products has not been defined pursuant to one of the above paragraphs, the Community and the relevant authorities of the countries and territories shall continue to apply their own rules.

#### *Article 11*

1. With regard to commercial policy, France, the Netherlands and the United Kingdom shall, each for its part, inform the Commission of any measures taken regarding trade between the countries and territories and third countries. The Commission shall inform the other Member States thereof.

2. At the request of a Member State or of the Commission, consultations shall be held within the Council if such measures might be prejudicial to the interests of one or more Member States or of the Community.

#### *Article 12*

1. If, as a result of applying the provisions of this Decision, serious disturbances occur in a sector of the economy of the Community or of one or more of its Member States, or their external financial stability is jeopardized, or if difficulties arise which may result in a deterioration in a sector of the economy of a region of the Community, the Commission may, in accordance with the procedure specified in Annex III, take, or authorize the Member State concerned to take, the necessary safeguard measures.

2. For the purpose of implementing paragraph 1, priority shall be given to such measures as would least disturb the functioning of the association and

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

#### *Article 13*

As regards rum, arrack and tafia falling within sub-heading 22.09 C I of the Common Customs Tariff the special provisions laid down in Decision 76/198/EEC shall apply.

### Chapter 2

#### Trade promotion

#### *Article 14*

The Community shall carry out trade promotion activities which shall be aimed at helping the countries and territories to participate under the most favourable conditions in the Community, regional and international markets.

#### *Article 15*

The trade promotion activities provided for in Article 14 shall include:

- (a) improving the structure and working methods of organizations, departments or firms contributing to the development of the foreign trade of the countries and territories, or setting up such organizations, departments or firms;
- (b) basic or advanced vocational training of staff in foreign trade or trade promotion;
- (c) participation by the countries and territories in fairs, exhibitions, specialized international shows and the organization of trade events;
- (d) improving cooperation between economic operators in the Member States and the countries and territories and establishing links to promote such cooperation;
- (e) carrying out and making use of market research and marketing studies;
- (f) producing and distributing trade information in various forms within the Community and the countries and territories with a view to developing trade.

#### *Article 16*

Applications for financing of trade promotion activities shall be presented to the Community under the conditions laid down in Title III.

*Article 17*

The Community shall participate, under the conditions laid down in Title III and Annex V, in financing trade promotion activities for promoting the development of exports of the countries and territories.

## TITLE II

## EXPORT EARNINGS FROM COMMODITIES

## Chapter 1

## Stabilization of export earnings

*Article 18*

With the aim of remedying the harmful effects of the instability of export earnings and of thereby enabling the countries and territories to achieve stability, profitability and sustained growth of their economies, the Community shall implement a system for guaranteeing the stabilization of earnings from exports by the countries and territories to the Community of certain products on which their economies are dependent and which are affected by fluctuations in price and/or quantity.

*Article 19*

1. Export earnings to which the stabilization system applies shall be those accruing from the exportation by the countries and territories to the Community of the products on the following list, drawn up taking account of factors such as employment, deterioration of the terms of trade between the Community and the country or territory concerned, the level of development of the country or territory concerned and the particular difficulties of the countries and territories listed in Article 26:

- (a) Groundnut products:
  - (aa) groundnuts, shelled or not,
  - (ab) groundnut oil,
  - (ac) groundnut oilcake;
- (b) Cocoa products:
  - (ba) cocoa beans,
  - (bb) cocoa paste,
  - (bc) cocoa butter;
- (c) Coffee products:
  - (ca) raw or roasted coffee,
  - (cb) extracts, essences or concentrates of coffee;

- (d) Cotton products:
  - (da) cotton, not carded or combed,
  - (db) cotton linters;
- (e) Coconut products:
  - (ea) coconuts,
  - (eb) copra,
  - (ec) coconut oil,
  - (ed) coconut oilcake;
- (f) Palm, palm nut and kernel products:
  - (fa) palm oil,
  - (fb) palm nut and kernel oil,
  - (fc) palm nut and kernel oilcake,
  - (fd) palm nuts and kernels;
- (g) Raw hides, skins and leather:
  - (ga) raw hides and skins,
  - (gb) bovine cattle leather,
  - (gc) sheep and lamb skin leather,
  - (gd) goat and kid skin leather;
- (h) Wood products:
  - (ha) wood in the rough,
  - (hb) wood roughly squared or half-squared, but not further manufactured,
  - (hc) wood sawn lengthwise, but not further prepared;
- (i) Fresh bananas;
- (k) Tea;
- (l) Raw sisal;
- (m) Iron ore:
  - Iron ores and concentrates and roasted iron pyrites.

The statistics used for implementation of the system shall be those obtained by cross-checking the statistics of the countries and territories and of the Community, account being taken of the fob values.

The system shall be implemented in respect of the products listed above where they are:

- (a) released for home use in the Community, or
- (b) brought under the inward processing arrangements there in order to be processed.

2. The system shall apply to the export earnings of a country or territory from the products listed in paragraph 1 if, during the year preceding the year of application, earnings from the export of the

product or products to all destinations represented at least 7.5% of its total earnings from merchandise exports. For the countries and territories listed in Article 26 the percentage shall be 2.5%.

3. Nonetheless if, not sooner than 12 months following the entry into force of this Decision, one or more products not contained in the list given in paragraph 1, but upon which the economies of one or more countries and territories depend to a considerable extent, are affected by sharp fluctuations, the Council may decide whether the product or products should be included in the list, without prejudice to Article 20 (1).

4. For certain special cases the system shall apply to exports of the products in question irrespective of destination.

#### *Article 20*

1. For the purposes specified in Article 18 and for the duration of this Decision, the Community shall allocate for the stabilization of the export earnings of the countries and territories a total amount of 20 million units of account to cover all measures taken by it under the said system.

2. This total amount shall be divided into five equal annual instalments. Every year except the last, the Council may authorize, where required, the use in advance of a maximum of 20% of the following year's instalment.

3. Whatever balance remains at the end of each year of the first four years of the application of this Decision shall be carried forward automatically to the following year.

4. On the basis of a report submitted to it by the Commission, the Council may reduce the amount of the transfers to be made under the stabilization system.

5. Before the expiry of this Decision, the Council shall decide on the use to which any balance remaining from the total amount referred to in paragraph 1 is to be put and also on the terms to be laid down for the further use of amounts still to be paid by the countries and territories under Article 23, after the expiry of this Decision.

#### *Article 21*

1. In order to implement the stabilization system a reference level shall be calculated for each country and territory and for each product.

This reference level shall correspond to the average of export earnings during the four years preceding each year of application.

2. The relevant authority of a country or territory shall be entitled to request a financial transfer if, on the basis of the results of a calendar year, the actual earnings of the country or territory concerned, as defined in Article 19, from exports to the Community of each of the products considered individually are at least 7.5% below the reference level. For the countries or territories listed in Article 26 this percentage shall be 2.5%.

3. The request from the relevant authority of a country or territory shall be addressed to the Commission, which shall examine it in the light of the volume of resources available.

The difference between the reference level and actual earnings shall constitute the basis of the transfer.

4. However, should examination of the total exports of the country or territory show a significant change, consultations shall take place between the Commission and the relevant authority of the country or territory concerned to determine whether such changes are likely to have an effect on the amount of the transfer, and if so to what extent.

5. The Commission shall, in conjunction with the relevant authority of the country or territory concerned, draw up a draft decision to make a transfer.

#### *Article 22*

The relevant authority of the recipient country or territory shall decide how the resources will be used. It shall inform the Commission annually of the use to which it has put the resources transferred.

#### *Article 23*

1. The amounts transferred shall not bear interest.

2. The relevant authorities of the countries and territories which have received transfers shall contribute, in the five years following the allocation of each transfer, towards the reconstitution of the resources made available for the system by the Community where the Commission finds that the trend of their export earnings will so permit.

3. To this effect, the Commission shall determine, for each country or territory, for each year and for each product, and on the conditions specified in Article 19 (1), whether:

— the unit value of the exports is higher than the reference unit value;

— the quantity actually exported to the Community is at least equal to the reference quantity.

If the two conditions are met at the same time, the relevant authority of the recipient country or territory shall pay back into the system, within the limit of the transfers it has received, an amount equal to the reference quantity multiplied by the difference between the reference unit value and the actual unit value.

4. If, on expiry of the five-year period referred to in paragraph 2, the resources have not been fully reconstituted, the Council, acting unanimously on a proposal from the Commission and taking into consideration in particular the situation of and prospects for the balance of payments, exchange reserves and foreign indebtedness of the countries and territories concerned, may decide that:

- the sums outstanding are to be reconstituted wholly or in part, in one or more instalments, or
- rights to repayment are to be waived.

5. Paragraphs 2, 3 and 4 shall not apply to the following countries and territories: the Comoros, Territory of the Afars and Issas, Wallis and Futuna Islands, French Polynesia, Mayotte, Associated States in the Caribbean (Antigua, Dominica, St Lucia, St Vincent, St Kitts, Nevis and Anguilla), Solomon Islands, Turks and Caicos Islands, St Helena and Dependencies, Seychelles, Tuvalu.

6. Should the economic situation of a country or territory undergo a radical and lasting change which necessitates either the application of special measures or no longer justifies such treatment, the list of countries and territories in paragraph 5 may be amended by a Council Decision.

#### *Article 24*

For each transfer a 'transfer agreement' shall be drawn up and concluded between the Commission and the relevant authority of the country or territory concerned.

#### *Article 25*

1. In order to ensure that the stabilization system functions efficiently and rapidly, statistical and customs cooperation shall be instituted between the Community and the relevant authorities of the countries and territories. The detailed arrangements for such cooperation shall be established by the Council.

2. The relevant authorities of the countries and territories and the Commission shall adopt any practical measures facilitating the exchange of necessary information and the submission of requests for transfers, for example by producing a form for requesting transfers.

#### *Article 26*

The least developed or island countries and territories referred to in Article 19 (1) and (2) and Article 21 (2) are as follows: the Netherlands Antilles (Aruba, Bonaire, Curaçao; St Martin, Saba, St Eustatius), Saint Pierre and Miquelon, the Comoros, Territory of the Afars and Issas, New Caledonia and Dependencies, Wallis and Futuna Islands, French Polynesia, Mayotte, Belize, Brunei, Associated States in the Caribbean (Antigua, Dominica, St Lucia, St Vincent, St Kitts, Nevis and Anguilla), Cayman Islands, Falkland Islands and Dependencies, Gilbert Islands, Solomon Islands, Turks and Caicos Islands, British Virgin Islands, Montserrat, Pitcairn, St Helena and Dependencies, Seychelles, British Indian Ocean Territory, Tuvalu, Anglo-French Condominium of the New Hebrides.

### Chapter 2

#### Specific provisions concerning sugar

#### *Article 27*

1. The Community shall purchase and import, at guaranteed prices, specific quantities of cane sugar, raw or white, which originate in the countries and territories and which the said countries and territories deliver to it.

2. Annex IV determines the conditions of implementation of this Article.

### TITLE III

#### FINANCIAL AND TECHNICAL COOPERATION

#### *Article 28*

1. The purpose of financial and technical cooperation is to correct the structural imbalances in the various sectors of the economies of the countries and territories. The cooperation shall relate to the execution of projects and programmes which contribute essentially to the economic and social development of the said countries and territories.

2. Such development shall consist in particular in the greater well-being of the population, improvement of the economic situation of the countries and territories, local authorities and firms, and the introduction of structures and factors whereby such improvement can be continued and extended by their own means.

3. This cooperation shall complement the efforts of the relevant authorities of the countries and territories and shall be adapted to the characteristics of each of the said countries and territories.

#### Article 29

1. The Commission shall submit an annual report to the Council on the management of Community financial and technical aid. This report shall be drawn up in collaboration with the European Investment Bank (hereinafter called the 'Bank') for the parts of the report which concern it. It shall in particular show the position as to the commitment, implementation and utilization of the aid, broken down by type of financing and by recipient country or territory.

2. On the basis of the information submitted by the Commission, the Council shall define the policy and guidelines of financial and technical cooperation and shall formulate resolutions on the measures to be taken by the Community and the countries and territories in order to ensure that the objectives of such cooperation are attained.

#### Article 30

For the duration of this Decision, the overall amount of the Community's aid shall be 160 million units of account.

This amount comprises:

1. 150 million units of account from the European Development Fund (hereinafter called the 'Fund'), allocated as follows:

(a) for the purposes set out in Article 28, 130 million units of account, consisting of:

- 65 million u.a. in the form of grants,
- 40 million u.a. in the form of special loans,
- 5 million u.a. in the form of risk capital,
- 20 million u.a. in the form of a reserve;

(b) 20 million units of account, likewise from the Fund, in the form of transfers to the countries and territories for the stabilization of export earnings.

2. For the purposes set out in Article 28, up to 10 million units of account in the form of loans from the Bank, made from its own resources on the terms and conditions provided for in its Statute, and supplemented, as a general rule, by a 3% interest rate subsidy, under the conditions laid down in Article 4 of Annex V.

The total cost of the interest rate subsidies shall be charged against the amounts of aid provided for in point 1 (a).

3. The amounts provided for in the form of grants, special loans and the reserve shall be allocated in three equal parts among:

- the French overseas territories and departments,
- Surinam and the Netherlands Antilles,
- the United Kingdom overseas countries and territories.

4. (a) Of the portion allocated to the French overseas territories and departments:

- 13 million units of account shall be blocked;
- 7.7 million units of account shall be allocated for the French overseas departments;
- 2 million units of account shall be allocated as financial aid to the least-favoured overseas countries and territories, irrespective of the zones within which they fall.

(b) The sums allocated to the French overseas territories shall amount to 21 million units of account, consisting of:

- 19 million units of account taken from the share allocated to the French overseas territories and departments in accordance with paragraph 3;
- 2 million units of account pursuant to Decision 76/569/EEC.

#### Article 31

1. The method or methods of financing which may be considered for each project or programme shall be selected jointly by the Community and the relevant authority or authorities of the countries and territories with a view to the best possible use being made of the resources available and by reference to the level of development and the economic and financial situation of the country or territory or

countries and territories concerned. Moreover, account shall be taken of the factors which ensure the servicing of repayable aid.

The definitive choice of methods of financing for projects and programmes shall be made only at an appropriate stage in the appraisal of such projects and programmes.

2. Account shall also be taken of the nature of the project or programme, of its prospects of economic and financial profitability and of its economic and social impact.

In particular, productive capital projects in the industrial, tourism and mining sectors shall be given priority financing by means of loans from the Bank and risk capital.

#### *Article 32*

1. Where appropriate, a number of methods may be combined for financing a project or programme.

2. With the agreement of the relevant authorities of the countries or territories concerned, financial aid from the Community may take the form of co-financing with participation by, in particular, credit and development agencies and institutions, firms, Member States, countries and territories, third countries or international finance organizations.

#### *Article 33*

1. Grants and special loans may be made available to or through the country or territory concerned.

2. Where these funds are on-lent through the country or territory concerned, the terms and procedure for the on-lending by the intermediate recipient to the final borrower shall be laid down between the Community and the relevant authority of the country or territory concerned in an intermediate financing agreement.

3. Any benefits accruing to the intermediate recipient, either because that recipient receives a grant or a loan for which the interest rate or the repayment period is more favourable than that of the final loan, shall be employed by the intermediate recipient for the purposes and on the terms set out in the intermediate financing agreement.

#### *Article 34*

1. The financing of projects and programmes comprises the means required for their execution, such as:

- capital projects in the fields of rural development, industrialization, energy, mining, tourism, and economic and social infrastructure;
- schemes to improve the structure of agricultural production;
- technical cooperation schemes, in particular in the fields of training and technological adaptation or innovation;
- industrial information and promotion schemes;
- marketing and sales promotion schemes;
- specific schemes to help small- and medium-sized local firms;
- microprojects for grassroots development, in particular in rural areas.

2. Financial and technical cooperation shall not cover current administrative, maintenance and operating expenses.

3. Financial aid may cover import costs and local expenditure required for the execution of projects and programmes.

#### *Article 35*

In the implementation of financial and technical cooperation, the Community shall provide assistance for attaining the objectives which the countries and territories set themselves in the context of regional and inter-regional cooperation.

#### *Article 36*

In the implementation of financial and technical cooperation, special attention shall be paid to the needs of the least developed countries and territories so as to reduce the specific obstacles which impede their development and prevent them from taking full advantage of the opportunities offered by financial and technical cooperation.

#### *Article 37*

1. The following shall be eligible for financial and technical cooperation:

- (a) the countries and territories;
- (b) the regional or interstate bodies to which the countries and territories belong and which are authorized by the relevant authorities of the said countries and territories.

2. Subject to the agreement of the relevant authority of the country or territory or countries or territories concerned, the following shall also be eligible for such cooperation in respect of projects or programmes approved by the latter:

- (a) local authorities and public or semi-public development agencies of the countries and territories, in particular their development banks;
- (b) private bodies working in the countries and territories concerned for the economic and social development of the population of those countries and territories;
- (c) firms carrying out their activities, in accordance with industrial and business management methods, and meeting the criteria laid down in Article 49;
- (d) groups of producers or like bodies in the countries and territories and, where no such groups or bodies exist, the producers themselves;
- (e) for training purposes, scholarship holders and trainees.

#### Article 38

There shall be close cooperation between the Community and the relevant authorities of the countries and territories in implementing aid measures financed by the former.

#### Article 39

1. Community aid, which is complementary to the efforts of the countries and territories, shall be integrated in the economic and social development plans and programmes of the said countries and territories so that projects undertaken with the financial support of the Community dovetail with the objectives and priorities set by those countries and territories.

2. To this end the relevant authorities of the countries and territories shall inform the Commission, as far as possible upon the entry into force of this Decision, of their development plans and programmes and of the schemes for which they intend to request financial assistance.

They shall notify the Commission of any subsequent changes in their development plans and programmes.

#### Article 40

1. Preparation of the projects and programmes shall be the responsibility of the countries and territories

concerned or of other beneficiaries approved by them. The Community may, where the relevant authorities of those countries and territories so request, provide technical assistance for drawing up the dossiers of projects or programmes.

2. For each project or programme in respect of which financing is requested, a dossier shall be submitted to the Community either by the relevant authorities of the country or territory concerned, in agreement with the local authorities or the representatives of the population of that country or territory, or by the firm concerned, with the agreement of those authorities.

However, the Community may, if necessary, prepare technical cooperation projects and programmes for a country or territory. It shall first obtain the agreement of the relevant authorities of the latter on the broad lines of such projects or programmes.

#### Article 41

1. The Community shall appraise the requests for financing which are submitted to it. It shall maintain the necessary contacts with the relevant authorities of the countries and territories. The technical, social, economic, trade, financial, organizational and management aspects of such projects or programmes shall be reviewed systematically.

The country or territory or group of countries and territories concerned shall be notified of the outcome of its requests.

2. The aim of appraisal of the projects and programmes is:

- (a) to ensure that the projects and programmes stem from economic or social development plans or programmes of the countries and territories;
- (b) to assess, as far as possible by means of an economic evaluation, the effectiveness of each project or programme by setting the effects it is expected to produce against the resources to be invested in it. In each project the expected effects shall be the practical expression of a number of specific development objectives of the country or territory or countries or territories concerned.

On this basis, appraisal shall ensure that, as far as possible, the measures selected constitute the most effective and profitable method of attaining

these objectives, taking into account the various constraints on each country or territory;

(c) to verify that the conditions guaranteeing the successful conclusion and the viability of the projects or programmes are met, which involves:

- verifying that the projects as conceived are suitable for bringing about the effects sought and that the means to be used are commensurate with the circumstances and resources of the country or territory or region concerned;
- guaranteeing that the staff and means, particularly financial, necessary for operating and maintaining the investments and for covering incidental project costs are actually available. Particular attention shall be paid here to the possibility of the project being managed by local personnel.

#### *Article 42*

The countries and territories, or ~~the~~ other beneficiaries authorized by them, shall be responsible for the execution of projects financed by the Community.

Accordingly, they shall be responsible for negotiating and concluding works and supply contracts and technical cooperation contracts.

#### *Article 43*

1. As regards operations financed by the Community, participation in tendering procedures and other procedures for the award of contracts shall be open on equal terms to all natural and legal persons of the Member States and of the countries and territories.

2. Paragraph 1 shall be without prejudice to measures intended to assist construction firms or manufacturing firms of the country or territory concerned, or of another country or territory, to take part in the execution of works contracts or supply contracts.

3. Paragraph 1 does not mean that the funds paid over by the Community must be used exclusively for the purchase of goods or for the remuneration of services in the Member States and in the countries and territories.

Any participation by third countries in contracts financed by the Community must, however, be of an exceptional nature and be authorized case by case by the competent body of the Community, account being taken in particular of a desire to avoid excessive increases in the cost of projects attributable either to the distances involved and transport difficulties or to the delivery dates.

Participation by third countries may also be authorized where the Community participates in the financing of regional cooperation schemes involving third countries and in the joint financing of projects with other providers of funds.

#### *Article 44*

1. The effects and results of completed projects, and the physical state of the work carried out, shall be evaluated regularly and jointly by the competent departments of the Community and of the countries and territories concerned in order to ensure that the objectives set are attained under the best conditions.

Evaluations may also be made of projects in progress where this is warranted by their nature, importance or difficulty of execution.

2. The competent institutions of the Community and of the countries and territories concerned shall cooperate and, each for their respective parts, take the measures which evaluation shows to be necessary.

#### *Article 45*

1. The management and maintenance of work carried out within the context of financial and technical cooperation shall be the responsibility of the countries and territories or other beneficiaries.

2. Exceptionally, and by way of derogation from Article 34 (2), in particular under the circumstances specified in Article 8 of Annex V, supplementary aid may be provided temporarily and on a diminishing scale in order to ensure that full use is made of investments which are of special importance for the economic and social development of the country or territory concerned and the running of which temporarily constitutes a truly excessive burden for the country or territory or other beneficiaries.

*Article 46*

1. The fiscal and customs arrangements applicable in the countries and territories to contracts financed by the Community shall be adopted by a decision of the Council, acting unanimously on a proposal from the Commission.

2. Pending implementation of the decision referred to in paragraph 1, the fiscal and customs arrangements applicable to contracts financed by the Community shall be those arising:

- for the countries and territories having special relations with France and the Netherlands, from the Council Decision of 18 October 1971 amending the Decision of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community;
- for the other countries and territories, from the most favourable treatment they apply in respect of contracts financed by other international organizations.

*Article 47*

This title and Annex V shall apply to the French overseas departments under the conditions laid down in the second indent of Article 30 (4).

## TITLE IV

PROVISIONS RELATING TO ESTABLISHMENT,  
SERVICES, PAYMENTS AND CAPITAL  
MOVEMENTS

## Chapter 1

## Provisions relating to establishment and services

*Article 48*

As regards the arrangements that may be applied in matters of establishment and provision of services, the relevant authorities of the countries and territories shall treat nationals and companies or firms of Member States on a non-discriminatory basis.

However, if, for a given activity, a Member State is unable to provide similar benefits to nationals or companies or firms of the French Republic, the Kingdom of the Netherlands or the United Kingdom of Great Britain and Northern Ireland, established

in a country or territory, or to companies or firms subject to the laws of the country or territory concerned and established therein, the relevant authorities of that country or territory shall not be bound to respect the obligation contained in the first paragraph.

*Article 49*

For the purposes of this Decision 'companies or firms' means companies or firms constituted under civil or commercial law, including cooperative societies and other legal persons governed by public or private law, save for those which are non-profit-making.

For the purposes of the first paragraph of Article 48, 'companies or firms of Member States' means companies or firms formed in accordance with the law of a Member State and whose registered office, central administration or principal place of business is in a Member State; however, a company or firm having only its registered office in a Member State must, in order to set up agencies, branches or subsidiaries therein, be engaged in an activity which has an effective and continuous link with the economy of that Member State.

For the purposes of the second paragraph of Article 48, 'companies or firms of the French Republic, the Kingdom of the Netherlands or the United Kingdom of Great Britain and Northern Ireland, established in a country or territory' means companies or firms formed in accordance with French, Dutch or United Kingdom law, as the case may be, and whose registered office, central administration or principal place of business is in that country or territory; however, a company or firm having only its registered office in a country or territory must, in order to set up agencies, branches or subsidiaries therein, be engaged in an activity which has an effective and continuous link with the economy of that country or territory.

For the purposes of the second paragraph of Article 48, 'companies or firms subject to the laws of the country or territory concerned and established therein' means companies or firms formed under the law of a given country or territory and whose registered office, central administration or principal place of business is in that country or territory; however, a company or firm having only its registered office in that country or territory must, in order to set up agencies, branches or subsidiaries therein, be engaged in an activity which has an effective and continuous link with the economy of that country or territory.

## Chapter 2

## Current payments and capital movements

*Article 50*

With regard to capital movements linked with investments and to current payments, the relevant authorities of the countries and territories and the Member States shall refrain from taking action in the field of foreign exchange transactions which would be incompatible with their obligations under this Decision resulting from the provisions relating to trade in goods, to services and establishment.

These obligations shall not however, prevent implementation of the necessary protective measures, in conformity with Article 51, should this be justified by reasons relating to serious economic difficulties or severe balance of payments problems.

*Article 51*

In respect of foreign exchange transactions linked with investments and current payments, the relevant authorities of the countries and territories on the one hand and the Member States on the other shall avoid, as far as possible, taking discriminatory measures *vis-à-vis* each other or according more favourable treatment to third States, taking full account of the evolving nature of the international monetary system, the existence of specific monetary arrangements and balance of payments problems.

To the extent that such measures or treatment are unavoidable they will be maintained or introduced in accordance with international monetary rules and every effort will be made to minimize any adverse effects on the parties concerned.

This Article shall be without prejudice to Article 52.

*Article 52*

Throughout the duration of the loans and risk capital operations provided for in Article 30, the relevant authorities of each of the countries and territories shall be required:

- to place at the disposal of the beneficiaries referred to in Article 37 the currency necessary for the payment of interest and commission on and authorization of loans and quasi-capital aid granted for the implementation of aid measures on their territory;

- to make available to the Bank the foreign exchange necessary for the transfer of all sums received by it in local currency which represent the net revenue and proceeds from transactions involving the acquisition by the Community of holdings in the capital of firms.

## TITLE V

## GENERAL AND FINAL PROVISIONS

*Article 53*

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

*Article 54*

This Decision shall expire on 1 March 1980.

*Article 55*

1. The countries and territories to which this Decision applies are listed in Annex I.

2. The Council may, acting unanimously on a proposal from the Commission, amend or supplement this Annex.

The arrangements provided for in this Decision may continue to apply provisionally, under conditions laid down by the Council, to countries and territories which become independent.

*Article 56*

If a country or territory becomes independent, the Council, acting unanimously on a proposal from the Commission, shall decide on any necessary adjustments to this Decision, in particular to the amounts specified in Article 30.

*Article 57*

Before this Decision expires the Council, acting unanimously, shall define the provisions to be laid down for the application of the principles set out in Articles 131 to 135 of the Treaty.

*Article 58*

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg 29 June 1976.

For the Council  
The President  
G. THORN

## ANNEX I

**List of the countries and territories referred to in Article 1**

(This list does not prejudice the status of these countries and territories now or in the future)

1. Overseas countries of the Kingdom of the Netherlands:
  - the Netherlands Antilles (Aruba, Bonaire, Curaçao; St Martin, Saba, St Eustatius).
2. Overseas territories of the French Republic:
  - Saint Pierre and Miquelon,
  - Mayotte,
  - Territory of the Afars and Issas,
  - New Caledonia and Dependencies,
  - Wallis and Futuna Islands,
  - French Polynesia,
  - French Southern and Antarctic Territories.
3. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland:
  - Belize,
  - Brunei,
  - Associated States in the Caribbean (Antigua, Dominica, St Lucia, St Vincent, St Kitts, Nevis and Anguilla),
  - Cayman Islands,
  - Falkland Islands and Dependencies,
  - Gilbert Islands,
  - Solomon Islands,
  - Turks and Caicos Islands,
  - British Virgin Islands,
  - Montserrat,
  - Pitcairn,
  - St Helena and Dependencies,
  - Seychelles,
  - British Antarctic Territory,
  - British Indian Ocean Territory,
  - Tuvalu.
4. Anglo-French Condominium of the New Hebrides.
5. Countries provisionally covered by this Decision:
  - The Comoros,
  - Surinam.

## ANNEX II

## concerning the definition of the concept of 'originating products' and methods of administrative cooperation

## TITLE I

## Definition of the concept of originating products

## Article 1

1. For the purpose of implementing the Decision and without prejudice to paragraphs 3 and 4, the following products shall be considered as:

(a) products originating in the Community:

1. products wholly obtained in the Community,
2. products obtained in the Community, in the manufacture of which products other than those wholly obtained in the Community are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 3;

(b) products originating in the countries and territories:

1. products wholly obtained in one or more countries or territories,
2. products obtained in one or more countries or territories in the manufacture of which products other than those wholly obtained in the countries and territories are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 3.

2. For the purpose of implementing paragraph 1 (b), the countries and territories are considered as being one territory.

3. For the purpose of implementing paragraph 1 (a) (1), products wholly obtained in one or more countries or territories which undergo working or processing in the Community shall be considered as having been wholly obtained in the Community.

For the purpose of implementing paragraph 1 (a) (2), working or processing in one or more countries or territories shall be considered as having been carried out in the Community, where the products thus obtained undergo subsequent working or processing in the Community.

This paragraph shall be applicable on condition that the products in question were transported in accordance with Article 5.

4. For the purpose of implementing paragraph 1 (b) (1), products wholly obtained in the Community or in one or more ACP States, which undergo working or processing in one or more countries or territories, shall be considered as having been wholly obtained in that or those countries or territories.

For the purpose of implementing paragraph 1 (b) (2), working or processing in the Community or in one or more ACP States shall be considered as having been carried out in one or more countries or territories where the products thus obtained undergo subsequent working or processing in that or those countries or territories.

This paragraph shall be applicable on condition that the products in question were transported in accordance with Article 5.

5. For the purpose of implementing the previous paragraphs, and provided that all the conditions laid down in those paragraphs are fulfilled, the products obtained in two or more countries or territories or in the Community shall be considered as products originating in the countries or territory where the last working or processing took place or as products originating in the Community if the last working or processing took place in the Community. For this purpose the working or processing listed in Article 3 (3) (a), (b), (c) and (d) shall not be considered as working or processing, nor shall a combination of such working or of such processing.

6. The products in List C in Annex 4 shall be temporarily excluded from the scope of this Annex.

## Article 2

The following shall be considered as wholly obtained either in one or more countries and territories in the Community or in one or more ACP States, within the meaning of Article 1 (1) (a) (1), (b) (1) and (3):

- (a) mineral products extracted from their soil or from their seabed;
- (b) vegetable products harvested therein;
- (c) live animals born and raised therein;
- (d) products from live animals raised therein;

- (e) products obtained by hunting or fishing conducted therein;
- (f) products of sea fishing and other products taken from the sea by their vessels;
- (g) products made aboard their factory ships exclusively from products referred to in subparagraph (f);
- (h) used articles collected there fit only for the recovery of raw materials;
- (i) waste and scrap resulting from manufacturing operations conducted therein;
- (j) goods produced there exclusively from products specified in subparagraphs (a) to (i).

### Article 3

1. For the purpose of implementing Article 1 (1) (a) (2) and (b) (2) the following shall be considered as sufficient working or processing:

- (a) working or processing as a result of which the goods obtained receive a classification under a heading other than that covering each of the products worked or processed, except, however, working or processing specified in List A in Annex 2, where the special provisions of that list apply;
- (b) working or processing specified in List B in Annex 3.

'Sections', 'chapters' and 'headings' shall mean the sections, chapters and headings in the Brussels Nomenclature for the classification of goods in customs tariffs.

2. When, for a given product obtained, a percentage rule limits in List A and in List B the value of the materials and parts which can be used, the total value of these materials and parts, whether or not they have changed heading in the course of the working, processing or assembly within the limits and under the conditions laid down in each of those two lists, may not exceed, in relation to the value of the product obtained, the value corresponding either to the common rate, if the rates are identical in both lists, or to the higher of the two if they are different.

3. For the purpose of implementing Article 3 (1) (a) the following shall always be considered as insufficient working or processing to confer the status of originating products, whether or not there is a change of heading:

- (a) operations to ensure the preservation of merchandise in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
- (b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;
- (c) (i) changes of packaging and breaking up and assembly of consignments;
- (ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards, etc., and all other simple packing operations;
- (d) affixing marks, labels or other like distinguishing signs on products or their packaging;
- (e) simple mixing of products, whether or not of different kinds, where one or more components of the mixtures do not meet the conditions laid down in this Annex to enable them to be considered as originating either in the Community, in the countries and territories or in an ACP State;
- (f) simple assembly of parts of articles to constitute a complete article;
- (g) a combination of two or more operations specified in subparagraphs (a) to (f);
- (h) slaughter of animals.

### Article 4

Where the Lists A and B referred to in Article 3 provide that goods obtained in the Community or in one or more countries or territories shall be considered as originating therein only if the value of the products worked or processed does not exceed a given percentage of the value of the goods obtained, the values to be taken into consideration for such percentage shall be:

- on the one hand, as regards products whose importation can be proved: their customs value at the time of importation;
- as regards products of undetermined origin: the earliest ascertainable price paid for such products in the Community or in one of the countries and territories where manufacture takes place;
- and on the other hand, the ex-works price of the goods obtained, less internal taxes refunded or refundable on exportation.

## Article 5

1. For the purpose of implementing Article 1 (1), (3) and (4), originating products whose transport is effected without entering into territory other than that of the countries and territories or ACP States are considered as transported directly from the countries and territories to the Community or to the ACP States or from the Community or from the ACP States to the countries and territories. Originating goods constituting one single consignment may be transported through territory other than that of the Community or the ACP States or the countries and territories, with, should the occasion arise, transshipment or temporary warehousing in such territory, provided that the crossing of the latter territory is justified for geographical reasons or the needs of transport and that the products have not entered into commerce or been delivered for home use and have not undergone operations other than unloading, reloading or any operation designed to preserve them in good condition.

Interruptions or changes in the method of transport due to *force majeure* or consequent upon conditions at sea shall not affect the application of the preferential treatment laid down in this Annex, provided that the goods have not, during these interruptions or changes, entered into commerce or been delivered for home use and have not undergone any operations other than those designed to preserve them in good condition.

2. Evidence that the conditions referred to in paragraph 1 have been fulfilled shall be supplied to the responsible customs authorities in the Community by the production of:

- (a) a through bill of lading issued in the exporting Member State, country or territory covering the passage through the country of transit;
- (b) or a certificate issued by the customs authorities of the country of transit:
  - giving an exact description of the goods,
  - stating the dates of unloading and reloading of the goods or of their embarkation or disembarkation, identifying the ships used,
  - certifying the conditions under which the goods remained in the transit country;
- (c) or failing these, any substantiating documents.

## TITLE II

## Arrangements for administrative cooperation

## Article 6

1. Evidence of originating status, within the meaning of this Annex, of products is given by a movement certificate EUR. 1 of which a specimen is given in Annex 5 to this Annex.

However, the evidence of originating status, within the meaning of this Annex, of products which form the subject of postal consignments (including parcels), provided that they consist only of originating products and that the value does not exceed 1 000 units of account per consignment, is given by a form EUR. 2, of which a specimen is given in Annex 6 to this Annex.

2. Without prejudice to Article 3 (3), where, at the request of the person declaring the goods at the customs, a dismantled or non-assembled article falling within Chapter 84 or 85 of the Brussels Nomenclature is imported by instalments on the conditions laid down by the competent authorities, it shall be considered to be a single article and a movement certificate may be submitted for the whole article upon importation of the first instalment.

3. Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle which are part of the normal equipment and included in the price thereof or are not separately invoiced are regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

## Article 7

1. A movement certificate EUR. 1 shall be issued by the customs authorities of the exporting Member State or country or territory when the goods to which it relates are exported. It shall be made available to the exporter as soon as actual exportation has been effected or ensured.

2. In exceptional circumstances a movement certificate EUR. 1 may also be issued after exportation of the goods to which it relates if it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances. In this case, the certificate shall bear a special reference to the conditions in which it was issued.

3. A movement certificate EUR. 1 shall be issued only on application having been made in writing by

the exporter. Such application shall be made on a form, of which a specimen is given in Annex 5 to this Annex, which shall be completed in accordance with this Annex.

4. A movement certificate EUR. 1 may be issued only where it can serve as the documentary evidence required for the purpose of implementing the Decision.

5. Applications for movement certificates EUR. 1 must be preserved for at least three years by the customs authorities of the exporting Member State, country or territory.

#### *Article 8*

1. The movement certificate EUR. 1 shall be issued by the customs authorities of the exporting Member State, country or territory, if the goods can be considered 'originating products' within the meaning of this Annex.

2. For the purpose of verifying whether the conditions stated in paragraph 1 have been met, the customs authorities shall have the right to call for any documentary evidence or to carry out any check which they consider appropriate.

3. It shall be the responsibility of the customs authorities of the exporting Member State, country or territory to ensure that the forms referred to in Article 9 are duly completed. In particular, they shall check whether the space reserved for the description of the goods has been completed in such a manner as to exclude all possibility of fraudulent additions. To this end, the description of the goods must be indicated without leaving any blank lines. Where the space is not completely filled a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

4. The date of issue of the movement certificate must be indicated in the part of the certificate reserved for the customs authorities.

#### *Article 9*

Movement certificates EUR. 1 shall be made out on the form of which a specimen is given in Annex 5 to this Annex. This form shall be printed in one or more of the official languages of the Community. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting Member State, country or territory; if they are handwritten, they shall be completed in ink and in capital letters.

Each certificate shall measure 210 × 297 mm, a tolerance of up to plus 8 mm or minus 5 mm in the length may be allowed. The paper used must be white-sized writing paper not containing mechanical pulp and weighing not less than 25 g/m<sup>2</sup>. It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.

The exporting Member States and the relevant authorities of the exporting countries and territories may reserve the right to print the certificates themselves or may have them printed by approved printers. In the latter case, each certificate must include a reference to such approval. Each certificate must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.

#### *Article 10*

1. Under the responsibility of the exporter, he or his authorized representative shall request the issue of a movement certificate EUR. 1.

2. The exporter or his representative shall submit with his request any appropriate supporting document proving that the goods to be exported are such as to qualify for the issue of a movement certificate EUR. 1.

#### *Article 11*

1. A movement certificate EUR. 1 must be submitted, within five months of the date of issue by the customs authorities of the exporting Member State, country or territory, to the customs authorities of the importing Member State, country or territory where the goods are entered.

2. When the products enter territories other than those of the Community, the countries and territories, or the ACP States, the time limit laid down in paragraph 1 for the submission of the certificate is extended to 10 months.

#### *Article 12*

Movement certificates EUR. 1 shall be submitted to customs authorities in the importing Member State, country or territory, in accordance with the procedures laid down by that Member State, country or

territory. The said authorities may require a translation of a certificate. They may also require the import declaration to be accompanied by a statement from the importer to the effect that the goods meet the conditions required for the implementation of the Decision.

#### Article 13

1. A movement certificate EUR. 1 which is submitted to the customs authorities of the importing Member State, country or territory after the final date for presentation specified in Article 11 may be accepted for the purpose of applying preferential treatment, where the failure to submit the certificate by the final date set is due to reasons of *force majeure* or exceptional circumstances.

2. In other cases of belated presentation, the customs authorities of the importing Member State, country or territory may accept the certificates where the goods have been submitted to them before the said final date.

#### Article 14

The discovery of slight discrepancies between the statements made in the movement certificate EUR. 1 and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the goods shall not *ipso facto* render the certificate null and void if it is duly established that the certificate does correspond to the goods submitted.

#### Article 15

Form EUR. 2, a specimen of which is given in Annex 6, shall be completed by the exporter. It shall be made out in one of the official languages of the Community and in accordance with the provisions of the domestic law of the exporting Member State, country or territory. If it is handwritten it must be completed in ink and in capital letters.

Form EUR. 2 shall be composed of two parts, each part being 210 × 148 mm. The paper used shall be white-sized writing paper not containing mechanical pulp and weighing not less than 64 g/m<sup>2</sup>.

The exporting Member States, and the relevant authorities of the exporting countries or territories may reserve the right to print the forms themselves or may have them printed by printers they have approved. In the latter case each form must include

a reference to such approval. In addition, each part must bear the distinctive sign attributed to the approved printer and a serial number, either printed or not, by which it can be identified.

A form EUR. 2 shall be completed for each postal consignment. After completing and signing the two parts of the form, the exporter shall, in the case of consignments by parcel post, attach the two parts to the dispatch note. In the case of consignments by letter post, the exporter shall attach Part 1 firmly to the consignment and insert Part 2 inside it.

These provisions do not exempt exporters from complying with any other formalities required by customs or postal regulations.

#### Article 16

1. Goods sent as small packages to private persons or forming part of travellers' personal luggage shall be admitted as originating products to the benefit of the provisions of this Annex without requiring the production of a movement certificate EUR. 1 or the completion of a form EUR. 2, provided that such goods are not imported by way of trade and have been declared as meeting the conditions required for the application of these provisions, and where there is no doubt as to the veracity of such declaration.

2. Importations which are occasional and consist solely of goods for the personal use of the recipients or travellers or their families shall not be considered as importations by way of trade if it is evident from the nature and quantity of the goods that no commercial purpose is in view. Furthermore, the total value of these goods must not exceed 60 units of account in the case of small packages or 200 units of account in the case of the contents of travellers' personal luggage.

#### Article 17

1. Goods sent from a Member State or from a country or territory for exhibition in a country other than a Member State, a country or territory or an ACP State and sold after the exhibition for importation into the Community or into a different country or territory shall benefit on importation from the provisions of this Annex on condition that the goods meet the requirements of this Annex entitling them to be recognized as originating in a

country or territory and provided that it is shown to the satisfaction of the customs authorities that:

- (a) an exporter has consigned these goods from the Community or from a country or territory to the country in which the exhibition is held and has exhibited them there;
- (b) the goods have been sold or otherwise disposed of by that exporter to someone in the Community or in a country or territory;
- (c) the goods have been consigned during the exhibition or immediately thereafter to the Community in the state in which they were sent for exhibition;
- (d) the goods have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A movement certificate EUR. 1 must be produced to the customs authorities in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the nature of the goods and the conditions under which they have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organized for private purposes in shops or business premises with a view to the sale of foreign goods, and during which the goods remain under customs control.

#### Article 18

1. When a certificate is issued within the meaning of Article 7 (2) of this Annex after the goods to which it relates have actually been exported, the exporter must in the application referred to in Article 7 (3) of this Annex:

- indicate the place and date of exportation of the goods to which the certificate relates;
- certify that no movement certificate EUR. 1 was issued at the time of exportation of the goods in question, and state the reasons.

2. The customs authorities may issue a movement certificate EUR. 1 retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.

Certificates issued retrospectively must be endorsed with one of the following phrases: 'NACHTRÄGLICH AUSGESTELLT', 'DÉLIVRÉ A POSTERIORI', 'RILASCIATO A POSTERIORI', 'AFGEGEVEN A POSTERIORI', 'ISSUED RETROSPECTIVELY', 'UDSTEDT EFTERØLGENDE'.

#### Article 19

In the event of the theft, loss or destruction of a movement certificate EUR. 1, the exporter may apply to the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession. The duplicate issued in this way must be endorsed with one of the following words: 'DUPLIKAT', 'DUPLICATA', 'DUPLICATO', 'DUPLICAAT', 'DUPLICATE'.

#### Article 20

1. When paragraphs 2, 3 and 4 of Article 1 are applied, for the issue of a movement certificate EUR. 1, the competent customs office in the Member State, country or territory requested to issue the certificate for products in the manufacture of which products coming from other Member States, other countries or territories or ACP States are used, shall take into consideration the declaration, of which a specimen is given in Annex 7, given by the exporter in the State, country or territory from which these products came, either on the commercial invoice applicable to these products, or on a supporting document to that invoice.

2. The submission of the information certificate, issued under the conditions set out in Article 21 and of which a specimen is given in Annex 8, may however be requested of the exporter by the customs office concerned, either for checking the authenticity and accuracy of information given on the declaration provided for in paragraph 1, or for obtaining additional information.

#### Article 21

The information certificate concerning the products taken into use shall be issued at the request of the exporter of these products, either in the circumstances envisaged in Article 20 (2), or at the initiative of this exporter, by the competent customs office in the State, country or territory from which these goods were exported. It shall be made out in duplicate. One copy shall be given to the exporter who has requested it, who shall send it either to the exporter of the final products or to the customs office where

the issue of the movement certificate EUR. 1 for these products has been requested. The second copy shall be preserved by the office which has issued it for at least three years.

#### Article 22

Member States and the relevant authorities of the countries and territories shall take all necessary steps to ensure that goods traded under cover of a movement certificate EUR. 1, and which in the course of transport use a free zone situated in their territory, are not replaced by other goods and that they do not undergo handling other than normal operations designed to prevent their deterioration.

#### Article 23

In order to ensure the proper application of this Title, the Member States and the relevant authorities of the countries and territories shall assist each other, through their respective customs administrations, in checking the authenticity of movement certificates EUR. 1 and the accuracy of the information concerning the actual origin of the products concerned and the declarations by exporters on forms EUR. 2 and the authenticity and accuracy of the information certificates envisaged in Article 20.

#### Article 24

Penalties shall be imposed on any person who, in order to enable goods to be accepted as eligible for preferential treatment, draws up, or causes to be drawn up, either a document which contains incorrect particulars for the purpose of obtaining a movement certificate EUR. 1 or a form EUR. 2 containing incorrect particulars.

#### Article 25

1. *A posteriori* verification of movement certificates EUR. 1 and of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing Member State, country or territory have reasonable doubt as to the authenticity of the document or the accuracy of the information regarding the true origin of the goods in question.

2. For the purpose of implementing paragraph 1, the customs authorities of the importing Member State, country or territory shall return the movement certificate EUR. 1 or Part 2 of form EUR. 2, or a photocopy thereof, to the customs authorities of the exporting Member State, country or territory, giving,

where appropriate, the reasons of form or substance for an inquiry. The invoice, if it has been submitted, or a copy thereof shall be attached to Part 2 of form EUR. 2 and the customs authorities shall forward any information that has been obtained suggesting that the particulars given on the said certificate or the said form are inaccurate.

If the customs authorities of the importing Member State, country or territory decide to suspend execution of the Decision while awaiting the results of the verification they shall offer to release the goods to the importer subject to any precautionary measures judged necessary.

3. The customs authorities of the importing Member State, country or territory shall be informed of the results of the *a posteriori* verification within three months. These results must be such as to make it possible to determine whether the disputed movement certificate EUR. 1 or form EUR. 2 applies to the goods actually exported, and whether these goods can, in fact, qualify for the application of the preferential arrangements.

When such disputes cannot be settled between the customs authorities of the importing Member State, country or territory and those of the exporting Member State, country or territory, or when they raise a question as to the interpretation of this Annex, they shall be submitted to the Committee on Origin set up under Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods <sup>(1)</sup>.

In all cases the settlement of disputes between the importer and the customs authorities of the importing Member State, country or territory shall be under the legislation of the said State.

#### Article 26

The subsequent verification of the information certificate referred to in Article 20 shall be carried out in the circumstances envisaged in Article 25 following a similar procedure to that envisaged in that Article.

#### Article 27

The Council shall, if necessary, examine the application of the provisions of this Annex and their economic effects, with a view to making any necessary changes to these provisions, notably at the

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 1.

request of the relevant authorities of the countries and territories when the development of existing industries or the creation of new industries necessitates derogations from this Annex.

*Article 28*

Until 1 July 1977, Article 1 (3) and (4) shall not be applicable in respect of products obtained in one or more countries or territories from:

- products of one or more Member States of the Community as originally constituted, exported to one or more new Member States or to one or more countries or territories referred to in Article 24 of the Act of Accession, or
- products of one or more new Member States, exported to one or more Member States of the Community as originally constituted, or to one or more countries or territories referred to in Council Decision 71/231/EEC of 7 June 1971 on

the definition of the concept of 'originating products' and on methods of administrative co-operation for the application of the Decision of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community <sup>(1)</sup>,

where the products referred to in the two above indents have been the subject only of working or processing within the meaning of Article 3 (3).

*Article 29*

Movement certificates EUR. 1 and forms EUR. 2 printed in the Member States before the date of the entry into force of the Decision, which indicate the exporting country, group of countries or territory in boxes 4 and 7 respectively, may continue to be used until stocks are exhausted, under the conditions laid down by this Annex.

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<sup>(1)</sup> OJ No L 141, 27. 6. 1971, p. 47.

*Annex 1 to Annex II***EXPLANATORY NOTES****Note 1 — Articles 1 and 2**

The terms 'Member States', 'countries and territories' and 'ACP States' shall also cover their territorial waters.

Vessels operating on the high seas, including factory ships, on which the fish caught is worked or processed shall be considered as part of the territory of the Member State, country or territory or ACP State to which they belong, provided that they satisfy the conditions set out in explanatory note 6.

**Note 2 — Article 1 (1) (b), (3) and (4)**

In order to determine whether goods originate in the Community, countries and territories or in one or more of the ACP States, it shall not be necessary to establish whether the power and fuel, plant and equipment, and machines and tools used to obtain such goods originate in third countries or not.

**Note 3 — Article 1**

Where a percentage rule is applied in determining originating status of a product obtained in a Member State or a country or territory the value added by the working or processing referred to in Article 1 shall correspond to the ex-works price of the product obtained less the customs value of third products imported into the Community or the countries and territories.

**Note 4 — Article 3 (1) and (2) and Article 4**

The percentage rule constitutes, where the product obtained appears in List A, a criterion additional to that of change of heading for any non-originating product used.

**Note 5 — Article 1**

Packing shall be considered as forming a whole with the goods contained therein. This provision, however, shall not apply to packing which is not of the normal type for the article packed and which has intrinsic utilization value and is of a durable nature, apart from its function as packing.

**Note 6**

The term 'their vessels' shall apply only to vessels:

- which are registered or recorded in a Member State, a country or territory or an ACP State;
- which sail under the flag of a Member State, a country or territory or an ACP State;
- which are owned to an extent at least 50% by nationals of Member States, countries and territories or ACP States, or by a company with its head office in a Member State, country and territory or ACP State, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards, are nationals of Member States, countries and territories or ACP States and of which, addition in the case of partnerships or limited companies, at least half the capital belongs to Member States, countries and territories or ACP States or to public bodies or nationals of Member States, countries and territories or ACP States;
- of which at least 50% of the crew, captain and officers included, are nationals of Member States, countries and territories or ACP States.

**Note 7 — Article 4**

'Ex-works price' shall mean the price paid to the manufacturer in whose undertaking the last working or processing is carried out, provided the price includes the value of all the products used in manufacture.

'Customs value' shall be understood as meaning the customs value laid down in the Convention concerning the valuation of goods for customs purposes signed in Brussels on 15 December 1950.

**Note 8 — Article 23**

The authorities consulted shall furnish any information concerning the conditions under which the product has been made, indicating especially the conditions in which the rules of origin have been respected in the various Member States, countries and territories or ACP States concerned.

**Note 9 — Article 1 (4)**

Within the meaning of Annex II 'ACP States' shall mean the countries referred to as ACP States in the ACP-EEC Convention of Lomé.

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## Annex 2 to Annex II

## LIST A

List of working or processing operations which result in a change of tariff heading without conferring the status of 'originating products' on the products undergoing such operations, or conferring this status only subject to certain conditions

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked	Salting, placing in brine, drying or smoking of meat and edible meat offals of heading Nos 02.01 and 02.04	
03.02	Fish, dried, salted or in brine, smoked fish, whether or not cooked before or during the smoking process	Drying, salting, placing in brine; smoking of fish, whether cooked or not	
04.02	Milk and cream, preserved, concentrated or sweetened	Preserving, concentrating, or adding sugar to milk or cream of heading No 04.01	
04.03	Butter	Manufacture from milk or cream	
04.04	Cheese and curd	Manufacture from products of heading Nos 04.01, 04.02 and 04.03	
07.02	Vegetables (whether or not cooked), preserved by freezing	Freezing of vegetables	
07.03	Vegetables, provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption	Placing in brine or in other solutions of vegetables of heading No 07.01	
07.04	Dried, dehydrated or evaporated vegetables, whole, cut, sliced, broken or in powder, but not further prepared	Drying, dehydration, evaporation cutting, grinding, powdering of vegetables of heading Nos 07.01 to 07.03	
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar	Freezing of fruit	
08.11	Fruit provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption	Placing in brine or in other solutions of fruit of heading Nos 08.01 to 08.09	

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04 or 08.05	Drying of fruit	
11.01	Cereal flours	Manufacture from cereals	
11.02	Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled, but not further prepared), except husked, glazed, polished or broken rice; germ of cereals, whole, rolled, flaked or ground	Manufacture from cereals	
11.03	Flours of the leguminous vegetables falling within heading No 07.05	Manufacture from dried leguminous vegetables	
11.04	Flours of the fruits falling within any heading in Chapter 8	Manufacture from fruits of Chapter 8	
11.05	Flour, meal and flakes of potato	Manufacture from potatoes	
11.06	Flour and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06	Manufacture from products of heading No 07.06	
11.07	Malt, roasted or not	Manufacture from cereals	
11.08	Starches; inulin	Manufacture from cereals of Chapter 10, or from potatoes or other products of Chapter 7	
11.09	Wheat gluten, whether or not dried	Manufacture from wheat or wheat flours	
15.01	Lard, other pig fat and poultry fat, rendered or solvent-extracted	Manufacture from products of heading No 02.05	
15.02	Fats of bovine cattle, sheep or goats, unrendered; rendered or solvent-extracted fats (including 'premier jus') obtained from those unrendered fats	Manufacture from products of heading Nos 02.01 and 02.06	
15.04	Fats and oils, of fish and marine mammals, whether or not refined	Manufacture from fish or marine mammals caught by fishing vessels of third countries	
15.06	Other animal oils and fats (including neat's-foot oil and fats from bones or waste)	Manufacture from products of Chapter 2	

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 15.07	Fixed vegetable oils, fluid or solid, crude, refined or purified, but not including Chinawood oil, myrtlewax, Japan wax or oil of tung nuts, oleococca seeds or oiticia seeds; also not including oils of a kind used in machinery or mechanical appliances or for industrial purposes other than the manufacture of edible products	Manufacture from products of Chapters 7 and 12	
16.01	Sausages and the like, of meat, meat offal or animal blood	Manufacture from products of Chapter 2	
16.02	Other prepared or preserved meat or meat offal	Manufacture from products of Chapter 2	
16.04	Prepared or preserved fish, including caviar and caviar substitutes	Manufacture from products of Chapter 3	
16.05	Crustaceans and molluscs, prepared or preserved	Manufacture from products of Chapter 3	
17.02	Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel	Manufacture from any product	
17.04	Sugar confectionery, not containing cocoa	Manufacture from other products of Chapter 17 the value of which exceeds 30% of the value of the finished product	
17.05	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion	Manufacture from other products of Chapter 17 the value of which exceeds 30% of the value of the finished product	
18.06	Chocolate and other food preparations containing cocoa	Manufacture from products of Chapter 17 the value of which exceeds 30% of the value of the finished product	
19.01	Malt extract	Manufacture from products of heading No 11.07	
19.02	Preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa	Manufacture from cereals and derivatives thereof, meat and milk, or in which the value of products of Chapter 17 used exceeds 30% of the value of the finished product	
19.03	Macaroni, spaghetti and similar products		Manufacture from durum wheat

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
19.04	Tapioca and sago; tapioca and sago substitutes from potato or other starches	Manufacture from potato starch	
19.05	Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, cornflakes and similar products)	Manufacture from any product other than of Chapter 17 <sup>(1)</sup> or in which the value of the products of Chapter 17 used exceeds 30% of the value of the finished product	
19.06	Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper, and similar products	Manufacture from products of Chapter 11	
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit	Manufacture from products of Chapter 11	
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion	Manufacture from products of Chapter 11	
20.01	Vegetables and fruit prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard	Preserving vegetables, fresh or frozen or preserved temporarily or preserved in vinegar	
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid	Preserving vegetables fresh or frozen	
20.03	Fruit preserved by freezing, containing added sugar	Manufacture from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
20.04	Fruits, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallized)	Manufacture from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
ex 20.05	Jams, fruit jellies, marmalades, fruit purées and fruit pastes, being cooked preparations, containing added sugar	Manufacture from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
20.06	Fruit otherwise prepared or preserved whether or not containing added sugar or spirit:		

<sup>(1)</sup> This rule does not apply where the use of maize of the 'zea indurata' type or 'durum wheat' is concerned

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
20.06 (cont'd)	A. Nuts		Manufacture, without added sugar or spirit, in which the value of the constituent 'originating products' of heading Nos 08.01, 08.05 and 12.01, represents at least 60% of the value of the manufactured product
	B. Other fruits	Manufactured from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
ex 20.07	Fruit juices (including grape must), whether or not containing added sugar, but unfermented and not containing spirit	Manufacture from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
ex 21.01	Roasted chicory and extracts thereof	Manufacture from chicory roots, fresh or dried	
21.05	Soups and broths in liquid, solid or powder forms; homogenized food preparations	Manufacture from products of heading No 20.02	
22.02	Lemonade, flavoured spa waters and flavoured aerated waters, and other non-alcoholic beverages, not including fruit and vegetable juices falling within heading No 20.07	Manufacture from fruit juices <sup>(1)</sup> or in which the value of products of Chapter 17 used exceeds 30% of the value of the finished product	
22.06	Vermouths, and other wines of fresh grapes flavoured with aromatic extracts	Manufacture from products of heading No 08.04, 20.07, 22.04 or 22.05	
22.08	Ethyl alcohol or neutral spirits, undenatured, of a strength of 80° or higher; denatured spirits (including ethyl alcohol and neutral spirits) of any strength	Manufacture from products of heading No 08.04, 20.07, 22.04 or 22.05	
22.09	Spirits (other than those of heading No 22.08); liqueurs and other spirituous beverages; compound alcoholic preparations (known as 'concentrated extracts') for the manufacture of beverages	Manufacture from products of heading No 08.04, 20.07, 22.04 or 22.05	
22.10	Vinegar and substitutes for vinegar	Manufacture from products of heading No 08.04, 20.07, 22.04 or 22.05	

<sup>(1)</sup> This rule does not apply where fruit juices of pineapple, lime and grapefruit are concerned.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 23.03	Residues from the manufacture of maize starch (excluding concentrated steeping liquours), of a protein content, calculated on the dry product, exceeding 40% by weight	Manufacture from maize or maize flour	
23.04	Oil cake and other residues (except dregs) resulting from the extraction of vegetable oils	Manufacture from various products	
23.07	Sweetened forage; other preparations of a kind used in animal feeding	Manufacture from cereals and derived products, meat, milk, sugar and molasses	
ex 24.02	Cigarettes, cigars, smoking tobacco		Manufacture from products of heading No 24.01 of which at least 70% by quantity are 'originating products'
ex 28.38	Aluminium sulphate		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
30.03	Medicaments (including veterinary medicaments)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
31.05	Other fertilizers; goods of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
32.06	Colour lakes	Manufacture from materials of heading No 32.04 or 32.05 <sup>(1)</sup>	
32.07	Other colouring matter; inorganic products of a kind used as luminophores	Mixing of oxides or salts of Chapter 28 with extenders such as barium sulphate, chalk barium carbonate and satin white <sup>(1)</sup>	
33.05	Aqueous distillates and aqueous solutions of essential oils, including such products suitable for medicinal uses	Manufacture from products of heading No 33.01 <sup>(1)</sup>	
35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues		Manufacture from maize or potatoes

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
37.01	Photographic plates and film in the flat, sensitized, unexposed, of any material other than paper, paperboard or cloth	Manufacture from products of heading No 37.02 <sup>(1)</sup>	
37.02	Film in rolls, sensitized, unexposed, perforated or not	Manufacture from products of heading No 37.01 <sup>(1)</sup>	
37.04	Sensitized plates and film, exposed but not developed, negative or positive	Manufacture from products of heading No 37.01 or 37.02 <sup>(1)</sup>	
38.11	Disinfectants, insecticides, fungicides, weed-killers, anti-sprouting products, rat poisons and similar products, put up in forms or packings for sale by retail or as preparations or as articles (for example, sulphur-treated bands, wicks and candles, fly-papers)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.12	Prepared glazings, prepared dressings and prepared mordants, of a kind used in the textile, paper, leather or like industries		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.13	Pickling preparations for metal surfaces; fluxes and other auxiliary preparations for soldering, brazing or welding; soldering, brazing or welding powders and pastes consisting of metal and other materials; preparations of a kind used as cores or coatings for welding rods and electrodes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
ex 38.14	Anti-knock preparations, oxidation inhibitors, gum inhibitors, viscosity improvers, anti-corrosive preparations and similar prepared additives for mineral oils, excluding prepared additives for lubricants		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.15	Prepared rubber accelerators		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

(1) These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
38.17	Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.18	Composite solvents and thinners for varnishes and similar products		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
ex 38.19	<p>Chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included, excluding:</p> <ul style="list-style-type: none"> <li>— Fusel oil and Dippel's oil;</li> <li>— Naphthenic acids and their non-water-soluble salts, esters of naphthenic acids;</li> <li>— Sulphonaphthenic acids and their non-water-soluble salts; esters of sulphonaphthenic acids;</li> <li>— Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanolamines, thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts;</li> <li>— Mixed alkylbenzenes and mixed alkylnaphthalenes;</li> <li>— Ion exchangers;</li> <li>— Catalysts;</li> <li>— Getters for vacuum tubes;</li> <li>— Refractory cements or mortars and similar preparations;</li> <li>— Alkaline iron oxide for the purification of gas;</li> <li>— Carbon (excluding that in artificial graphite of heading No 38.01) of metallo-graphite or other compounds, in the form of small plates, bars or other semi-manufactures</li> </ul>		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 39.02	Polymerization products		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
39.07	Articles of materials of the kinds described in heading Nos 39.01 to 39.06		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
40.05	Plates, sheets and strip, of unvulcanized natural or synthetic rubber, other than smoked sheets and crepe sheets of heading No 40.01 or 40.02; granules of unvulcanized natural or synthetic rubber compounded ready for vulcanization; unvulcanized natural or synthetic rubber, compounded before or after coagulation either with carbon black (with or without the addition of mineral oil) or with silica (with or without the addition of mineral oil), in any form, of a kind known as masterbatch		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
41.08	Patent leather and imitation patent leather; metallized leather		Varnishing or metallizing of leather of heading Nos 41.02 to 41.07 (other than skin leather of crossed Indian sheep and of Indian goat or kid, not further prepared than vegetable tanned, or if otherwise prepared obviously unsuitable for immediate use in the manufacture of leather articles) in which the value of the skin leather used does not exceed 50% of the value of the finished product
43.03	Articles of furskin	Making up from furskin in plates, crosses and similar forms (heading No ex 43.02) <sup>(1)</sup>	
44.21	Complete wooden packing cases, boxes, crates, drums and similar packings		Manufacture from boards not cut to size
45.03	Articles of natural cork		Manufacture from products of heading No 45.01

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
48.06	Paper and paperboard, ruled, lined or squared, but not otherwise printed, in rolls or sheets		Manufacture from paper pulp
48.14	Writing blocks, envelopes, letter cards, plain postcards, correspondence cards, boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing only an assortment of paper stationery		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
48.15	Other paper and paperboard, cut to size or shape		Manufacture from paper pulp
48.16	Boxes, bags and other packing containers, of paper or paperboard		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
49.09	Picture postcards, Christmas and other picture greeting cards, printed by any process, with or without trimmings	Manufacture from products of heading No 49.11	
49.10	Calendars of any kind, of paper or paperboard, including calendar blocks	Manufacture from products of heading No 49.11	
50.04 <sup>(1)</sup>	Silk yarn, other than yarn of noil or other waste silk, not put up for retail sale		Manufacture from products other than those of heading No 50.04
50.05 <sup>(1)</sup>	Yarn spun from silk waste other than noil, not put up for retail sale		Manufacture from products of heading No 50.03
50.06 <sup>(1)</sup>	Yarn spun from noil silk, not put up for retail sale		Manufacture from products of heading No 50.03
50.07 <sup>(1)</sup>	Silk yarn and yarn spun from noil or other waste silk, put up for retail sale		Manufacture from products of heading Nos 50.01 to 50.03
ex 50.08 <sup>(1)</sup>	Imitation catgut of silk		Manufacture from products of heading No 50.01 or from products of heading No 50.03 neither carded nor combed

<sup>(1)</sup> For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
50.09 <sup>(1)</sup>	Woven fabrics of silk or of waste silk other than noil		Manufacture from products of heading No 50.02 or 50.03
50.10 <sup>(1)</sup>	Woven fabrics of noil silk		Manufacture from products of heading No 50.02 or 50.03
51.01 <sup>(2)</sup>	Yarn of man-made fibres (continuous), not put up for retail sale		Manufacture from chemical products or textile pulp
51.02 <sup>(2)</sup>	Monofil, strip (artificial straw and the like) and imitation catgut, of man-made fibre materials		Manufacture from chemical products or textile pulp
51.03 <sup>(2)</sup>	Yarn of man-made fibres (continuous), put up for retail sale		Manufacture from chemical products or textile pulp
51.04 <sup>(1)</sup>	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02		Manufacture from chemical products or textile pulp
52.01 <sup>(2)</sup>	Metallized yarn, being textile yarn spun with metal or covered with metal by any process		Manufacture from chemical products, from textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste, neither carded nor combed
52.02 <sup>(1)</sup>	Woven fabrics of metal thread or of metallized yarn, of a kind used in articles of apparel, as furnishing fabrics or the like		Manufacture from chemical products, from textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste
53.06 <sup>(2)</sup>	Yarn of carded sheep's or lambs' wool (woollen yarn), not put up for retail sale		Manufacture from products of heading No 53.01 or 53.03
53.07 <sup>(2)</sup>	Yarn of combed sheep's or lambs' wool (worsted yarn), not put up for retail sale		Manufacture from products of heading No 53.01 or 53.03

<sup>(1)</sup> For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

(i) to 20% where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;

(ii) to 30% where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

<sup>(2)</sup> For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
53.08 <sup>(1)</sup>	Yarn of fine animal hair (carded or combed), not put up for retail sale		Manufacture from raw fine animal hair of heading No 53.02
53.09 <sup>(1)</sup>	Yarn of horsehair or of other coarse animal hair, not put up for retail sale		Manufacture from raw coarse animal hair of heading No 53.02 or from raw horsehair of heading No 05.03
53.10 <sup>(1)</sup>	Yarn of sheep's or lambs' wool, of horsehair or of other animal hair (fine or coarse), put up for retail sale		Manufacture from materials of heading Nos 05.03 and 53.01 to 53.04
53.11 <sup>(2)</sup>	Woven fabrics of sheep's or lambs' wool or of fine animal hair		Manufacture from materials of heading Nos 53.01 to 53.05
53.12 <sup>(2)</sup>	Woven fabrics of coarse animal hair other than horsehair		Manufacture from products of heading Nos 53.02 to 53.05
53.13 <sup>(2)</sup>	Woven fabrics of horsehair		Manufacture from horsehair of heading No 05.03
54.03 <sup>(1)</sup>	Flax or ramie yarn, not put up for retail sale		Manufacture either from products of heading No 54.01 neither carded nor combed or from products of heading No 54.02
54.04 <sup>(1)</sup>	Flax or ramie yarn, put up for retail sale		Manufacture from materials of heading No 54.01 or 54.02
54.05 <sup>(2)</sup>	Woven fabrics of flax or of ramie		Manufacture from materials of heading No 54.01 or 54.02
55.05 <sup>(1)</sup>	Cotton yarn, not put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.06 <sup>(1)</sup>	Cotton yarn, put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.07 <sup>(2)</sup>	Cotton gauze		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.08 <sup>(2)</sup>	Terry towelling and similar terry fabrics, of cotton		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.09 <sup>(2)</sup>	Other woven fabrics of cotton		Manufacture from materials of heading No 55.01, 55.03 or 55.04

<sup>(1)</sup> For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated.

<sup>(2)</sup> For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

(i) to 20% where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within headings Nos ex 51.01 and ex 58.07;

(ii) to 30% where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.02	Continuous filament tow for the manufacture of man-made fibres (discontinuous)		Manufacture from chemical products or textile pulp
56.03	Waste (including yarn waste and pulled or garnetted rags) of man-made fibres (continuous or discontinuous), not carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.05 <sup>(1)</sup>	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale		Manufacture from chemical products or textile pulp
56.06 <sup>(1)</sup>	Yarn of man-made fibres (discontinuous or waste), put up for retail sale		Manufacture from chemical products or textile pulp
56.07 <sup>(2)</sup>	Woven fabrics of man-made fibres (discontinuous or waste)		Manufacture from products of heading Nos 56.01 to 56.03
57.05 <sup>(1)</sup>	Yarn of true hemp		Manufacture from raw true hemp
57.06 <sup>(1)</sup>	Yarn of jute or of other textile bast fibres of heading No 57.03		Manufacture from raw jute, jute tow or from other raw textile bast fibres of heading No 57.03
57.07 <sup>(1)</sup>	Yarn of other vegetable textile fibres		Manufacture from raw vegetable textile fibres of heading Nos 57.02 to 57.04

<sup>(1)</sup> For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated.

<sup>(2)</sup> For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

(i) to 20% where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within headings Nos ex 51.01 and ex 58.07;

(ii) to 30% where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating product.	Working or processing that confer the status of originating products when the following conditions are met
CCT heading No	Description		
57.08	Paper yarn		Manufacture from products of Chapter 47, from chemical products, textile pulp or from natural textile fibres discontinuous man-made fibres or their waste, neither carded nor combed
57.09 <sup>(1)</sup>	Woven fabrics of true hemp		Manufacture from products of heading No 57.01
57.10 <sup>(1)</sup>	Woven fabrics of jute or of other textile bast fabrics of heading No 57.03		Manufacture from raw jute, jute tow or from other raw textile bast fibres of heading No 57.03
57.11 <sup>(1)</sup>	Woven fabrics of other vegetable textile fibres		Manufacture from materials of heading No 57.02 or 57.04 or from coir yarn of heading No 57.07
57.12	Woven fabrics of paper yarn		Manufacture from paper, from chemical products, textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste
58.01 <sup>(2)</sup>	Carpets, carpeting and rugs, knotted (made up or not)		Manufacture from materials of heading Nos 50.01 to 50.03, 51.01, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04
58.02 <sup>(2)</sup>	Other carpets, carpeting, rugs, mats and matting, and 'Kelem', 'Schumacks' and 'Karamanie' rugs and the like (made up or not)		Manufacture from materials of heading Nos 50.01 to 50.03, 51.01, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03, 57.01 to 57.04 or from coir yarn of heading No 57.07
58.04 <sup>(2)</sup>	Woven pile fabric and chenille fabrics (other than terry towelling or similar terry fabrics of cotton of heading No 55.08 and fabrics of heading No 58.05)		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03, 57.01 to 57.04 or from chemical products or textile pulp

<sup>(1)</sup> For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

- (i) to 20% where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;
- (ii) to 30% where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

<sup>(2)</sup> For products composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which products of the other textile materials of which the mixed product is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

- (i) to 20% where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;
- (ii) to 30% where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
58.05 <sup>(1)</sup>	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No 58.06		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
58.06 <sup>(1)</sup>	Woven labels, badges and the like, not embroidered, in the piece, in strips or cut to shape or size		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.07 <sup>(1)</sup>	Chenille yarn (including flock chenille yarn), gimped yarn (other than metallized yarn of heading No 52.01 and gimped horsehair yarn); braids and ornamental trimmings in the piece; tassels, pompons and the like		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.08 <sup>(1)</sup>	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), plain		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.09 <sup>(1)</sup>	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), figured; hand or mechanically made lace, in the piece, in strips or in motifs		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.10	Embroidery, in the piece, in strips or in motifs		Manufacture in which the value of the product used does not exceed 50% of the value of finished product
59.01 <sup>(1)</sup>	Wadding and articles of wadding; textile flock and dust and mill neps		Manufacture either from natural fibres or from chemical products or textile pulp
59.02 <sup>(1)</sup>	Felt and articles of felt, whether or not impregnated		Manufacture either from natural fibres or from chemical products or textile pulp

<sup>(1)</sup> For products composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which products of the other textile materials of which the mixed product is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

- (i) to 20% where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;
- (ii) to 30% where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 59.02 <sup>(1)</sup>	Needled felt, whether or not impregnated or coated		Manufacture from fibre or continuous polypropylene filament of which the denomination of the filaments is less than 8 denier and of which the value does not exceed 40% of the value of the finished product
59.03 <sup>(1)</sup>	Bonded fibre fabrics, similar bonded yarn fabrics, and articles of such fabrics, whether or not impregnated or coated		Manufacture either from natural fibres or from chemical products or textile pulp
59.04 <sup>(1)</sup>	Twine, cordage, ropes and cables, plaited or not		Manufacture either from natural fibres or from chemical products or textile pulp or from coir yarn of heading No 57.07
59.05 <sup>(1)</sup>	Nets and netting made of twine, cordage or rope, and made up fishing nets of yarn, twine, cordage or rope		Manufacture either from natural fibres or from chemical products or textile pulp or from coir yarn of heading No 57.07
59.06 <sup>(1)</sup>	Other articles made from yarn, twine, cordage, rope or cables, other than textile fabrics and articles made from such fabrics		Manufacture either from natural fibres or from chemical products or textile pulp or from coir yarn of heading No 57.07
59.07	Textile fabrics coated with gum or amylaceous substances of a kind used for the outer covers of books and the like; tracing cloth; prepared painting canvas; buckram and similar fabrics for hat foundations and similar uses		Manufacture from yarn
59.08	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials		Manufacture from yarn
59.09	Textile fabrics coated or impregnated with oil or preparations with a basis of drying oil		Manufacture from yarn
59.10 <sup>(1)</sup>	Linoleum and materials prepared on a textile base in a similar manner to linoleum, whether or not cut to shape or of a kind used as floor coverings; floor coverings consisting of a coating applied on a textile base, cut to shape or not		Manufacture either from yarn or from textile fibres

<sup>(1)</sup> For products composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which products of the other textile materials of which the mixed product is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

- (i) to 20% where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;
- (ii) to 30% where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods		Manufacture from yarn
59.12	Textile fabrics otherwise impregnated or coated; painted canvas being theatrical scenery, studio backcloths or the like		Manufacture from yarn
59.13 <sup>(1)</sup>	Elastic fabrics and trimmings (other than knitted or crocheted goods) consisting of textile materials combined with rubber threads		Manufacture from single yarn
59.15 <sup>(1)</sup>	Textile hosepiping and similar tubing, with or without lining, armour or accessories of other materials		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
59.16 <sup>(1)</sup>	Transmission, conveyor or elevator belts or belting, of textile material, whether or not strengthened with metal or other material		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
59.17 <sup>(1)</sup>	Textile fabrics and textile articles, of a kind commonly used in machinery or plant		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
ex Chapter 60 <sup>(1)</sup>	Knitted and crocheted goods, excluding knitted or crocheted goods obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from natural fibres, carded or combed, from materials of heading Nos 56.01 to 56.03, from chemical products or textile pulp
ex 60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(2)</sup>

<sup>(1)</sup> For products composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which products of the other textile materials of which the mixed product is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

(i) to 20% where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;

(ii) to 30% where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

<sup>(2)</sup> Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 60.03	Stockings, under stockings, socks, anklesocks, sockettes and the like, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(1)</sup>
ex 60.04	Under garments, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(1)</sup>
ex 60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(1)</sup>
ex 60.06	Other articles, knitted or crocheted, elastic or rubberized (including elastic knee-caps and elastic stockings), obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(1)</sup>
61.01	Men's and boys' outer garments		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
ex 61.01	Fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from uncoated cloth of which the value does not exceed 40% of the value of the finished product <sup>(1)</sup> <sup>(2)</sup>
ex 61.02	Women's, girls' and infants' outer garments, not embroidered		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
ex 61.02	Fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from uncoated cloth of which the value does not exceed 40% of the value of the finished product <sup>(1)</sup> <sup>(2)</sup>
ex 61.02	Women's, girls' and infants' outer garments, embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product <sup>(1)</sup>

<sup>(1)</sup> Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

<sup>(2)</sup> These provisions do not apply where the products are obtained from printed fabric in accordance with the conditions shown in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
61 03	Men's and boys' under garments, including collars, shirt fronts and cuffs		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
61.04	Women's, girls' and infants' under garments		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
ex 61.05	Handkerchiefs, not embroidered		Manufacture from unbleached single yarn <sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup>
ex 61.05	Handkerchiefs, embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product <sup>(1)</sup>
ex 61 06	Shawls, scarves, mufflers, mantillas, veils and the like, not embroidered		Manufacture from unbleached single yarn of natural textile fibres or discontinuous man-made fibres or their waste, or from chemical products or textile pulp <sup>(1)</sup> <sup>(2)</sup>
ex 61.06	Shawls, scarves, mufflers, mantillas, veils and the like, embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product <sup>(1)</sup>
61.07	Ties, bow ties and cravats		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
ex 61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments, not embroidered		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
ex 61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments, embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product <sup>(1)</sup>
61.09	Corsets, corset-belts, suspender-belts, brassières, braces, suspenders, garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>

<sup>(1)</sup> Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

<sup>(2)</sup> These provisions do not apply where the products are obtained from printed fabric in accordance with the conditions shown in List B.

<sup>(3)</sup> For products obtained from two or more textile materials, this rule does not apply to one or more of the mixed textile materials if its or their weight does not exceed 10% of the total weight of all the textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 61.10	Fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from uncoated cloth of which the value does not exceed 40% of the value of the finished product <sup>(1)</sup> <sup>(2)</sup>
61.11	Made up accessories for articles of apparel (for example, dress shields, shoulder and other pads, belts, muffs, sleeve protectors, pockets)		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
62.01	Travelling rugs and blankets		Manufacture from unbleached yarn of Chapters 50 to 56 <sup>(2)</sup> <sup>(3)</sup>
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles; not embroidered		Manufacture from unbleached single yarn <sup>(2)</sup> <sup>(3)</sup>
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles; embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product
62.03	Sacks and bags, of a kind used for the packing of goods		Manufacture from chemical products, textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste <sup>(2)</sup> <sup>(3)</sup>
62.04	Tarpaulins, sails, awnings, sun-blinds, tents and camping goods		Manufacture from single unbleached yarn <sup>(2)</sup> <sup>(3)</sup>
62.05	Other made up textile articles (including dress patterns)		Manufacture in which the value of the products used does not exceed 40% of the value of the finished product
64.01	Footwear with outer soles and uppers of rubber or artificial plastic material	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	

<sup>(1)</sup> Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

<sup>(2)</sup> These provisions do not apply where the products are obtained from printed fabric in accordance with the conditions shown in List B.

<sup>(3)</sup> For products obtained from two or more textile materials, this rule does not apply to one or more of the mixed textile materials if its or their weight does not exceed 10% of the total weight of all the textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
64.02	Footwear with outer soles of leather or composition leather; footwear (other than footwear falling within heading No 64.01) with outer soles of rubber or artificial plastic material	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
64.03	Footwear with outer soles of wood or cork	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
64.04	Footwear with outer soles of other materials	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
65.03	Felt hats and other felt headgear, being headgear made from the felt hoods and plateaux falling within heading No 65.01, whether or not lined or trimmed		Manufacture from textile fibres
65.05	Hats and other headgear (including hair nets), knitted or crocheted, or made up from lace, felt or other textile fabric in the piece (but not from strips), whether or not lined or trimmed		Manufacture either from yarn or from textile fibres
66.01	Umbrellas and sunshades (including walking-stick umbrellas, umbrella tents, and garden and similar umbrellas)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
ex 70.07	Cast, rolled, drawn or blown glass (including flashed or wired glass) cut to shape other than rectangular shape, or bent or otherwise worked (for example, edge worked or engraved) whether or not surface ground or polished; multiple-walled insulating glass	Manufacture from drawn, cast or rolled glass of heading Nos 70.04 to 70.06	

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
70.08	Safety glass consisting of toughened or laminated glass, shaped or not	Manufacture from drawn, cast or rolled glass of heading Nos 70.04 to 70.06	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
70.09	Glass mirrors (including rear-view mirrors), unframed, framed or backed	Manufacture from drawn, cast or rolled glass of heading Nos 70.04 to 70.06	
71.15	Articles consisting of, or incorporating, pearls, precious or semi-precious stones (natural, synthetic or reconstructed)		
73.07	Blooms, billets, slabs and sheet bars (including tinplate bars) of iron or steel; pieces roughly shaped by forging, of iron or steel	Manufacture from products of heading No 73.06	
73.08	Iron or steel coils re-rolling	Manufacture from products of heading No 73.07	
73.09	Universal plates of iron or steel	Manufacture from products of heading No 73.07 or 73.08	
73.10	Bars and rods (including wire rod), of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished (including precision-made); hollow mining drill steel	Manufacture from products of heading No 73.07	
73.11	Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished; sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements	Manufacture from products of heading Nos 73.07 to 73.10, 73.12 or 73.13	
73.12	Hoop and strip, of iron or steel, hot-rolled or cold-rolled	Manufacture from products of heading Nos 73.07 to 73.09 or 73.13	
73.13	Sheets and plates, of iron or steel, hot-rolled or cold-rolled	Manufacture from products of heading Nos 73.07 to 73.09	
73.14	Iron or steel wire, whether or not coated, but not insulated	Manufacture from products of heading No 73.10	

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
73.16	Railway and tramway track construction material of iron or steel, the following: rails, check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bed-plates, ties and other material specialized for joining or fixing rails		Manufacture from products of heading No 73.06
73.18	Tubes and pipes and blanks therefor, of iron (other than of cast iron) or steel, excluding high-pressure hydro-electric conduits		Manufacture from products of heading Nos 73.06 and 73.07 or heading No 73.15 in the forms specified in heading Nos 73.06 and 73.07
74.03	Wrought bars, rods, angles, shapes and sections, of copper; copper wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.04	Wrought plates, sheets and strip, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.05	Copper foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.15 mm		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.06	Copper powder and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.07	Tubes and pipes and blanks therefor, of copper; hollow bars of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.08	Tube and pipe fittings (for example, joints, elbows, sockets and flanges), of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
74.09	Reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquified gas), of copper, of a capacity exceeding 300 litres, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.10	Stranded wire, cables, cordage, ropes, plaited bands and the like, of copper wire, but excluding insulated electric wires and cables		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.11	Gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands), of copper wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.12	Expanded metal, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.13	Chain and parts thereof, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.14	Nails, tacks, staples, hook-nails, spiked cramps, studs, spikes and drawing pins, of copper, or of iron or steel with heads of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.15	Bolts and nuts (including bolt ends and screw studs), whether or not threaded or tapped, and screws (including screw hooks and screw rings), of copper; rivets, cotters, cotter-pins, washers and spring washers, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.16	Springs, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.17	Cooking and heating apparatus of a kind used for domestic purposes, not electrically operated, and parts thereof, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
74.18	Other articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.19	Other articles of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
75.02	Wrought bars, rods, angles, shapes and sections, of nickel; nickel wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
75.03	Wrought plates, sheets and strip, of nickel; nickel foil; nickel powders and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
75.04	Tubes and pipes and blanks therefor, of nickel; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of nickel		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
75.05	Electro-plating anodes, of nickel, wrought or unwrought, including those produced by electrolysis		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
75.06	Other articles of nickel		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
76.02	Wrought bars, rods, angles, shapes and sections, of aluminium; aluminium wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.03	Wrought plates, sheets and strip, of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.04	Aluminium foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.20 mm		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
76.05	Aluminium powders and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.06	Tubes and pipes and blanks therefor, of aluminium; hollow bars of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.07	Tube and pipe fittings (for example, joints, elbows, sockets and flanges), of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.08	Structures, complete or incomplete, whether or not assembled, and parts of structures (for example, hangars and other buildings, bridges and bridge-sections, towers, lattice masts, roofs, roofing frameworks, door and window frames, balustrades, pillars and columns), of aluminium; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.09	Reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquified gas), of aluminium, of a capacity exceeding 300 litres, whether or not lined or heat insulated, but not fitted with mechanical or thermal equipment		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.10	Casks, drums, cans, boxes and similar containers (including rigid and collapsible tubular containers), of aluminium, of a description commonly used for the conveyance or packing of goods		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.11	Containers of aluminium for compressed or liquified gas		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.12	Stranded wire, cables, cordage, ropes, plaited bands and the like, of aluminium wire, but excluding insulated electric wires and cables		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.13	Gauze, cloth, grill, netting, reinforcing fabric and similar materials, of aluminium wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
76.14	Expanded metal, of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.15	Articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.16	Other articles of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
77.02	Wrought bars, rods, angles, shapes and sections, of magnesium; magnesium wire; wrought plates, sheets and strip, of magnesium; magnesium foil; raspings and shavings of uniform size, powders and flakes, of magnesium; tubes and pipes and blanks therefor, of magnesium; hollow bars of magnesium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
77.03	Other articles of magnesium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
78.02	Wrought bars, rods, angles, shapes and sections, of lead; lead wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
78.03	Wrought plates, sheets and strip, of lead		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
78.04	Lead foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a weight (excluding any backing) not exceeding 1.7 kg/m <sup>2</sup> ; lead powders and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
78.05	Tubes and pipes and blanks therefor, of lead; hollow bars and tube and pipe fittings (for example, joints, elbows, sockets, flanges and S-bends)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
78.06	Other articles of lead		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
79.02	Wrought bars, rods, angles, shapes and sections, of zinc; zinc wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
79.03	Wrought plates, sheets and strip, of zinc; zinc foil; zinc powders and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
79.04	Tubes and pipes and blanks therefor, of zinc; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of zinc		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
79.05	Gutters, roof capping, skylight frames, and other fabricated building components, of zinc		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
79.06	Other articles of zinc		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
80.02	Wrought bars, rods, angles, shapes and sections, of tin; tin wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
80.03	Wrought plates, sheets and strip, of tin		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
80.04	Tin foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a weight (excluding any backing) not exceeding 1 kg/m <sup>2</sup> ; tin powders and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
80.05	Tubes and pipes and blanks therefor, of tin; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of tin		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
82.05	Interchangeable tools for hand tools, for machine tools or for power-operated hand tools (for example, for pressing, stamping, drilling, tapping, threading, boring, broaching, milling, cutting, turning, dressing, morticing or screwdriving), including dies for wire drawing, extrusion dies for metal, and rock drilling bits		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product <sup>(1)</sup>
82.06	Knives and cutting blades, for machines or for mechanical appliances		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product <sup>(1)</sup>
ex Chapter 84	Boilers, machinery and mechanical appliances and parts thereof, excluding refrigerators and refrigerating equipment (electrical and other) (No 84.15) and sewing machines, including furniture specially designed for sewing machines (ex No 84.41)		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
84.15	Refrigerators and refrigerating equipment (electrical and other)		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(2)</sup> used are originating products

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

<sup>(2)</sup> In determining the value of products, materials and parts, the following must be taken into account:

(a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;

(b) in respect of products, materials and parts other than those referred to under (a), the provisions of Article 4 of Annex II determining:

(i) the value of imported products,

(ii) the value of products of undetermined origin.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 84.41	Sewing machines, including furniture for sewing machines		<p>Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that:</p> <p>(a) at least 50% in value of the materials and parts <sup>(1)</sup> used for the assembly of the head (motor excluded) are originating products, and</p> <p>(b) the thread tension, crochet and zigzag mechanisms are originating products</p>
ex Chapter 85	Electrical machinery and equipment; parts thereof; excluding products of heading No 85.14 or 85.15		<p>Working, processing or assembly in which the value of the non-originating material and parts used does not exceed 40% of the value of the finished product</p>
85.14	Microphones and stands therefor; loudspeakers; audio-frequency electric amplifiers		<p>Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that:</p> <p>(a) at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products, and</p> <p>(b) the value of the non-originating transistors used does not exceed 3% of the value of the finished product <sup>(2)</sup></p>

<sup>(1)</sup> In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of Annex II determining:
- (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

<sup>(2)</sup> This percentage is not cumulative with the 40%.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
85.15	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that:  (a) at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products, and  (b) the value of the non-originating transistors used does not exceed 3% of the value of the finished product <sup>(2)</sup>
Chapter 86	Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway track fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered)		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
ex Chapter 87	Vehicles, other than railway or tramway rolling-stock, and parts thereof, excluding products of heading No 87.09		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
87.09	Motor-cycles, autocycles and cycles fitted with an auxiliary motor, with or without side-cars; side-cars of all kinds		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
ex Chapter 90	Optical, photographic cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus and parts thereof, excluding products of heading No 90.05, 90.07, 90.08, 90.12 or 90.26		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product

<sup>(1)</sup> In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of Annex II determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

<sup>(2)</sup> This percentage is not cumulative with the 40%.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
90.05	Refracting telescopes (monocular and binocular), prismatic or not		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
90.07	Photographic cameras; photographic flashlight apparatus		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
90.08	Cinematographic cameras projectors, sound recorders and sound reproducers; any combination of these articles		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
90.12	Compound optical microscopes, whether or not provided with means for photographing or projecting the image		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
90.26	Gas, liquid and electricity supply or production meters; calibrating meters therefor		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products

<sup>(1)</sup> In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of Annex II determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex Chapter 91	Clocks and watches and parts thereof, excluding products of heading No 91.04 or 91.08		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
91.04	Other clocks		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
91.08	Clock movements, assembled		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
ex Chapter 92	Musical instruments; sound recorders and reproducers; television image and sound recorders and reproducers, magnetic; parts and accessories of such articles; excluding products of heading No 92.11		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product
92.11	Gramophones, dictating machines and other sound recorders and reproducers, including record players and tape decks, with or without sound-heads; television image and sound recorders and reproducers, magnetic		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that:  (a) at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products, and  (b) the value of the non-originating transistors used does not exceed 3% of the value of the finished product <sup>(2)</sup>

<sup>(1)</sup> In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of Annex II determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

<sup>(2)</sup> This percentage is not cumulative with the 40%.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
Chapter 93	Arms and ammunition; parts thereof		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
96.02	Other brooms and brushes (including brushes of a kind used as parts of machines); paint rollers; squeegees (other than roller squeegees) and mops		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
97.03	Other toys; working models of a kind used for recreational purposes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
98.01	Buttons and button moulds, studs, cuff-links, and press-fasteners, including snap fasteners and press-studs; blanks and parts of such articles		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
98.08	Typewriter and similar ribbons, whether or not on spools; ink-pads, with or without boxes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

## Annex 3 to Annex II

## LIST B

List of working or processing operations which do not result in a change of tariff heading, but which do confer the status of 'originating products' on the products undergoing such operations

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
		Incorporation of non-originating materials and parts in boilers, machinery, mechanical appliances, etc., of Chapters 84 to 92 in boilers and radiators of heading No 73.37 and in the products contained in heading Nos 97.07 and 98.03 does not make such products lose their status of originating products, provided that the value of these products does not exceed 5% of the value of the finished product
13.02	Shellac, seed lac, stick lac and other lacs; natural gums, resins, gum-resins and balsams	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 50% of the value of the finished product
ex 15.10	Fatty alcohols	Manufacture from fatty acids
ex 21.03	Prepared mustard	Manufacture from mustard flour
ex 22.09	Whisky of an alcoholic strength of less than 50°	Manufacture from alcohol deriving exclusively from the distillation of cereals and in which the value of the non-originating constituent products does not exceed 15% of the value of the manufactured product
ex 25.09	Earth colours, calcined or powdered	Crushing and calcination or powdering of earth colours
ex 25.15	Marble squared by sawing, of a thickness not exceeding 25 cm	Sawing into slabs or sections, polishing, grinding and cleaning of marble, including marble not further worked than roughly split, roughly squared or squared by sawing, of a thickness exceeding 25 cm
ex 25.16	Granite, porphyry, basalt, sandstone and other monumental and building stone, squared by sawing, of a thickness not exceeding 25 cm	Sawing of granite, porphyry, basalt, sandstone and other building stone, including such stone not further worked than roughly split, roughly squared or squared by sawing, of a thickness exceeding 25 cm
ex 25.18	Calcined dolomite; agglomerated dolomite (including tarred dolomite)	Calcination of unworked dolomite
ex Chapters 28 to 37	Products of the chemical and allied industries excluding calcined, crushed and powdered natural aluminium calcium phosphates, treated thermally (ex 31.03) and essential oils other than of citrus fruit, terpenes (ex 33.01)	Working or processing in which the value of the non-originating products used does not exceed 20% of the value of the finished product

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 31.03	Calcined, crushed and powdered natural aluminium calcium phosphates, treated thermically	Crushing and powdering of calcined natural aluminium calcium phosphates, treated thermically
ex 33.01	Essential oils, other than of citrus fruit, terpeneless	Deterpenation of essential oils other than of citrus fruit
ex Chapter 38	Miscellaneous chemical products, other than refined tall oil (ex 38.05) and sulphate turpentine refined (ex 38.07)	Working or processing in which the value of the non-originating materials used does not exceed 20% of the value of the finished product
ex 38.05	Refined tall oil	Refining of crude tall oil
ex 38.07	Sulphate turpentine, purified	Purification consisting of the distillation or refining of raw sulphate turpentine
ex Chapter 39	Artificial plastic materials, cellulose ethers and esters, artificial resins and articles made of these materials, excepting films of ionomers (ex 39.02)	Working or processing in which the value of the non-originating materials used does not exceed 20% of the value of the finished product
ex 39.02	Ionomer film	Manufacture from a thermoplastic partial salt which is a copolymer of ethylene and metacrylic acid partly neutralized with metal ions, mainly zinc and sodium
ex 40.01	Slabs of crepe rubber for soles	Lamination of crepe sheets of natural rubber
ex 40.07	Rubber thread and cord, textile-covered	Manufacture from rubber thread or cord
ex 41.01	Sheep and lambskins without the wool	Removing wool from sheep and lambskins in the wool
ex 41.02	Retanned bovine cattle leather (including buffalo leather) and equine leather, except leather of heading Nos 41.06 to 41.08	Retanning of bovine cattle leather (including buffalo leather) and equine leather, not further prepared than tanned
ex 41.03	Retanned sheep and lambskin leather, except leather of heading Nos 41.06 to 41.08	Retanning of sheep and lambskin leather, not further prepared than tanned
ex 41.04	Retanned goat and kidskin leather, except leather of heading Nos 41.06 to 41.08	Retanning of goat and kidskin leather, not further prepared than tanned
ex 41.05	Other kinds of retanned leather, except leather of heading Nos 41.06 to 41.08	Retanning of other kinds of leather, not further prepared than tanned
ex 43.02	Assembled furskins	Bleaching, dyeing, dressing, cutting and assembling of tanned or dressed furskins
ex 50.03	Silk waste carded or combed	Carding or combing waste silk

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 50.09 ex 50.10 ex 51.04 ex 53.11 ex 53.12 ex 53.13 ex 54.05 ex 55.07 ex 55.08 ex 55.09 ex 56.07	Printed fabrics	Printing accompanied by finishing operations (bleaching, dressing, drying, steaming, burling, mending, impregnating, sanforizing, mercerizing) of fabrics the value of which does not exceed 47.5% of the value of the finished product
ex 59.14	Incandescent gas mantles	Manufacture from tubular gas mantle fabric
ex 68.03	Articles of slate, including articles of agglomerated slate	Manufacture of articles of slate
ex 68.13	Articles of asbestos; articles of mixtures with a basis of asbestos or of mixtures with a basis of asbestos and magnesium carbonate	Manufacture of articles of asbestos or of mixtures with a basis of asbestos, or of mixtures with a basis of asbestos and magnesium carbonate
ex 68.15	Articles of mica, including bonded mica splittings on a support of paper or fabric	Manufacture of articles of mica
ex 70.10	Cut-glass bottles	Cutting of bottles the value of which does not exceed 50% of the value of the finished product
70.13	Glassware (other than articles falling in heading No 70.19) of a kind commonly used for table, kitchen, toilet or office purposes, for indoor decoration, or similar uses	Cutting of glassware the value of which does not exceed 50% of the value of the finished product or decoration, with the exception of silk-screen printing, carried out entirely by hand, of hand-blown glassware the value of which does not exceed 50% of the value of the finished product
ex 70.20	Articles made from glass fibre	Manufacture from unworked glass fibre
ex 71.02	Precious and semi-precious stones, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)	Manufacture from unworked precious and semi-precious stones
ex 71.03	Synthetic or reconstructed precious or semi-precious stones, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)	Manufacture from unworked synthetic or reconstructed precious or semi-precious stones
ex 71.05	Silver and silver alloys, including silver gilt and platinum-plated silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought silver and silver alloys
ex 71.05	Silver, including silver gilt and platinum-plated silver, unwrought	Alloying or electrolytic separation of unwrought silver and silver alloys

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 71.06	Rolled silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought rolled silver
ex 71.07	Gold, including platinum-plated gold, semi-manufactured	Rolling, drawing, beating or grinding of unwrought gold, including platinum-plated gold
ex 71.07	Gold, including platinum-plated gold, unwrought	Alloying or electrolytic separation of unwrought gold or gold alloys
ex 71.08	Rolled gold on base metal or silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought rolled gold on base metal or silver
ex 71.09	Platinum and other metals of the platinum group, semi-manufactured	Rolling, drawing, beating or grinding of unwrought platinum or other metals of the platinum group
ex 71.09	Platinum and other metals of the platinum group, unwrought	Alloying or electrolytic separation of unwrought platinum or other metals of the platinum group
ex 71.10	Rolled platinum or other platinum group metals, on base metal or precious metal, semi-manufactured	Rolling, drawing, beating or grinding of unwrought rolled platinum or other unwrought platinum group metals or precious metal
ex 73.15	Alloy steel and high carbon steel:	
	— in the forms mentioned in heading Nos 73.07 to 73.13	Manufacture from products in the forms mentioned in heading No 73.06
	— in the forms mentioned in heading No 73.14	Manufacture from products in the forms mentioned in heading No 73.06 or 73.07
ex 74.01	Unrefined copper (blister copper and other)	Smelting of copper matte
ex 74.01	Refined copper	Fire-refining or electrolytic refining of unrefined copper (blister copper and other), copper waste or scrap
ex 74.01	Copper alloy	Fusion and thermal treatment of refined copper, copper waste or scrap
ex 75.01	Unwrought nickel (excluding electro-plating anodes of heading No 75.05)	Refining by electrolysis, by fusion or chemically, of nickel mattes, nickel speiss and other intermediate products of nickel metallurgy
ex 75.01	Unwrought nickel except nickel alloys	Refining of waste by electrolysis, by melting or by chemical means of waste and scrap

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 76.01	Unwrought aluminium	Manufacture by thermal or electrolytic treatment of unalloyed aluminium, waste and scrap
ex 77.04	Beryllium wrought	Rolling, drawing or grinding of unwrought beryllium the value of which does not exceed 50% of the value of the finished product
ex 78.01	Refined lead	Manufacture by thermal refining from bullion lead
ex 81.01	Tungsten, wrought	Manufacture from unwrought tungsten the value of which does not exceed 50% of the value of the finished product
ex 81.02	Molybdenum, wrought	Manufacture from unwrought molybdenum the value of which does not exceed 50% of the value of the finished product
ex 81.03	Tantalum, wrought	Manufacture from unwrought tantalum the value of which does not exceed 50% of the value of the finished product
ex 81.04	Other base metals, wrought	Manufacture from other base metals, unwrought the value of which does not exceed 50% of the value of the finished product
ex 83.06	Indoor ornaments made from base metals other than statuettes	Working or processing in which the value of the non-originating materials used does not exceed 30% of the value of the finished product
84.06	Internal combustion piston engines	Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
ex 84.08	Engines and motors, excluding reaction engines and gas turbines	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
84.16	Calendering and similar rolling machines (other than metal-working and metal-rolling machines and glass working machines) and cylinders thereof	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 25% of the value of the finished product

<sup>(1)</sup> In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of other products, materials and parts, the provisions of Article 4 of Annex II determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 84.17	Machinery, plant and similar laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature, for wood, paper pulp, paper and paperboard manufacturing industries	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 25% of the value of the finished product
84.31	Machinery for making or finishing cellulosic pulp, paper or paperboard	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 25% of the value of the finished product
84.33	Paper or paperboard cutting machines of all kinds; other machinery for making up paper pulp, paper or paperboard	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 25% of the value of the finished product
ex 84.41	Sewing machines, including furniture specially designed for sewing machines	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that: <ul style="list-style-type: none"> <li>(a) at least 50% of the materials and parts <sup>(1)</sup> used for assembly of the head (motor excluded) are originating products, and</li> <li>(b) the thread tension, crochet and zigzag mechanisms are originating products</li> </ul>
85.14	Microphones and stands therefor; loudspeakers; audiofrequency electric amplifiers	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product and provided that at least 50% of the materials and parts used are originating products <sup>(2)</sup>
85.15	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio, broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product and provided that at least 50% of the materials and parts used are originating products <sup>(2)</sup>
87.06	Parts and accessories of the motor vehicles of heading Nos 87.01 to 87.03	Working, processing or assembly in which the value of the materials and parts used does not exceed 15% of the value of the finished product

<sup>(1)</sup> In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products in the territory of the country where working, processing or assembly is carried out;
- (b) in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of Annex II determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

<sup>(2)</sup> The application of this rule must not have the effect of allowing the exceeding of the percentage of 3% for the originating transistors laid down in List A for the same tariff heading.

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 94.01	Chairs and other seats (other than those falling within heading No 94.02) whether or not convertible into beds, made of base metals	Working, processing or assembly in which unstuffed cotton cloth is used of a weight of 300 g/m <sup>2</sup> or less in the form ready to use, of which the value does not exceed 25% of the value of the finished product <sup>(1)</sup>
ex 94.03	Other furniture of base metal	Working, processing or assembly in which unstuffed cotton cloth is used of a weight of 300 g/m <sup>2</sup> or less in the form ready to use of which the value does not exceed 25% of the value of the finished product <sup>(1)</sup>
ex 95.01	Articles of tortoise-shell	Manufacture from worked tortoise-shell
ex 95.02	Articles of mother of pearl	Manufacture from worked mother of pearl
ex 95.03	Articles of ivory	Manufacture from worked ivory
ex 95.04	Articles of bone (excluding whalebone)	Manufacture from worked bone (excluding whalebone)
ex 95.05	Articles of horn, coral (natural or agglomerated) or of other animal carving material	Manufacture from worked horn, coral (natural or agglomerated) or other animal carving material
ex 95.06	Articles of vegetable carving material (for example, corozo)	Manufacture from worked vegetable carving material (for example, corozo)
ex 95.07	Articles of jet (and mineral substitutes for jet), amber, meerschaum, agglomerated amber and agglomerated meerschaum	Manufacture from worked jet (and mineral substitutes for jet), amber, meerschaum, agglomerated amber and agglomerated meerschaum
ex 98.11	Smoking pipes, pipe bowls, of wood, root or other materials	Manufacture from roughly shaped blocks

<sup>(1)</sup> This rule does not apply when the general rule of change of tariff heading is applied to the other non-originating parts which are part of the composition of the final product.

## Annex 4 to Annex II

## LIST C

## List of products excluded from the scope of Annex II

CCT heading No	Description
ex 27.07	Assimilated aromatic oils as defined in Note 2 to Chapter 27, of which more than 65% by volume distils at a temperature of up to 250° C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels
27.09 to 27.16	} Mineral oils and products of their distillation; bituminous substances; mineral waxes
ex 29.01	Hydrocarbons: — acyclic — cyclanes and cyclenes, excluding azulenes — benzene, toluene, xylenes for use as power or heating fuels
ex 34.03	Lubricating preparations containing petroleum oils or oils obtained from bituminous minerals, but not including preparations containing 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals
ex 34.04	Waxes with a basis of paraffin, of petroleum waxes, of waxes obtained from bituminous minerals, of slack wax or of scale wax
ex 38.14	Prepared additives for lubricants

Annex 5 to Annex II

MOVEMENT CERTIFICATE

<p><b>1. Exporter</b> (Name, full address, country)</p>	<p><b>EUR. 1</b> No <b>A</b> 000.000</p>	
<p>See notes overleaf before completing this form</p>		
<p><b>3. Consignee</b> (Name, full address, country) (Optional)</p>	<p><b>2. Certificate used in preferential trade between</b></p> <p>.....</p> <p style="text-align: center;">and</p> <p>.....</p> <p style="text-align: center;">(insert appropriate countries, groups of countries or territories)</p>	
<p><b>4. Country, group of countries or territory in which the products are considered as originating <sup>(1)</sup></b></p>		
<p><b>5. Country, group of countries or territory of destination</b></p>		
<p><b>6. Transport details</b> (Optional)</p>	<p><b>7. Remarks</b></p>	
<p><b>8. Item number; marks and numbers; Number and kind of packages <sup>(2)</sup>; Description of goods</b></p>	<p><b>9. Gross weight (kg) or other measure (litres, m<sup>3</sup>, etc.)</b></p>	<p><b>10. Invoices</b> (Optional)</p>
<p><b>11. CUSTOMS ENDORSEMENT</b></p> <p>Declaration certified</p> <p>Export document <sup>(3)</sup> <span style="float: right;">Stamp</span></p> <p>Form ..... No .....</p> <p>Customs office .....</p> <p>Issuing country or territory .....</p> <p>.....</p> <p>Date .....</p> <p style="text-align: center;">(Signature)</p>		<p><b>12. DECLARATION BY THE EXPORTER</b></p> <p>I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.</p> <p>.....</p> <p style="text-align: center;">(Place and date)</p> <p>.....</p> <p style="text-align: center;">(Signature)</p>

<sup>(1)</sup> Complete only in cases of exporting country not being identical to the country where the products are originating. In the contrary case, this box has to be struck through.

<sup>(2)</sup> If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

<sup>(3)</sup> Complete only where the regulations of the exporting country or territory require.

<p><b>13. REQUEST FOR VERIFICATION, to</b></p>	<p><b>14. RESULT OF VERIFICATION,</b></p>
<p>Verification of the authenticity and accuracy of this certificate is requested.</p> <p>.....                  (Place and date) Stamp</p> <p>.....                  (Signature)</p>	<p>Verification carried out shows that this certificate <sup>(1)</sup></p> <p><input type="checkbox"/> was issued by the customs office indicated and that the information contained therein is accurate.</p> <p><input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).</p> <p>.....                  (Place and date) Stamp</p> <p>.....                  (Signature)</p> <p><sup>(1)</sup> Insert X in the appropriate box.</p>

**NOTES**

1. Certificates must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and endorsed by the customs authorities of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

APPLICATION FOR A MOVEMENT CERTIFICATE

<p>1. Exporter (Name, full address, country)</p>	<p><b>EUR.1</b> No <b>A</b> 000.000</p>		
	<p>See notes overleaf before completing this form</p>		
<p>3. Consignee (Name, full address, country) (Optional)</p>	<p>2. Application for a certificate to be used in preferential trade between</p> <p>.....</p> <p style="text-align: center;">and</p> <p>.....</p> <p style="text-align: center;">(insert appropriate countries, groups of countries or territories)</p>		
	<p>4. Country, group of countries or territory in which the products are considered as originating <sup>(1)</sup></p>	<p>5. Country, group of countries or territory of destination</p>	
<p>6. Transport details (Optional)</p>	<p>7. Remarks</p>		
<p>8. Item number ; marks and numbers ; Number and kind of packages <sup>(2)</sup> ; Description of goods</p>	<p>9. Gross weight (kg) or other measure (litres, m<sup>3</sup>, etc.)</p>	<p>10. Invoices (Optional)</p>	

<sup>(1)</sup> Complete only in cases of exporting country not being identical to the country where the products are originating. In the contrary case, this box has to be struck through

<sup>(2)</sup> If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

DECLARATION BY THE EXPORTER

I, the undersigned, exporter of the goods described overleaf,

DECLARE that the goods meet the conditions required for the issue of the attached certificate;

SPECIFY as follows the circumstances which have enabled these goods to meet the above conditions:

.....

.....

.....

.....

SUBMIT the following supporting documents <sup>(1)</sup>:

.....

.....

.....

.....

UNDERTAKE to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

REQUEST the issue of the attached certificate for these goods.

.....  
(Place and date)

.....  
(Signature)

<sup>(1)</sup> For example: import documents, movement certificates, invoices, manufacturer's declarations, etc., referring to the products used in manufacture or to the goods re-exported in the same state.



(1) (2) (3) (See footnotes on back of part 1).

11 Authorities in the exporting country responsible for verification of the declaration by the exporter		10 Description of goods	
		5 Remarks (2)	
9 Gross weight	8 Country of destination	7 Country, group of countries or territory in which the products are considered as originating (3)	3 Name and address of consignee
6 Signature of exporter		4 Place and date	
2 Declaration by the exporter I, the undersigned, exporter of the goods described below and contained in this postal consignment, — DECLARE that the goods are situated in ... (exporting country) under the conditions necessary for completion of this form in accordance with the provisions governing trade between ... (1); and that the goods have the status of originating products within the meaning of the said provisions; — UNDERTAKE to submit to the appropriate authorities any supporting evidence which these authorities may require and to agree to any inspection by them of my accounts and any check by them on the processes of manufacture of the goods described below.		1 Name and address of exporter	

Before completing this form read carefully the instructions on the back of Part 1.

FORM EUR. 2 No A 000.000 (Part 2)

Footnotes for both forms

- (1) Indicate the Contracting Parties to the transaction in respect of which the form has been completed.
- (2) Refer to any verification already carried out by the appropriate authorities.
- (3) Complete only in cases of exporting country not being identical to the country where the products are originating. In the contrary case, this box has to be struck through.

Instructions for the completion of form EUR.2

A. A form EUR.2 may be made out only for goods which in the exporting country meet the conditions specified by the provisions governing the trade referred to in space 2.

Those provisions must be studied carefully before the form is completed.

B. The exporter must give the reference 'EUR.2' followed by the serial number of the form either on green label C 1 or on customs declaration C 2/CP 3.

C. After completing and signing the two parts of the form, the exporter must,

- in the case of a consignment by parcel post, attach the two parts to the dispatch note,
- in the case of a consignment by letter post, attach Part 1 firmly to the consignment and insert Part 2 inside it.

*Annex 7 to Annex II*

**SPECIMEN OF DECLARATION**

I, the undersigned, declare that the goods listed on this invoice were obtained in .....

and (as appropriate):

(a) (\*) satisfy the rules on the definition of the concept of 'wholly produced products'

or

(b) (\*) were produced from the following products:

Description	Country of origin	Value (*)
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

and have undergone the following processes:

..... (indicate processings)

in

.....

.....  
(Place and date) (Signature)

(\*) To be completed as necessary.

Annex 8 to Annex II

**EUROPEAN COMMUNITIES**

1. Supplier <sup>(1)</sup>	<p><b>INFORMATION CERTIFICATE</b> to facilitate the issue of a <b>MOVEMENT CERTIFICATE</b> for preferential trade between the</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p style="text-align: center;"><b>EUROPEAN ECONOMIC COMMUNITY</b> and the <b>COUNTRIES AND TERRITORIES</b></p> </div>		
2. Consignee <sup>(1)</sup>	4. State, country or territory in which the working or processing has been carried out		
3. Processor <sup>(1)</sup>			
6. Customs office of importation <sup>(2)</sup>	5. For official use		
7. Import document <sup>(2)</sup> Form ..... No ..... Series ..... Date <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>			
<b>GOODS SENT TO THE STATE, COUNTRY OR TERRITORY OF DESTINATION</b>			
8. Marks, numbers, quantity and kind of package	9. Tariff heading number and description of goods	10. Quantity <sup>(3)</sup>	
		11. Value <sup>(4)</sup>	
<b>IMPORTED GOODS USED</b>			
12. Tariff heading number and description	13. Country of origin	14. Quantity <sup>(5)</sup>	15. Value <sup>(2)</sup> <sup>(5)</sup>
16. Nature of the working or processing carried out			
17. Remarks			
<p><b>18. CUSTOMS ENDORSEMENT</b></p> <p>Declaration certified</p> <p>Document .....</p> <p>Form ..... No .....</p> <p>Customs office .....</p> <p>Date <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/></p> <div style="border: 1px solid black; width: 100px; height: 60px; margin: 10px auto; text-align: center; vertical-align: middle;"> <p>Official stamp</p> </div> <p>..... (Signature)</p>		<p><b>19. DECLARATION BY THE SUPPLIER</b></p> <p>I, the undersigned, declare that the information on this certificate is accurate</p> <p>..... <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/></p> <p style="text-align: center;">(Place) <span style="margin-left: 100px;">(date)</span></p> <p>..... (Signature)</p>	

<sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup> <sup>(4)</sup> <sup>(5)</sup> See footnotes on verso.

<b>REQUEST FOR VERIFICATION</b>	<b>RESULT OF VERIFICATION</b>
<p>The undersigned customs official requests verification of the authenticity and accuracy of this information certificate</p>	<p>Verification carried out by the undersigned customs official shows that this information certificate:</p> <p>(a) was issued by the customs office indicated and that the information contained therein is accurate (*)</p> <p>(b) does not meet the requirements as to authenticity and accuracy (see notes appended) (*)</p>
<p>..... (Place and date)</p>	<p>..... (Place and date)</p>
<div style="border: 1px solid black; width: 80px; height: 50px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <p>Official stamp</p> </div>	<div style="border: 1px solid black; width: 80px; height: 50px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <p>Official stamp</p> </div>
<p>..... (Official's signature)</p>	<p>..... (Official's signature)</p>
	<p>..... (*) Delete where not applicable.</p>

**CROSS REFERENCES**

- (<sup>1</sup>) Name of individual or business and full address.
- (<sup>2</sup>) Optional information.
- (<sup>3</sup>) Kg, hl, m<sup>3</sup> or other measure.
- (<sup>4</sup>) Packaging shall be considered as forming a whole with the goods contained therein. However, this provision shall not apply to packaging which is not of the normal type for the article packed, and which has a lasting utility value of its own, apart from its function as packaging.
- (<sup>5</sup>) The value must be indicated in accordance with the provisions on rules of origin.

## ANNEX III

## on the application of Article 12

*Article 1*

1. At the request of a Member State or on its own initiative the Commission may decide to apply to products originating in the countries and territories the safeguard measures which the Community may take pursuant to Article 12 of the Decision in particular a temporary, total or partial suspension of the tariff and other measures provided for by the Decision for the benefit of the countries and territories.

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.

Member States shall be notified of the safeguard measures which shall apply immediately.

2. Any Member State may refer the measures taken by the Commission to the Council within 10 working days following the date of notification of such a measure. The Council shall meet without delay. Acting by a qualified majority, it may amend or rescind the measure in question.

*Article 2*

1. Without prejudice to the application of Article 1, the Commission may, in order to enable a Member State to face up to the disturbances or difficulties referred to in Article 12 of the Decision, authorize that Member State to take safeguard measures.

If the Commission has received a request from the Member State concerned, 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.

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.

*Article 3*

1. Without prejudice to the application of Article 2, the Member State or States concerned may, in an emergency, introduce safeguard measures. They shall notify the other Member States and the Commission of such measures forthwith.

Using an emergency procedure, 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 safeguard measures, the Commission's decision shall be suspended. The 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.

3. For the purposes of applying this Article, priority must be given to such measures as will least disturb the functioning of the common market.

*Article 4*

This Annex shall not preclude application of the Regulations establishing a common organization of agricultural markets or of Community or national administrative provisions resulting therefrom, or of the specific Regulations adopted pursuant to Article 235 of the Treaty for processed agricultural products. It shall be implemented as a complement to these instruments.

## ANNEX IV

## on imports of cane sugar originating in the countries and territories

## Article 1

1. The Community shall purchase and import, at guaranteed prices, specific quantities of cane sugar, raw or white, which originate in the countries and territories and which the said countries and territories deliver to it.

2. The implementation of this Annex shall be carried out within the framework of the management of the common organization of the market in sugar. The safeguard clause in Article 12 of the Decision shall not apply.

## Article 2

The quantities of cane sugar referred to in Article 1, expressed in metric tons of white sugar, hereinafter referred to as 'specified quantities', for delivery in each 12-month period referred to in Article 3, will be as follows:

Belize	39 400,
St Kitts, Nevis and Anguilla	14 800,
Surinam	4 000.

## Article 3

In each 12-month period from 1 July to 30 June inclusive, hereinafter referred to as the 'delivery period', the sugar-exporting countries and territories shall deliver the quantities referred to in Article 2, subject always to any adjustments resulting from the application of Article 6.

## Article 4

1. White or raw cane sugar shall be marketed on the Community market at prices freely negotiated between buyers and sellers.
2. The Community will not intervene if and when a Member State allows selling prices within its borders to exceed the Community's threshold price.
3. The Community shall purchase, at the guaranteed price, quantities of white or raw sugar, within the specified quantities which cannot be marketed in the

Community at a price equivalent to or in excess of the guaranteed price.

4. The guaranteed price, expressed in units of account, shall refer to unpacked sugar, cif European ports of the Community. It shall be fixed annually in respect of standard quality sugar as defined by Community rules, within the price range obtaining in the Community, taking into account all relevant economic factors, at the latest by 1 May immediately preceding the delivery period to which it will apply.

## Article 5

Purchase at the guaranteed price, referred to in Article 4 (3), shall be assured through the medium of the intervention agencies or other agents appointed by the Community.

## Article 6

1. If, during any delivery period, a sugar-exporting country or territory fails to deliver its specified quantity in full for reasons of *force majeure* the Commission shall, at the request of the Member State with which the country or territory in question has special relations, allow the necessary additional period for delivery.

2. If the relevant authority of a sugar-exporting country or territory informs the Commission during the course of a delivery period that it will be unable to deliver its specified quantity in full and that it does not wish to take advantage of the additional period referred to in paragraph 1, the shortfall will be reallocated by the Commission for delivery during the delivery period in question.

3. If, during any delivery period, a sugar-exporting country or territory fails to deliver its specified quantity in full for reasons other than *force majeure*, that quantity shall be reduced in respect of each subsequent delivery period by the shortfall.

4. It may be decided by the Commission that in respect of subsequent delivery period, the shortfall shall be reallocated among the other countries and territories which are referred to in Article 2.

*Annex to Annex IV*

For the period up to 30 June 1976 and in respect of the quantities specified in Article 2 of Annex IV, the guaranteed prices referred to in Article 4 (4) of this Annex shall be as follows:

- (a) for raw sugar, 25.53 units of account per 100 kg;
- (b) for white sugar, 31.72 units of account per 100 kg.

The prices shall refer to sugar of standard quality as defined in Community rules, unpacked, cif European ports of the Community.

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## ANNEX V

## on the application of financial and technical cooperation

*Article 1*

In the context of the objectives laid down in Article 28 of the Decision, it is agreed that the projects and programmes must help ensure all or part of the following effects:

- growth of the national income of each country or territory;
- improvement of the standard of living and the socio-cultural levels of populations and of the most underprivileged in particular;
- the establishment of more balanced economic relations between the countries and territories and other countries, their greater participation in world trade in general, including, in particular, trade in manufactured products;
- improvement and control of the conditions of development, in particular physical factors and technical know-how;
- diversification and integration of the structure of the economy, on both a sectoral and a geographical basis;
- regional cooperation between the countries and territories and, where appropriate, between the countries and territories and other developing countries.

## CHAPTER 1

## Financing procedures

*Article 2*

Special loans shall serve to finance all or part of projects or programmes of general interest to the economic and social development of the country or territory or countries or territories in which they are to be undertaken.

As a general rule, these loans shall be made for a duration of 40 years, with a grace period of 10 years. They shall bear interest at the rate of 1% per year.

*Article 3*

1. In order to assist the execution of industrial, mining and tourism projects of general interest to the

economy of the country or territory or countries or territories concerned, the Community may grant assistance in the form of risk capital in order to step up the own resources, or resources assimilated thereto, of the firms of those countries or territories, where appropriate by the acquisition of holdings in the authorized capital of those firms and, more generally, by means of quasi-capital aid.

2. Holdings acquired by the Community in the capital of firms or institutions for financing the development of the countries or territories shall be in the nature of temporary minority holdings. Such operations may be undertaken jointly with a loan from the Bank or with another form of risk capital assistance. As soon as appropriate they shall be transferred, preferably to natural or legal persons of the countries or territories.

3. Quasi-capital assistance may take the form of:

- subordinated loans, which shall be redeemed and in respect of which interest, if any, shall be paid only after the other bank claims have been settled on market terms;
- conditional loans, which shall be serviced and in respect of which redemption shall be due only after fulfilment of conditions laid down when the loan is made by particular reference to the conditions in which the project is being set up. These conditions shall indicate that the project has overcome the particular risks to which it was exposed and has achieved a certain level of profitability.

The terms of such aid shall be determined on a case-by-case basis by reference to the characteristics of the projects financed; the interest rate may not be greater than that of subsidized loans from the Bank.

4. Quasi-capital assistance shall as a general rule be accorded to industrial, mining and tourism firms and to development financing institutions where the

characteristics of their activities and management so permit. It may also be accorded to the countries or territories in order to enable them to acquire a holding in the capital of industrial, mining and tourism firms where such an operation comes under the financing of new productive investments and is supplemented by another financial intervention by the Community.

5. When the Decision expires the credits provided for in the third indent of point (1) (a) of Article 30 (2) of the Decision in the form of risk capital which have not been committed shall be added to those provided for in the second indent of that point in the form of special loans.

#### Article 4

1. Scrutiny by the Bank of the eligibility of projects, and the according of loans from its own resources, shall be effected in accordance with the rules, conditions and procedures provided for in the Bank's Statute, consideration being given to the economic and financial situation of the country or territory or countries or territories concerned and to the factors which guarantee the servicing of repayable aid.

2. The duration of loans made by the Bank from its own resources shall be governed by terms stipulated on the basis of the economic and financial characteristics of the project; this period may not exceed 25 years.

3. The rate of interest shall be the rate charged by the Bank at the time of the signature of each loan contract. This rate shall generally be reduced by 3% by means of an interest rate subsidy. The interest rate subsidy shall, however, be automatically adjusted so that the interest rate actually borne by the borrower will be neither less than 5% nor more than 8%. The interest rate subsidy shall not be applied where the loans are intended for investments in the oil sector or in the mining sector, or where they are situated in countries or territories or concern sectors which will be determined by the Council.

4. The aggregate amount of interest rate subsidies, calculated in terms of its value at the time of the signature of the loan contract at a rate and according to rules to be laid down by agreement between the Commission and the Bank, shall be charged against the amount of grant aid specified in point 1 of Article 30 (2) of the Decision and shall be paid directly to the Bank.

## CHAPTER 2

### Technical cooperation

#### Article 5

1. The technical cooperation referred to in Article 34 of the Decision may be either linked with investments or of a general nature.

2. Technical cooperation linked with investments comprises:

- (a) planning and special and regional development studies;
- (b) technical, economic and commercial studies, and research and surveys required to prepare projects;
- (c) aid in the preparation of dossiers;
- (d) aid in the execution and supervision of work;
- (e) temporary aid for the establishment, launching and operation of a specific investment or of installations, including where necessary the training of personnel for the operation and maintenance of the investment or installations;
- (f) meeting the cost of technicians temporarily and providing goods necessary to the proper execution of an investment project.

3. General technical cooperation comprises:

- (a) the grant of scholarships for studies, training courses and postal tuition to provide, preferably in the countries and territories, for the vocational training and further training of the natural persons thereof;
- (b) the organization of specific training programmes in the countries and territories, in particular for the staff of public services and institutions of the countries and territories or of undertakings therein;
- (c) at the request of the relevant authorities of the countries and territories, the provision of experts, advisers, technicians and instructors of the Member States or of the countries and territories for specific missions and for limited periods;
- (d) the supply of instructional, experimental and demonstration equipment;
- (e) the organization of short training courses for natural persons of the countries and territories and further training courses for civil servants of those countries and territories;

- (f) sectoral studies;
- (g) studies of the prospects and opportunities for economic development and diversification in the countries and territories, and of problems of interest to groups of countries and territories or to the countries and territories as a whole;
- (h) general information and documentation to promote the economic and social development of the countries and territories, the development of trade between the Community and those countries and territories, and the achievement of the aims of financial and technical cooperation.

### CHAPTER 3

#### Regional cooperation

##### Article 6

Within the meaning of the Decision, regional cooperation shall apply to relations either between countries or territories or between one or more countries or territories on the one hand and one or more neighbouring developing third countries on the other. Interregional cooperation shall apply to relations between one or more countries or territories and a regional organization.

##### Article 7

A country or territory or group of countries or territories participating with neighbouring developing countries in a regional project may request the Community to finance that part of the project for which it is responsible.

### CHAPTER 4

#### Special measures in favour of the least developed countries and territories

##### Article 8

Community aid accorded to the least developed countries or territories shall be combined with particularly favourable terms of financing, having regard to the economic situation specific to each of them.

Generally, such financing shall be in the form of grants and, in appropriate cases, in the form of special loans or risk capital. However, loans from the Bank's own resources may be accorded in the

countries or territories concerned, having regard to the criteria defined in Article 31 of the Decision.

##### Article 9

1. At the request of the relevant authorities of the least developed countries or territories, the Community shall give special attention to the application of the following aid measures:

- (a) technical assistance necessary for identifying, preparing and carrying out their projects;
- (b) training schemes for management and other staff required for the economic development services and technical departments of those countries or territories. Such training must be closely linked to the practical objectives set by the country or territory concerned and carried out, as far as possible, in that country or territory.

2. The following special aid measures may also be applied to those countries or territories:

- (a) support for research aimed at finding solutions to some of their specific economic and social development problems;
- (b) support for the development of small and medium-sized firms and for carrying out small rural development schemes.

3. By way of derogation from Article 34 (2) of the Decision and on the basis of an examination of the needs and means of each of the countries or territories concerned, the Community may finance, temporarily and on a diminishing scale, the running costs of or major repairs to investments previously financed by the Community which are of special importance to the economic and social development of the country or territory concerned. This aid shall be accorded only where such expenditure on running costs or major repairs proves too great for the country or territory or other beneficiaries.

### CHAPTER 5

#### Specific measures in favour of small- and medium-sized local firms

##### Article 10

1. Within the limits of the resources provided for in Article 30 of the Decision, the Community shall

finance projects in favour of small- und medium-sized firms, cooperatives or local authorities in the countries and territories and shall generally do so through public or semi-public financial bodies specialized in development, such as local or regional development banks approved by the Community and the relevant authority of the country or territory or countries or territories concerned.

2. To this end, the relevant authority of the country or territory or countries or territories shall provide the Community with:

- information on the capacity of the financing body, on the trend of and prospects for its activities in the field in question, and on the guarantees it can offer;
- a programme for the promotion of small firms, indicating in particular the scope and nature of the projects, financing requirements, the existence of possible promoters and, where appropriate, the technical assistance the latter are to be provided with for the preparation and management of their projects.

3. When the Community has approved the programme, it shall open for the approved financial body a line of credit financed by a suitable form of aid.

The line of credit shall be for a maximum amount of two million units of account, which may be used during a limited period of not more than three years. It may be renewed at the end of that period.

4. The terms governing the grant of such aid shall in each case be the subject of an agreement between the Community and the financing body. The outline rules for the implementation of the aid shall be stipulated therein, in particular as regards:

- the scale of the operations, which may not exceed an amount in the order of 200 000 units of account per project;
- the sectors eligible for aid;
- the criteria which must be met by the potential aid recipients;
- the criteria and methods of project appraisal;
- the financial terms of final loans.

5. The projects shall be appraised by the financing body. This body shall decide, on its own financial responsibility, on final loans to be accorded on terms

established by reference to those obtaining for this type of operation in the country or territory in question.

6. The financing body shall finance its loans by mobilizing the line of credit to the extent required. At this stage the Community shall verify that the loans fall within the agreement referred to in paragraph 4.

The financing terms accorded by the Community to the financing body shall take into consideration the latter's need to cover its administrative costs, exchange and financial risks and the cost of technical assistance given to the firms or other final borrowers.

7. The financing body shall be responsible, whatever the circumstances, for repayment to the Community of that part of the line of credit actually mobilized.

It shall provide the Community annually with a report on the implementation and financing of the approved programme.

## CHAPTER 6

### Microprojects

#### *Article 11*

In order to respond concretely to the needs of local communities with regard to development, the Fund may participate in the financing of microprojects.

#### *Article 12*

1. In order to be eligible for Community financing, microprojects must:

- meet a real, priority need at local level;
- ensure the active participation of local communities.

The Fund's contribution to each microproject may not exceed 75 000 units of account.

2. Microprojects shall normally be carried out in rural areas. However, the Community may also assist in the financing of microprojects in urban areas. These projects shall include dams, wells and water supply systems, silos and warehouses for storing

provisions and crops, rural service tracks and bridges, animal vaccination pens and corridors, primary schools, dispensaries, maternity homes, social assistance centres, market buildings and facilities to encourage commercial and industrial activity, and other projects which meet the criteria referred to in paragraph 1.

#### Article 13

Each project for which Community assistance is requested must stem from an initiative taken by the local community which will benefit therefrom.

The financing of microprojects shall in principle have a tripartite structure and shall stem from:

- the recipient local community, in the form of a contribution in money or in kind adapted to its capacity to contribute;
- the country or territory, in the form of a financial contribution or a contribution of public works services;
- the Fund.

For each project, the local community shall undertake to play its part in maintaining and running the project, in conjunction with the local authorities as appropriate.

#### Article 14

1. The relevant authority of the country or territory concerned shall prepare and submit to the Commission an annual programme setting forth the broad outlines of the projects planned.

After examination by the Commission's departments, these programmes shall be submitted to the relevant bodies of the Community for financing decisions.

2. Within the framework of the annual programmes thus drawn up, the financing decisions relating to each microproject shall be taken by the relevant authority of the country or territory concerned, with the agreement of the Commission which shall be deemed to be given within one month of notification of such decision, except in special cases.

### CHAPTER 7

#### Competition and terms of preference for local firms

#### Article 15

1. The Commission and the relevant authorities of the countries or territories shall take the necessary

implementing measures to ensure equality of conditions for participation in tendering procedures and other procedures for the award of contracts financed by the Fund's resources managed by the Commission.

2. To this end, without prejudice to Article 17, care shall be taken in particular to:

- (a) ensure advance publication in reasonable time of invitations to tender in the *Official Journal of the European Communities* and the official journals of the countries and territories;
- (b) eliminate any discriminatory practice or technical specification liable to stand in the way of participation on equal terms by all natural or legal persons of the Member States and of the countries and territories;
- (c) encourage in so far as possible, especially where major works or those of a particular technical nature are to be undertaken, cooperation between the firms of the Member States and of the countries and territories, for example by means of preselection and the creation of groups.

#### Article 16

Where the urgency of the situation is recognized or where the nature, minor importance or particular characteristics of certain works or supplies so warrant, the relevant authorities of the countries and territories may, in agreement with the Commission, exceptionally authorize:

- the award of contracts after restricted invitations to tender;
- the conclusion of contracts by direct agreement;
- the performance of contracts through public works departments.

Furthermore, for schemes costing under two million units of account, recourse to public works departments may be authorized where the recipient country or territory has substantial suitable equipment and qualified staff resources available in its local departments.

#### Article 17

To promote participation by local firms in the performance of contracts financed by the Community from the Fund's resources managed by the Commission:

- (a) an accelerated procedure for issuing invitations to tender involving shorter time limits for the submission of tenders shall be used where the works in question, because of their scale, are mainly of interest to firms of the countries and territories.

This accelerated procedure shall be applied to invitations to tender whose value is estimated at less than two million units of account.

It may be used only for works contracts and shall involve, for the submission of tenders, time limits fixed in accordance with the rules in force in the country or territory concerned.

The use of an accelerated procedure for invitations to tender whose value is less than two million units of account shall not exclude the possibility of the Commission's proposing an international invitation to tender to the authorities of the country or territory for agreement where the works in question, because of their specialized nature, might be of interest to international competition;

- (b) for the execution of works whose value is less than two million units of account a 10% preference shall be taken into account in favour of firms of the countries and territories where tenders of equivalent economic and technical quality are compared.

This preference shall be confined to local firms of the countries and territories within the meaning of the laws in force in those countries and territories provided that their residence for tax purposes and main business are established in a country or territory and that a significant share of the capital and management staff is supplied by one or more countries or territories;

- (c) for the delivery of supplies a 15% preference shall be taken into account in favour of manufacturing firms of the countries and territories where tenders of equivalent technical and economic quality are compared.

This preference shall be confined to local firms of the countries and territories which provide a sufficient margin of value added.

#### Article 18

The Commission and the relevant authorities of the countries and territories shall ensure that Articles 15, 16 and 17 are observed for each operation and that

the tender selected is economically the most advantageous, taking into account in particular the qualifications of and the guarantees offered by the tenderers, the nature and conditions of execution of the works or supplies, and the price, utilization costs and technical value of those works or supplies. Where two tenders are acknowledged to be equivalent on the basis of the criteria stated above, preference shall be given to the one which permits the greatest possible utilization of the physical and human resources of the countries and territories.

The Commission and the relevant authorities of the countries and territories shall ensure that all the selection criteria are specified in the invitation to tender dossier.

The result of invitations to tender shall be published at the earliest possible date in the *Official Journal of the European Communities*.

#### Article 19

1. The general provisions and conditions applicable to the placing and performance of public works contracts financed by the Fund shall be the subject of common rules adopted unanimously by the Council, acting on a proposal from the Commission.

2. Until the decision provided for in paragraph 1 is implemented, the placing and performance of public works contracts financed by the Fund shall be governed:

- as regards the other countries and territories, by relations with France and the Netherlands, by the Council Decision of 24 July 1973 amending the Decision of 29 September 1970 on the association of the overseas countries and territories, with the European Economic Community;
- as regards the other countries and territories, by the laws in force in those countries and territories or their established practices for international contracts.

#### Article 20

1. Any dispute arising between the authorities of the country or territory concerned and the contractor or supplier in the course of execution of a contract financed by the Fund shall be settled by arbitration in accordance with rules of procedure adopted by decision of the Council acting unanimously on a proposal from the Commission.

2. As a transitional measure and pending implementation of the decision referred to in paragraph 1, any disputes will be definitively settled in accordance with the rules of conciliation and arbitration of the International Chamber of Commerce.

#### CHAPTER 8

##### Drawing up, negotiation and conclusion of technical cooperation contracts

###### Article 21

Technical cooperation contracts shall be arranged by mutual agreement. Certain contracts may be awarded following competitive tendering, notably for important, complicated and technically difficult studies where technical, economic or financial reasons justify recourse to this procedure.

###### Article 22

1. For each operation of technical cooperation which will involve a mutual agreement procedure, the Commission shall compile a list of selected candidates from Member States and/or the countries and territories, selected according to criteria guaranteeing their qualifications, experience and independence and taking into account their availability for the proposed undertaking.

The relevant authority of the country or territory concerned shall choose freely the listed candidate it wishes to deal with.

2. When competitive tendering is resorted to, the list of selected candidates shall be drawn up in close collaboration between the Commission and the relevant authority of the country or territory concerned on the basis of the criteria set out in paragraph 1. The contract shall be awarded to the listed candidate that submits the tender judged by the Commission and that authority to be economically the most advantageous.

3. The firms of the countries and territories which may be taken into consideration for technical cooperation actions shall be selected by mutual agreement between the Commission and the relevant authority of the country or territory or countries or territories concerned.

###### Article 23

In the context of the common rules provided for in Article 19 and the general conditions of payment

established by agreement between the Commission and the relevant authorities of the countries and territories, the technical cooperation contracts shall be prepared, negotiated and concluded by the relevant authorities of the countries and territories, in participation and agreement with the Delegate referred to in Article 28.

###### Article 24

The Commission shall, as far as possible, encourage cooperation between consultants and experts of Member States and the countries and territories, temporary partnerships, sub-contracting and the use of local experts in the teams belonging to consultants from Member States.

###### Article 25

When a country or territory has, within its administrative and technical staff, local personnel making up a substantial part of the work-force necessary for the execution by the public works department of a technical cooperation project the Community could, in exceptional cases, contribute to the costs of the public works department by providing certain apparatus that it lacks, or supply the required additional staff in the form of experts of a Member State or of another country or territory.

The participation of the Community could only cover costs incurred by supplementary measures strictly confined to the project in question and would exclude all current operational expenditure.

#### CHAPTER 9

##### Executive agents

###### Article 26

1. The Commission shall appoint the chief authorizing officer of the Fund, who shall ensure that financing decisions are carried out.

He shall take any adaptation measures and commitment decisions which prove necessary to ensure the proper execution of approved projects or programmes in the best economic and technical conditions.

2. Without prejudice to Article 27, the chief authorizing officer shall manage the funds, and shall accordingly commit, clear and authorize expenditure

and keep the accounts of commitments and authorizations.

3. The chief authorizing officer shall ensure equality of conditions for participation in invitations to tender, that there is no discrimination and that the tender selected is economically the most advantageous.

#### Article 27

1. The relevant authorities of each country or territory shall appoint a territorial authorizing officer to represent them in all operations relating to projects financed from the Fund's resources.

2. In addition to his responsibilities in connection with the preparation, submission and appraisal of projects, the territorial authorizing officer shall, in close cooperation with the delegate, issue invitations to tender, receive tenders, preside over the examination of tenders, establish the results of the invitations to tender, sign contracts and riders thereto and estimates and notify the Commission thereof. He shall submit the invitation to tender dossier to the Commission for agreement before issuing invitations to tender.

3. He shall transmit to the chief authorizing officer for agreement the outcome of the examination of the tenders and a proposal for placing the contract.

4. As regards works contracts subject to accelerated procedure, the decisions taken by the territorial authorizing office in implementation of paragraphs 2 and 3 shall be deemed to be approved by the Commission within a period of one month of notification thereof.

5. The territorial authorizing officer shall clear and authorize expenditure within the limits of the funds delegated to him. He shall remain financially liable until the Commission clears the operations for the execution of which he is responsible.

6. During the execution of projects and subject to his informing the delegate as soon as possible, the territorial authorizing officer shall also decide on:

(a) technical adjustments and alterations on matters of detail, so long as they respect the general framework of the project and contract, do not

affect the technical solutions adopted and remain within the limit of the provision for minor adjustments;

(b) minor alterations to estimates during execution;

(c) transfers from item to item within estimates;

(d) changes of site for multiple-unit projects where justified on technical or economic grounds;

(e) application or remission of penalties for delay;

(f) acts discharging guarantors;

(g) purchase of goods, irrespective of their origin, on the local market;

(h) use of construction equipment and machinery not originating in the Member States or in the countries and territories provided there is no production of comparable goods in the Member States or in the countries and territories;

(i) sub-contracting;

(j) final acceptances; however, the delegate must be present at provisional acceptances and endorse the corresponding minutes and, where appropriate, he must be present at final acceptances, in particular where the extent of the reservations recorded at the provisional acceptance necessitates major additional work.

#### Article 28

1. For the purposes of applying the Decision and for the purposes of the Fund's resources which the Commission manages, the Commission shall be represented by delegates in the countries or territories.

2. Provided that an express request is made by the relevant authority of a country or territory to that effect, the delegate shall give technical assistance in preparing and appraising projects financed from the Fund's resources. To this end, he may participate in preparing dossiers for submission, in negotiating, with external technical assistance, contracts for studies, for the services of experts and for works supervision, in seeking ways to simplify project appraisal procedures, and in preparing general specifications and invitation to tender dossiers.

3. The delegate shall, on a regular basis, and in certain cases acting on special instructions from the Commission, inform the authorities to which he is attached of Community activities which may directly concern cooperation between the Community and the countries and territories.

4. The delegate shall collaborate with the local authorities in examining completed projects regularly. Reports on the outcome of the examination shall be drawn up by him and communicated to the relevant authority of the country or territory concerned.

5. Every six months the delegate shall assess the Fund's operations in the country or territory in which he represents the Commission. Reports drawn up in this connection shall be communicated by the Commission to the relevant authority of the country or territory concerned.

6. The delegate shall make sure, on behalf of the Commission, that the projects and programmes financed from the Fund's resources are executed properly from the financial and technical angles.

#### *Article 29*

1. Services provided in connection with projects financed by the Fund with grant aid shall be paid for on instructions from the Commission by drawing on the Fund's accounts.

2. For this purpose, accounts shall be opened on behalf of the Commission with a financial institution, which shall exercise the functions of paying agent.

3. Within the limits of the funds available, the paying agent shall make the disbursements authorized after verifying that the supporting documents provided are substantively accurate and in order, and that the discharge is valid.

## CHAPTER 10

### Other provisions

#### *Article 30*

1. Excess expenditure incurred during the execution of a project financed from the Fund's resources managed by the Commission shall be borne by the country or territory or countries or territories concerned, subject to the following provisions.

2. As soon as it appears likely that a project will involve excess expenditure, the territorial authorizing officer shall so inform the Commission through the delegate and shall make known to it the measures he intends to take in order to cover such excess expenditure, involving either a reduction in the scale of the project or a call on local resources.

3. If it appears impossible to reduce the scale of the project or to cover the excess expenditure by drawing on local resources, the Community body responsible for taking the financing decisions may, as an exceptional measure, take a decision to commit additional funds and finance the relevant expenditure either by savings made on other projects or by implementing supplementary measures worked out jointly by the Commission and the relevant authority of the country or territory or countries or territories concerned.

4. Without prejudice to the arrangements provided for in paragraphs 2 and 3, the territorial authorizing officer shall decide, in concert with the chief authorizing officer, to earmark unexpended balances resulting from savings shown when the accounts of projects are closed for covering excess expenditure on another project, provided that such excess expenditure is not greater than a fixed ceiling of 15% of the total appropriation for the project in question.

#### *Article 31*

Financing and administrative expenses arising out of the administration of the Fund and the costs of supervising projects and programmes shall be covered by the Fund.

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*ANNEX VI***relating to Article 2**

The duties which may be temporarily retained under Article 38 of the Act of Accession shall remain generally applicable and Article 2 (1) of the Decision may not constitute an exception thereto.

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*ANNEX VII***relating to Article 3**

Article 3 (1) of the Decision shall be without prejudice to the special system applicable to imports of motor vehicles and the motor vehicle assembly industry in Ireland which are the subject of Protocol 7 to the Act of Accession.

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*ANNEX VIII***Declaration by the Government of the Kingdom of the Netherlands**

The Government of the Kingdom of the Netherlands draws attention to the constitutional structure of the Kingdom resulting from the Statute of 29 December 1954, and in particular to the autonomy of the non-European parts of the Kingdom so far as concerns certain provisions of the Decision and the fact that the Decision was, in consequence, adopted in cooperation with the Government of the Netherlands Antilles pursuant to the constitutional procedures in force in the Kingdom.

It declares that, for that reason and without prejudice to the rights and obligations devolving upon it under the Treaty and under the Decision, the Government of the Netherlands Antilles will fulfil the obligations arising out of the Decision.

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*ANNEX IX***on exports of bananas by the countries and territories**

As regards its exports of bananas to the Community, no country or territory shall be placed, as regards access to the markets and market advantages, in a less favourable situation than in the past or at present; the countries and territories may also benefit from the efforts made by the Community in the context of the ACP-EEC Convention of Lomé in order to enable them to increase their banana exports to their traditional Community markets.

Comparable endeavours will also be undertaken to enable the countries and territories to gain a foothold in new Community markets and to expand their banana exports to those markets.

**COUNCIL DECISION**

of 14 February 1977

**adjusting Decision 76/568/EEC on the association of the overseas countries and territories with the European Economic Community**

(77/155/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 76/568/EEC of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community, and in particular Article 56 thereof,

Having regard to the proposal from the Commission,

Whereas Decision 76/568/EEC provides that adjustments must be made to it where an overseas country or territory which has become independent accedes to the ACP-EEC Convention of Lomé<sup>(1)</sup>, hereinafter called the 'Convention';

Whereas the Republic of Surinam, the Republic of the Seychelles and the Comoro State, which are listed in Annex I to Decision 76/568/EEC, having become independent, requested to accede to the Convention; whereas the ACP-EEC Council of Ministers approved these requests at its first meeting; whereas these States deposited their instruments of ratification with the General Secretariat of the Council and thus acceded to the Convention on 16 July, 27 August and 13 September 1976 respectively;

Whereas the various lists contained in Decision 76/568/EEC and the amounts stated in Article 30 thereof should therefore be adjusted,

(<sup>1</sup>) OJ No L 25, 30. 1. 1976, p. 1.

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The following shall be deleted in Article 23 (5) and Article 26 of Decision 76/568/EEC:

- 'the Comoros', and
- 'Seychelles'.

2. The following shall be deleted in Annex I to Decision 76/568/EEC:

- 'the Comoros',
- 'Seychelles', and
- 'Surinam'.

3. The following shall be deleted in Article 2 of Annex IV to Decision 76/568/EEC: 'Surinam: 4 000'.

*Article 2*

The text of Article 30 of Decision 76/568/EEC is replaced by the following text:

*'Article 30*

The following provisions shall apply with effect from 16 July 1976:

1. The aggregate amount of the Community's aid shall be reduced to 128.40 million European units of account.

## 2. This amount comprises

(a) 118.40 million European units of account from the European Development Fund (1975), hereinafter called the 'Fund', allocated as follows:

(i) for the purposes set out in Article 28, 98.40 million European units of account, consisting of:

- 45 million European units of account in the form of grants,
- 34.40 million European units of account in the form of special loans,
- 4 million European units of account in the form of risk capital,
- 15 million European units of account in the form of a reserve,

(ii) 20 million European units of account, likewise from the Fund, in the form of transfers to the countries and territories for the stabilization of export earnings.

(b) For the purposes set out in Article 28, up to 10 million European units of account in the form of loans from the Bank, made from its own resources on the terms and conditions provided for in its statute and supplemented, as a general rule, by a 3 % interest rate subsidy, under the conditions laid down in Article 4 of Annex V.

The total cost of the interest rate subsidies shall be charged against the amounts of aid provided for in point 2 (a) (i).

3. Following the accession of the Republic of Surinam, the Republic of the Seychelles and the Comoro State to the Convention, the amounts provided for in the form of grants, special loans, and a reserve, initially allocated in three equal parts among the French overseas territories and departments and the Netherlands and United Kingdom overseas countries and territories, shall be reduced in accordance with Decision 77/155/EEC.

4. (a) Of the portion allocated to the French overseas territories and departments:

— 13 million European units of account shall remain blocked until the entry into force of the Agreement amending the Internal Agreement on the financing and administration of aid signed on 11 July 1975;

— 7.70 million European units of account shall be allocated to the French overseas departments;

— 1.50 million European units of account shall remain allocated as financial aid to the least-favoured overseas countries and territories, irrespective of the zones within which they fall.

(b) The sums allocated to the French overseas territories shall amount to 14.50 million European units of account, consisting of:

— 12.50 million European units of account taken from the share allocated to the French overseas territories and departments;

— 2 million European units of account pursuant to Decision 76/569/EEC.

*Article 3*

This Decision shall enter into force on 16 July 1976.

However, Article 1 shall take effect in respect of each of the States which have become independent only on the date of its accession to the Convention.

*Article 4*

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 14 February 1977.

*For the Council*

*The President*

J. SILKIN

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<p>Regulation (EEC) No 1725/75 of the Commission of 4 July 1975 on detailed rules for the application of the arrangements governing the importation of beef and veal originating in the African, Caribbean and Pacific States or in the overseas countries and territories .....</p>	<p>286 - 287</p>
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<p>77/157/EEC: Council Decision of 14 February 1977 amending the list of the countries and territories referred to in Decision 76/198/EEC on import arrangements for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff originating in the overseas countries and territories associated with the European Economic Community .....</p>	<p>586</p>
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## COUNCIL DECISION

of 7 June 1971

on the definition of the concept of 'originating products' and on methods of administrative cooperation for the application of the Decision of 29 September 1970 on the Association of the Overseas Countries and Territories with the European Economic Community

(71/231/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Council Decision <sup>1</sup> of 29 September 1970 on the Association of the Overseas Countries and Territories with the European Economic Community (hereinafter called 'countries and territories'), and in particular Article 9 thereof;

Having regard to the draft from the Commission;

Whereas an Agreement relating to the products within the province of the European Coal and Steel Community was signed on 14 December 1970;

Whereas a single text containing all the provisions of the Decisions relating to the concept of 'originating products' and which were made in application of the Decision of 25 February 1964 on the Association of the Overseas Countries and Territories with the European Economic Community would be very useful and would facilitate the task of the users and of customs authorities;

Whereas, furthermore, those Decisions must be amplified in certain respects in the light of experience gained,

HAS ADOPTED THIS DECISION:

## TITLE I

## Definition of the concept of 'originating products'

## Article 1

For the purposes of Title I of the Council Decision of 29 September 1970 on the Association of the Overseas Countries and Territories with the European Economic Community (hereinafter called 'Decision of 29 September 1970'), the following shall be considered as originating products:

- (a) products wholly obtained or produced in one or more Member States, countries or territories;
- (b) products obtained or produced in the Member States, countries or territories and in the manufacture of

<sup>1</sup> OJ No L 282, 28.12.1970, p. 83.

which were used products other than those referred to under (a), on condition that those products have, within the meaning of Article 3, been sufficiently worked or processed.

In both cases, the products must have been transported directly, within the meaning of Article 5, from the exporting Member States, country or territory to the importing Member State, country or territory.

This Decision shall for the time being not apply to the products specified in List C.

## Article 2

The following shall be considered, within the meaning of Article 1 (a), as being 'wholly obtained or produced' in one or more Member States, countries or territories:

- (a) mineral products extracted from the ground thereof;
- (b) vegetable products harvested therein;
- (c) live animals born and raised therein;
- (d) products derived from live animals raised therein;
- (e) products of hunting and fishing carried on therein;
- (f) marine products obtained from the sea by their ships;
- (g) waste and scrap products derived from manufacturing operations and used articles, if they were collected therein and are only fit for the recovery of raw materials;
- (h) goods obtained exclusively from the animals or products referred to in subparagraphs (a) to (g) or from their derivatives.

## Article 3

For the purposes of Article 1 (b), the following shall be considered as sufficient:

- (a) any work or process which has the effect of placing the goods obtained under a different tariff heading from that relating to each of the products used, with the exception, however, of those specified in List A.

to which the special provisions relating to that list apply:

- (b) any work of process specified in List B.

Tariff headings means the headings of the Brussels Nomenclature for the classification of goods in customs tariffs.

#### Article 4

Where Lists A and B referred to in Article 3 provide that goods obtained in a Member State, country or territory shall be considered as originating therein only if the value of the products used does not exceed a specified percentage of the value of the goods obtained, the values to be taken into consideration in determining this percentage shall be as follows:

- on the one hand:

for products the importation of which can be proved: their value for customs purposes at the time of importation:

for products of unknown origin: the first verifiable price paid for those products in the territory of the Member State, country or territory where manufacturing takes place:

- on the other hand:

the ex-factory price of the goods obtained, less internal taxes refunded or to be refunded in case of exportation.

#### Article 5

The following shall be considered as transported directly from the exporting Member State, country or territory to the importing Member State, country or territory:

- (a) products transported without passing through the territory of a country not party to the Association or without transshipment in any such country;
- (b) products transported through the territory of one or more countries which are not parties to the Association or with transshipment in such countries provided that carriage through such countries is covered by a single transport document made out in a Member State, country or territory;
- (c) products which, without being covered by a single transport document made out in a Member State, country or territory, pass through the territory of one or more countries which are not parties to the Association, provided that the crossing of these countries is justified for geographical reasons within the meaning of Article 28 and that the conditions laid down therein are satisfied.

For the purposes of this Article, the territory of an Associated State, within the meaning of the Convention of Association between the European Economic Community and the African and Malagasy States associated with that Community, shall not be considered as territory of a country not party to the Association.

## TITLE II

### Organization of methods of administrative cooperation

#### Article 6

'Originating products' within the meaning of this Decision shall be accepted as coming under Title I of the Decision of 29 September 1970 in the importing Member State, country or territory on production of a movement certificate A.B.1 endorsed by the customs authorities of the exporting Member State, country or territory.

Nevertheless, products sent by post (including parcel post) shall, on production of a form A.B.2, be accepted by the importing Member State, country or territory as coming under Title I of the Decision of 29 September 1970 if the packets contain only 'originating products' and if the value per packet does not exceed 600 units of account.

#### Article 7

The movement certificate A.B.1 shall be endorsed only upon written application by the exporter, made out on the form prescribed for this purpose.

#### Article 8

The movement certificate A.B.1 shall be endorsed by the customs authorities of the exporting Member State, country or territory at the time of exportation of the goods to which it relates. It shall be made available to the exporter as soon as actual exportation has been effected or ensured.

Exceptionally, the movement certificate A.B.1 may be endorsed after exportation of the goods to which it relates if, because of unintentional errors or omissions or special circumstances, it was not produced at the time of exportation. In such case, a special note shall be added explaining the circumstances in which it was endorsed.

The movement certificate A.B.1 may be endorsed only where it can be regarded as the document required for the application of the preferential system provided for by Title I of the Decision of 29 September 1970.

#### Article 9

The movement certificate A.B.1 must be submitted within five months of the date of endorsement by the customs of the exporting Member State, country or territory to the customs office of the importing Member State, country or territory where the goods are presented.

#### Article 10

The movement certificate A.B.1 shall be made out in the form shown in Annex V. It shall be in one of the official languages in which the Treaty establishing the European Economic Community is drawn up, and shall comply

with the internal laws of the exporting Member State, country or territory. It shall be typed or handwritten: if the latter it shall be completed in ink in block letters.

The size of the certificate shall be 210 x 297 mm. The paper shall be free of mechanical pulp, dressed for writing purposes and shall weigh at least 64 g/m<sup>2</sup>, or between 25 and 30 g/m<sup>2</sup> if airmail paper is used. It shall have a printed green guilloche pattern background such as to reveal any falsification by mechanical or chemical means.

The front of each certificate shall bear a band consisting of three blue stripes, each 3 mm wide, running diagonally from the lower left to the top right corner.

The Member States, countries and territories may themselves print the certificate forms or may entrust the work to printers appointed by them. In the latter case, reference to the appointment must appear on each certificate. Each certificate shall bear the name and address of the printer or a mark enabling the printer to be identified. It shall also bear an individual serial number.

#### *Article 11*

The movement certificate A.B.1 shall be submitted to the customs authorities of the importing Member State, country or territory in accordance with the procedures laid down by that Member State, country or territory. Those authorities shall have the right to require a translation of it. Moreover, they may require the import declaration to be supplemented by a note from the importer certifying that the goods satisfy the conditions required for the purposes of Title I of the Decision of 29 September 1970.

#### *Article 12*

Form A.B.2, of which a specimen is shown in Annex VI, shall be completed by the exporter. It shall be in one of the official languages in which the Treaty establishing the European Economic Community is drawn up, and shall comply with the internal laws of the exporting Member State, country or territory. It shall be typed or handwritten: if the latter it shall be completed in ink in block letters.

Form A.B.2 shall consist of two parts, each measuring 210 x 148 mm. White paper shall be used, free of mechanical pulp, dressed for writing purposes and weighing at least 64 g/m<sup>2</sup>. The front of part 1 and the label in part 2 shall bear a band consisting of three blue stripes, each 3 mm wide, running diagonally from the lower left to the top right corner.

Form A.B.2 may be perforated by machine so that the two parts and also the label of part 2 may be detachable. The reserve side of the label may be gummed.

The Member States, countries or territories may themselves print the forms or may entrust the work to printers

appointed by them. In the latter case, reference to the appointment must appear on each form. Each form shall bear the name and address of the printer or a mark enabling the printer to be identified. It shall also bear an individual serial number.

#### *Article 13*

A form A.B.2 shall be made out for each postal packet. After completing and signing both parts of the form, the exporter shall place his declaration (part 1) inside the parcel and glue the label from part 2 to the outer wrapping of the packet.

These provisions shall not exempt exporters from completing the other formalities laid down by customs or postal regulations.

#### *Article 14*

Unless improper use is suspected, the customs authorities of the importing Member State, country or territory shall accept as coming under Title I of the Decision of 29 September 1970 the goods contained in a parcel bearing a label A.B.2.

#### *Article 15*

1. The Member States, countries and territories shall, without requiring production of a movement certificate A.B.1 or completion of a form A.B.2, accept as 'originating products' coming under Title I of the Decision of 29 September 1970 goods sent in small parcels to individuals or contained in the personal luggage of travellers, if the goods imported have no commercial character, provided they are declared to comply with the conditions required for the application of these provisions and the accuracy of this declaration is not in doubt.

2. Importations shall be treated as having no commercial character if they take place occasionally and consist exclusively of goods for the personal or family use of the consignees or travellers: the nature or quantity of such goods must not be such as might indicate that they are being imported for commercial reasons. Moreover, the total value of these goods must not exceed 60 units of account for small parcels or 200 units of account for the contents of the personal luggage of travellers.

#### *Article 16*

The competent authorities of the Member States, countries and territories shall afford each other assistance through their respective customs authorities in verifying the authenticity and accuracy of the movement certificates A.B.1 and the exporter's declaration on the forms A.B.2 in order to ensure correct application of this Title.

## TITLE III

**Issue of movement certificate A.B.1 and conditions for the use of movement certificate A.B.1 and form A.B.2****A. Issue of movement certificate A.B.1***Article 17*

1. The exporter shall be responsible for applying for endorsement of a movement certificate A.B.1, either in person or by his agent duly authorized to sign the export declaration. This application shall be made out on form A.B.1 which must be completed in accordance with Title II of this Decision and with the rules set out on the back of the first page of that form.

2. The exporter or his agent shall attach to the application any relevant document which may prove that a movement certificate A.B.1 relating to the goods to be exported may be endorsed.

*Article 18*

1. The customs authorities of the exporting Member State, country or territory shall be responsible for seeing that the form A.B.1 is duly completed. They shall, in particular, check whether the section reserved for the description of the goods has been completed in such a way as to exclude any possibility of fraudulent addition. To this end, the description of the goods must be given without any space between the lines. Where the section has not been completely filled up, a horizontal line must be drawn below the last line, the part not filled in being crossed through.

2. As the movement certificate A.B.1 constitutes the document required for the application of the preferential tariff and quota system provided for by the Decision of 29 September 1970, the customs office of the exporting Member State, country or territory shall check thoroughly the origin of the goods and verify the other statements on the certificate.

*Article 19*

1. The customs authorities of a Member State shall endorse the movement certificate A.B.1 if the goods to be exported can be considered as 'originating products' of the Community within the meaning of this Decision.

2. In order to verify that the condition referred to in paragraph 1 is satisfied the customs authorities may require production of any supporting document or carry out any verification they consider necessary.

3. The customs authorities of the Member State shall refuse to endorse a movement certificate A.B.1 if the export documents submitted reveal that the goods to which the certificate relates are not destined for a country party to the Association.

*Article 20*

1. The customs authorities of a country or territory shall endorse the movement certificate A.B.1 if the goods to be exported can be considered as 'originating products' of the countries or territories within the meaning of this Decision.

2. In order to verify that the condition referred to in paragraph 1 is satisfied, the customs authorities may require any supporting document or carry out any verification they consider necessary.

3. The customs authorities of the country or territory shall refuse to endorse a movement certificate A.B.1 if the export documents submitted reveal that the goods to which the certificate relates are not destined for a country party to the Association.

*Article 21*

In the part of the movement certificate A.B.1 reserved for customs use, reference must be made to the date and type or serial number of the export document on production of which the exporter's declaration is certified.

*Article 22*

Where a movement certificate A.B.1 covers products originally imported from a Member State, country or territory and re-exported in the unaltered state, the new certificates issued in the re-exporting Member State, country or territory shall indicate the Member State, country or territory in which the original certificate was issued.

*Article 23*

The customs stamp shall be applied by means of a metal seal, preferably made of steel. The Member States, countries and territories shall transmit to one another, through the Commission of the European Communities, specimens of the impressions made by the seals used in their customs offices.

*Article 24*

1. Where goods which are to be exported from a Member State, country or territory to an unknown final destination are not covered by a single transport document drawn up in a Member State, country or territory and pass through the territory of one or more countries which are not parties to the Association, without this being considered as an interruption of direct transport, the exporter may apply for issue of a provisional movement certificate A.B.1.

In that case, one of the following endorsements shall be marked in red ink, in the 'Remarks' section of the certificate: 'VORLAUFIG', 'PROVISOIRE', 'PROVVISORIO', 'VOORLOPIG', ('PROVISIONAL').

2. When the final destination of the goods has been established, the provisional movement certificate A.B.1 shall be treated as a final movement certificate A.B.1 for all or part of the goods described therein, on condition that on written application by the importer it is approved for this purpose by the customs office at which the goods are presented. The application must be accompanied by the provisional certificate and the documents showing that the goods have been dispatched to a Member State, country or territory.

Approval shall relate solely to goods destined for the Member State, country or territory where the customs office which is carrying out the operation is situated.

If approval relates to all the goods described in the provisional certificate, the customs office which granted the approval shall withdraw that certificate.

If approval concerns only some of the goods described in the provisional certificate, the customs office called upon to effect the operation shall issue a final certificate relating only to the goods actually presented. It shall make an appropriate note on the provisional certificate which shall be sent to the customs offices to which the goods not presented will be dispatched. The date of the final certificate shall be that on which the provisional certificate was endorsed.

#### Article 25

One or more movement certificates A.B.1 may at any time be replaced by one or more other certificates A.B.1, on condition that replacement is effected at the customs office where the goods are located.

#### Article 26

1. If, as a result of unintentional errors or omissions or special circumstances, no application for a movement certificate A.B.1 was made at the time the goods were exported, such a certificate may be issued after actual exportation of the goods to which it is to relate.

In that case, the exporter shall:

- apply for it in writing, giving details as to the nature of the goods, the quantities involved, packing, marks and the place and date of dispatch,
- confirm that no certificate A.B.1 was issued when the goods in question were exported, stating the reasons therefor.
- attach a form A.B.1 duly completed and signed.

2. The customs authorities may issue a movement certificate A.B.1 retrospectively only after checking whether the information in the exporter's application conforms with that contained in the corresponding file.

Certificates issued retrospectively must be marked with one of the following endorsements in red ink: 'NACHTRAGLICH AUSGESTELLT', 'DELIVRE A

POSTERIORI', 'RILASCIATO A POSTERIORI', 'AFGEGEVEN A POSTERIORI', ('ISSUED RETROSPECTIVELY').

#### Article 27

In case of theft, loss or destruction of a movement certificate A.B.1, the exporter may ask the issuing customs authorities for a duplicate made out on the basis of the export documents in their possession.

The duplicate thus issued shall be marked with one of the following endorsements in red ink: 'DUPLIKAT', 'DUPLICATA', 'DUPLICATO', 'DUPLICAAT', ('DUPLICATE').

The duplicate shall be valid from the date when the original certificate A.B.1 was endorsed.

#### B. Conditions for the use of movement certificate A.B.1.

#### Article 28

1. Goods transported without passing through the territory of a country not party to the Association without transshipment in such a country shall be considered as transported directly.

The following shall not, however, be considered as an interruption of direct transport:

- (a) calling at ports situated on the territory of countries not party to the Association;
- (b) transshipments in such ports attributable to *force majeure* or events at sea;
- (c) passing through the territory of one or more countries which are not parties in the Association or transshipment in such countries, provided that carriage through such countries is covered by a single transport document made out in a Member State, country or territory;
- (d) passing through the territory of one or more countries which are not parties to the Association if those countries are crossed for geographical reasons.

In such case, and where the products are not covered by a single transport document made out in a Member State, country or territory, the goods must be sent via one of the following ports:

**Auckland (New Zealand), Colon (Panama), San Francisco (United States), Sydney (Australia)**

as regards trade with French Polynesia:

**Colon (Panama)**

as regards trade with Surinam.

2. While passing through the territory of the countries referred to in paragraph 1, the goods shall remain under the supervision of the customs authorities of the country of transit and may not be put into free circulation there. During their stay in the country of transit, they may

undergo such usual forms of handling as are needed to ensure their preservation in the unaltered state.

3. Proof that the conditions referred to in paragraph 2 are satisfied shall be furnished by production of a certificate issued by the customs authorities of the country of transit and containing

- an exact description of the goods.
- the date of loading or unloading of the goods, with the names of the ships.
- a certified statement of the conditions under which the goods stayed in the country.

Where it is impossible to produce this certificate, the customs authorities shall take account of any documentary proof submitted to them.

#### Article 29

Movement certificates A.B.1 submitted to the customs authorities of the importing Member State, country or territory after expiry of the period specified in Article 9 may be accepted for the purposes of application of the preferential system where failure to observe the time limit is due to a case of *force majeure* or to exceptional circumstances.

Apart from these cases, the customs authorities of the importing Member State, country or territory may accept the certificates where the goods were presented to them before expiry of the period.

#### Article 30

Slight discrepancies between the particulars entered on the movement certificate A.B.1 and those entered on the documents produced at the customs office as part of the formalities for importing the goods shall not automatically invalidate the certificate if it is duly established that the latter corresponds to the goods presented.

#### C. Passing through free zones

##### Article 31

The countries party to the Association shall take all necessary measures to prevent goods which are the subject of trade within the Association under cover of a movement certificate A.B.1 and which in the course of carriage stay in a free zone (including free port and free warehouses) situated on their territory from undergoing any form of handling other than that needed to ensure their preservation in the unaltered state.

#### D. Postal packets (including parcel post)

##### Article 32

1. The exporter shall be responsible for completing and signing both parts of form A.B.2, either in person or by his agent.

If the goods contained in the packet have already been subject to inspection in the exporting Member State, country or territory, having regard to the definition of

the concept of 'originating products', the exporter may quote references relating to such inspection in the 'Remarks' section of form A.B.2 (Part 1).

2. The exporter shall write, either on the green label C1 or declaration C2 or C2M or on customs declaration CP3 or CP3M, the letters 'A.B.2' and the serial number of the A.B.2 form used. He shall also enter these letters and that number on the invoice relating to the goods contained in the packet.

#### E. Small parcels and personal luggage

##### Article 33

Goods sent in small parcels to individuals or contained in the personal luggage of travellers shall be exempt from the production of a movement certificate A.B.1 or from the making out of a form A.B.2, where these are imports satisfying the conditions provided for in Article 15.

#### F. Subsequent verification of movement certificate A.B.1 or form A.B.2

##### Article 34

1. Subsequent verification of movement certificate A.B.1 or form A.B.2 is to be carried out at random, and also wherever the customs authorities of the importing Member State, country or territory have reasonable doubt as to the authenticity of the document or the accuracy of the information relating to the true origin of the goods in question or of certain parts thereof.

2. For the purposes of application of paragraph 1, the customs authorities of the importing country shall return the movement certificate A.B.1 or part 1 of form A.B.2 to the customs authorities of the exporting country specifying the reasons relating to fact or form which justify an inquiry. They shall attach to part 1 of form A.B.2, if it has been produced, the invoice or a copy thereof, and shall forward any information which it has been possible to obtain and which suggests that the particulars given on the certificate or on the form are inaccurate.

If the customs authorities of the importing country decide to suspend application of Title I of the Decision of 29 September 1970 pending the results of the verification, they shall offer the importer release of the goods subject to such precautionary measures as may be considered necessary.

3. The results of subsequent verification shall be made known to the customs authorities of the importing country within three months. The results must be such as to make it possible to ascertain whether the movement certificate A.B.1 or the form A.B.2 in dispute relates to the goods actually exported and whether the preferential system does in fact apply to them.

Where no agreement can be reached by the customs authorities of the importing country and those of the exporting country or where a problem of interpretation of this Decision arises in connection with the dispute, the matter shall be put before a body designated for this purpose by the Council.

For the purpose of subsequent verification of the certificates, the export documents or copies of certificates in lieu thereof must be retained by the customs authorities of the exporting country for two years.

TITLE IV  
Final provisions

*Article 35*

The application of Titles I and II of this Decision and the economic effects resulting therefrom shall be reviewed annually with a view to making any necessary adjustments.

This view may be made more frequently at the request of a Member State.

*Article 36*

The explanatory notes, Lists A, B and C, the specimen movement certificate A.B.1 and the specimen form A.B.2

which are annexed to this Decision shall form an integral part thereof.

As a temporary measure, up to and including 31 December 1971, certificates which correspond to the specimen annexed to the Decision of 5 May 1966 may be endorsed by the customs authorities of the exporting Member State, country or territory and used as provided for in this Decision.

*Article 37*

This Decision shall enter into force on 1 July 1971.

This Decision is addressed to the Member States.

Done at Luxembourg, 7 June 1971.

*For the Council*  
*The President*  
M. SCHUMANN

ANNEX I

EXPLANATORY NOTES

**Note 1: to Article 1**

The expression 'in one or more Member States, countries or territories' shall also cover territorial waters.

Ships operating on the high seas, including 'factory ships' on board which fishery catches are processed or prepared, shall be deemed to form part of the territory of the Member State, country or territory to which they belong, provided that they satisfy the conditions set out in Explanatory Note 4.

**Note 2: to Article 1**

In order to determine whether a product originates in a Member State, country or territory, no investigation shall be made as to whether the power, equipment, machinery and tools used in obtaining this product originated in a third country.

**Note 3: to Article 1**

Packaging shall be considered as forming an integral part of the products it contains. Nevertheless, this provision shall not apply to packaging which is not of the usual type for the product packed and which has a lasting utility value of its own, apart from its nature as packaging.

**Note 4: to Article 2 (f)**

The expression 'their ships' shall apply only in respect of ships:

- which are registered or recorded in a Member State, country or territory,
- which fly the flag of a Member State, country or territory,
- which belong at least half to nationals of the Member States, countries or territories or to a company whose head office is situated in such a Member State, country or territory, and of which the manager or managers, the chairman of the board of directors or of the supervisory board and the majority of the members of these boards are nationals of the Member States, countries or territories and of which, in addition, as regards companies, whether or not with limited liability, at least half the capital belongs to Member States, countries or territories, to bodies governed by public law or to nationals of those Member States, countries or territories,
- whose officers are all nationals of the Member States, countries or territories, and
- of which at least 75 % of the crew is composed of nationals of the Member States, countries or territories.

**Note 5: to Article 4**

Ex-works price shall mean the price paid to the manufacturer in whose undertaking sufficient working or processing has been carried out. When this working or processing has been carried out successively in two or several undertakings, the price to take into account is that paid to the last manufacturer.

**Note 6: to Articles 9 and 28**

The name of the port of transit must be indicated under 'Remarks' on movement certificate A.B.1.

## ANNEX II

## LIST A

List of working or processing operations which involve a change in tariff heading, but which do not confer the character of 'originating product' on the products which undergo them, or which do so only on certain conditions

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
All CCT heading Nos	All products	<ol style="list-style-type: none"> <li>1. Operations intended to ensure the preservation of goods in the unaltered state during carriage and storage (ventilation, spreading out, drying, chilling, placing in brine, in sulphur water or in other solutions, removal of damaged parts, and like operations)</li> <li>2. Simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up</li> <li>3 (a) Changes of packings, breaking up and assembling of parcels (b) Placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards etc. and all other simple placing operations</li> <li>4. Affixing of marks, labels, or other like distinguishing signs on the products or their packings</li> <li>5. Mixing of products, whether or not of different kinds, where one or more components of the mixture do not satisfy the conditions laid down by the Council of Association to be considered as originating either in the Member States, countries or territories</li> <li>6. Assembly of parts of articles in order to constitute a complete article</li> <li>7. A combination of two or more operations referred to in items 1 to 6 above</li> <li>8. Slaughtering of animals</li> </ol>	
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked	Salting, placing in brine, drying or smoking of meat and edible meat offals of heading Nos 02.01 and 02.04	
03.02	Fish, salted, in brine dried or smoked	Salting, placing in brine, drying or smoking of fish	
04.02	Milk and cream, preserved, concentrated or sweetened	Preserving, concentrating milk or cream of heading No C4.01 or adding sugar to these products	
04.03	Butter	Manufacture from milk or cream	
04.04	Cheese and curd	Manufacture from products of heading Nos C4.01, C4.02 and 04.03	

List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
07.02	Vegetables (whether or not cooked), preserved by freezing	Freezing of vegetables	
07.03	Vegetables provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption	Placing in brine or in other solutions of vegetables of heading No 07.01	
07.04	Dried, dehydrated or evaporated vegetables, whole, cut, sliced, broken or in powder, but not further prepared	Drying, dehydration, evaporation, cutting, grinding, powdering of vegetables of heading Nos 07.01 to 07.03 inclusive	
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar	Freezing of fruit	
08.11	Fruit provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption	Placing in brine or in other solutions of fruit of heading Nos 08.01 to 08.09 inclusive	
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04 or 08.05	Drying of fruit	
11.01	Cereal flours	Manufacture from cereals	
11.02	Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled, but not further prepared), except husked, glazed, polished or broken rice; germ of cereals, whole, rolled, flaked or ground	Manufacture from cereals	
11.03	Flours of the leguminous vegetables falling within heading No 07.05	Manufacture from dried leguminous vegetables	
11.04	Flours of the fruits falling within any heading in Chapter 8	Manufacture from fruits of Chapter 8	
11.05	Flour, meal and flakes of potato	Manufacture from potatoes	
11.06	Flour and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06	Manufacture from products of heading No 07.06	
11.07	Malt, roasted or not	Manufacture from cereals	
11.08	Starches; inulin	Manufacture from cereals of Chapter 10, potatoes or other products of Chapter 7	
11.09	Gluten and gluten flour, roasted or not	Manufacture from cereals or cereal flours	
15.01	Lard and other rendered pig fat; rendered poultry fat	Manufacture from products of heading No 02.05	
15.02	Unrendered fats of bovine cattle, sheep or goats; tallow (including premier jus) produced from those fats	Manufacture from products of heading No 02.05	

## List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
15.04	Fats and oils, of fish and marine mammals, whether or not refined	Manufacture from fish or marine mammals caught by fishing vessels of third countries	
15.06	Other animal oils and fats (including neats-foot oil and fats from bones or waste)	Manufacture from products of Chapter 2	
ex 15.07	Edible vegetable oils	Manufacture from products of Chapters 7 and 12	
16.01	Sausages and the like, of meat, meat offal or animal blood	Manufacture from products of Chapter 2	
16.02	Other prepared or preserved meat or meat offal	Manufacture from products of Chapter 2	
16.04	Prepared or preserved fish, including caviar and caviar substitutes	Manufacture from products of Chapter 3	
16.05	Crustaceans and molluscs, prepared or preserved	Manufacture from products of Chapter 3	
17.02	Other sugar; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel	Manufacture from any kind of product	
17.04	Sugar confectionery, not containing cocoa	Manufacture from other products of Chapter 17	
17.05	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion	Manufacture from any product	
18.03	Cocoa paste (in bulk or in block), whether or not defatted		Manufacture from 'originating' cocoa beans
18.04	Cocoa butter (fat or oil)		Manufacture from 'originating' cocoa beans
18.05	Cocoa powder, unsweetened		Manufacture from 'originating' cocoa beans
18.06	Chocolate and other food preparations containing cocoa	Manufacture from products of Chapter 17 in which the value of cocoa in the bean used exceeds 40% of the value of the finished product	
19.02	Preparations of flour, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa	Manufacture from cereals and derived products, meat, milk and sugars	
19.03	Macaroni, spaghetti and similar products		Obtained from durum wheat
19.04	Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches	Manufacture from various products	
19.05	Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, corn flakes and similar products)		

List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard	Preserving vegetables and fruit, fresh or frozen or preserved temporarily or preserved in vinegar	
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid	Preserving vegetables fresh or frozen	
20.03	Fruit preserved by freezing, containing added sugar		Manufacture from 'originating fruit' of Chapter 8 and 'originating products' of Chapter 17
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glace or crystallized)		Manufacture from fruit and 'originating products' of Chapter 17
ex 20.05	Fruit puree and fruit pastes, jams, fruit jellies, marmalades, being cooked preparations, containing added sugar		Manufacture from fruit and 'originating products' of Chapter 17
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit  A. Nuts (including ground-nuts), roasted  B. Other		Manufacture, without the addition of sugar or alcohol, in which the value of 'originating products' of heading Nos 08.01, 08.05 or 12.01 used is at least 60% of the value of the finished product  Manufacture from 'originating products' of Chapter 8, 17 or 22
ex 20.07	Unfermented fruit juice without the addition of alcohol, whether or not containing added sugar		Manufacture from 'originating products' of Chapter 8 or 17
ex 21.01	Roasted chicory and extracts thereof	Manufacture from chicory roots, fresh or dried	
ex 22.09	Undenatured ethyl alcohol of a strength less than 80°	Added water to ethyl alcohol of heading No 22.08 or a mixture of alcohols of heading Nos 22.08 and 22.09	
22.10	Vinegar and substitutes for vinegar	Manufacture from alcohol or wine	
23.04	Oil-cake and other residues (except dregs) resulting from the extraction of vegetable oils	Manufacture from various products	
23.07	Sweetened forage; other preparations of a kind used in animal feeding	Manufacture from cereals and derived products, meat, milk, sugar and molasses	
ex 24.02	Cigarettes, cigars and cheroots, smoking tobacco		Manufacture in which at least 70% by quantity of the materials of heading No 24.01 used are 'originating products'
ex 28.13	Hydrobromic acid	Any manufacture from products of heading No 28.01	
ex 28.19	Zinc oxide	Any manufacture from products of heading No 79.01	

## List A (continued)

Products obtained*		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
28.27	Lead oxides; red lead and orange lead	Any manufacture from products of heading No 78.01	
ex 28.28	Lithium hydroxide	Any manufacture from products of heading No 28.42	
ex 28.29	Lithium fluoride	Any manufacture from products of heading No 28.28 or 28.42	
ex 28.30	Lithium chloride	Any manufacture from products of heading No 28.28 or 28.42	
ex 28.33	Bromides	Any manufacture from products of heading No 28.01 or 28.13	
ex 28.38	Aluminium sulphate	Any manufacture from products of heading No 28.23	
ex 28.42	Lithium carbonate	Any manufacture from products of heading No 28.28	
ex 29.02	Organic bromides	Any manufacture from products of heading No 23.01 or 28.13	
ex 29.02	Trichlorodi (chlorophenyl) ethane		Transformation of ethanol into chloral and condensation of chloral with monochlorobenzene
ex 29.35	Pyridine; alphapicoline; betapicoline; gammapicoline		Transformation of acetylene into acetaldehyde and transformation of acetaldehyde into pyridine or picoline
ex 29.35	Vinylpyridine		Transformation of acetaldehyde into picoline and transformation of picoline into vinylpyridine
ex 29.38	Nicotinic acid (Vitamin PP)		Transformation of acetaldehyde into betapicoline and transformation of betapicoline into nicotinic acid
ex 30.03	Medicaments (including veterinary medicaments) containing antibiotics	Manufacture from antibiotics of heading No 29.44	
31.05	Other fertilizers; of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
32.06	Colour lakes	Any manufacture from materials of heading No 32.04 or 32.05	
32.07	Other colouring matter; inorganic products of a kind used as luminophores	Mixed of oxides or salts of Chapter 28 with extenders such as barium sulphate, chalk, barium carbonate and satin white	
35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues	Any manufacture from various products	
38.11	Disinfectants, insecticides, fungicides, weedkillers, anti-sprouting products, rat poisons and similar products, put up in forms of packings for sale by retail or as preparations or as articles (for example, sulphur-treated bands, wicks and candles, flypapers)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
38.12	Prepared glazings, prepared dressings and prepared mordants, of a kind used in the textile, paper, leather or like industries		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.13	Pickling preparations for metal surfaces; fluxes and other auxiliary preparations for soldering, brazing or welding; soldering, brazing or welding powders and pastes consisting of metal and other materials; preparations of a kind used as cores or coatings for welding rods and electrodes		Manufacture in which the value of the productions used does not exceed 50% of the value of the finished product
ex 38.14	Anti-knock preparations, oxidation inhibitors, gum inhibitors, viscosity improvers, anti-corrosive preparations, and similar prepared additives for mineral oils, excluding prepared additives for lubricants		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.15	Prepared rubber accelerators		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.17	Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.18	Composite solvents and thinners for varnishes and similar products		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
ex 38.19	Chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products); not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included, excluding: <ul style="list-style-type: none"> <li>— Fuel oil and Dippel's oil,</li> <li>— Naphthenic acids and their non-water-soluble salts; esters of naphthenic acids,</li> <li>— Sulphonaphthenic acids and their non-water soluble salts; esters of sulphonaphthenic acids,</li> </ul>		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
ex 38.19	<ul style="list-style-type: none"> <li>— Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanolamines; thiophenated sulphonic acids of oils obtained for bituminous minerals, and their salts,</li> <li>— Mixed alkylnes</li> <li>— Mixed alkylbenzenes or mixed alkyl-naphthalenes,</li> </ul>		

## List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
	<ul style="list-style-type: none"> <li>— Ion exchangers,</li> <li>— Catalysts,</li> <li>— Getters for vacuum tubes,</li> <li>— Refractory cements, or mortars and similar preparations,</li> <li>— Alkaline iron oxide for the purification of gas,</li> <li>— Carbon (excluding artificial graphite of heading No ex 38.01) in metallo-graphite or other compounds, in the form of small plates, bars or other semi-manufactures</li> </ul>		
39.07	Articles of materials of the kinds described in heading No 39.01 to 39.06	Working of artificial plastic materials, cellulose, ethers and esters, and artificial resins	
40.05	Plates, sheets and strip, or unvulcanized natural or synthetic rubber, other than smoked sheets and crepe sheets of heading No 40.01 or 40.02; granules of unvulcanized natural or synthetic rubber compounded ready for vulcanization; unvulcanized natural or synthetic rubber, compounded before or after coagulation either with carbon black (with or without the addition of mineral oil) or with silica (with or without the addition of mineral oil), in any form, of a kind known as masterbatch		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
41.02	Bovine cattle leather (including buffalo leather) and equine leather, except leather falling within heading No 41.06, 41.07 or 41.08	Tanning of raw hides and skins of heading No 41.01	
41.03	Sheep and lambskin leather, except leather falling within heading No 41.06, 41.07 or 41.08	Tanning of raw hides and skins of heading No 41.01	
41.04	Goat and kidskin leather, except leather falling within heading No 41.06, 41.07 or 41.08	Tanning of raw hides and skins of heading No 41.01	
41.05	Other kinds of leather, except leather falling within heading No 41.06, 41.07 or 41.08	Tanning of raw hides and skins of heading No 41.01	
41.08	Patent leather and imitation patent leather; metallized leather		Varnishing or metallizing of leather of heading No 41.02 to 41.07 inclusive (other than skin leather of crossed Indian sheep and of Indian goat or kid, not further prepared than vegetable tanned, or if otherwise prepared obviously unsuitable for immediate use in the manufacture of leather articles), in which the value of the skin leather used does not exceed 50 % of the value of the finished product

## List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
43.03	Articles of furskin	Making up of furskin in plates, crosses and similar forms (heading No ex 43.02)	
44.21	Complete wooden packing cases, boxes, crates, drums and similar packings imported assembled, un-assembled or partly assembled		Manufacture from boards not cut to size
45.03	Articles of natural cork		Manufacture from products of heading No 45.01
48.06	Paper and paperboard, ruled, lined or squared, but not otherwise printed, in rolls or sheets		Manufacture from paper pulp
48.14	Writing blocks, envelopes, letter cards, plain postcards, correspondence cards; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing only an assortment of paper stationery		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
48.15	Other paper and paperboard, cut to size or shape		Manufacture from paper pulp
48.16	Boxes, bags and other packing containers, of paper or paperboard		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
50.04	Silk yarn, other than yarn of noil or other waste silk, not put up for retail sale		Manufacture from products of heading No 50.01
51.03	Yarn of man-made fibres (continuous) up for retail sale		Manufacture from chemical products or textile pulp
51.04	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02		Manufacture from chemical products of textile pulp
53.06	Yarn of carded sheep's or lambs' wool (woollen yarn), not put up for retail sale		Manufacture from wool not carded or combed
53.07	Yarn of combed sheep's or lambs' wool (worsted yarn), not put up for retail sale		Manufacture from wool not carded or combed
53.08	Yarn of fine animal hair (carded or combed), not put up for retail sale		Manufacture from raw fine animal hair of heading No 53.02
53.09	Yarn of horsehair or of other coarse animal hair, not put up for retail sale		Manufacture from raw coarse animal hair of heading No 53.02 or from raw horsehair of heading No 05.03 not prepared
53.10	Yarn of sheep's or lambs' wool, of horsehair or of other animal hair (fine or coarse), put up for retail sale		Manufacture from materials of heading No 05.03 or 53.01 to 53.04 inclusive
53.11	Woven fabrics of sheep's or lambs' wool or of fine animal hair		Manufacture from materials of heading No 53.01 to 53.05 inclusive
54.04	Flax or ramie yarn, put up for retail sale		Manufacture from materials of heading No 54.01 or 54.02

## List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
54.05	Woven fabrics of flax or of ramie		Manufacture from materials of heading No 54.01 or 54.02
55.05	Cotton yarn, not put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.06	Cotton yarn, put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.07	Cotton gauze		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.08	Terry towelling and similar terry fabrics, of cotton		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.09	Other woven fabrics of cotton		Manufacture from materials of heading No 55.01, 55.03 or 55.04
56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.02	Continuous filament two for the manufacture of man-made fibres (discontinuous)		Manufacture from chemical products or textile pulp
56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale		Manufacture from chemical products or textile pulp
56.06	Yarn of man-made fibres (discontinuous or waste), put up for retail sale		Manufacture from chemical products or textile pulp
56.07	Woven fabrics of man-made fibres (discontinuous or waste)		Manufacture from materials of heading Nos 56.01 to 56.03 inclusive
57.09	Woven fabrics of true hemp		Manufacture from materials of heading No 57.01
57.10	Woven fabrics of jute		Manufacture from raw jute
57.11	Woven fabrics of other vegetable textile fibres		Manufacture from materials of heading No 57.02 or 57.04
58.01	Carpets, carpeting and rugs, knotted (made up or not)		Manufacture from materials of heading Nos 50.01 to 50.03 inclusive, 51.01, 53.01 to 53.05 inclusive, 54.01, 55.01 to 55.04 inclusive, 56.01 to 56.03 inclusive and 57.01 to 57.04 inclusive
58.02	Other carpets, carpeting, rugs, mats and matting, and 'Kelem', 'Schumacks' and 'Karamanie' rugs and the like (made up or not)		Manufacture from materials of heading Nos 50.01 to 50.03 inclusive, 51.01, 53.01 to 53.05 inclusive, 54.01, 55.01 to 55.04 inclusive, 56.01 to 56.03 inclusive or 57.01 to 57.04 inclusive
58.04	Woven pile fabrics and chenille fabrics (other than terry towelling or similar terry fabrics of cotton falling within heading No 55.08 and fabrics falling within heading No 58.05)		Manufacture from materials of heading Nos 50.01 to 50.03 inclusive, 51.01, 53.01 to 53.05 inclusive, 54.01, 55.01 to 55.04 inclusive and 56.01 to 56.03 inclusive

List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
58.05	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No 58.06		Manufacture from materials of heading Nos 50.01 to 50.03 inclusive, 51.01, 53.01 to 53.05 inclusive, 54.01, 55.01 to 55.04 inclusive, 56.01 to 56.03 inclusive, and 57.01 to 57.04 inclusive
58.06	Woven labels, badges and the like, not embroidered, in the piece, in strips or cut to shape or size		Manufacture from materials of heading Nos 50.01 to 50.03 inclusive, 51.01, 53.01 to 53.05 inclusive, 54.01, 55.01 to 55.04 inclusive and 56.01 to 56.03 inclusive
58.08	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), plain		Manufacture from materials of heading Nos 50.01 to 50.03 inclusive, 51.01, 53.01 to 53.05 inclusive, 54.01, 55.01 to 55.04 inclusive and 56.01, 56.03 inclusive
58.09	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), figures; hand or mechanically made lace, in the piece, in strips or in motifs		Manufacture from materials of heading Nos 50.01 to 50.03 inclusive, 51.01, 53.01 to 53.05 inclusive, 54.01, 55.01 to 55.04 inclusive and 56.01 to 56.03 inclusive
59.04	Twine, cordage, ropes and cables, plaited or not		Manufacture either from natural fibres or from chemical products or textile pulp
59.05	Nets and netting made of twine, cordage or rope, and made up fishing nets of yarn, twine, cordage or rope		Manufacture either from natural fibres or from chemical products or textile pulp
59.06	Other articles made from yarn, twine, cordage, rope or cables, other than textile fabrics and articles made from such fabrics		Manufacture either from natural fibres or from chemical products or textile pulp
59.07	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books and the like; tracing cloth; prepared painting canvas; buckram and similar fabrics for hat foundations and similar uses		Manufacture from yarn
59.08	Textile fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials		Manufacture from yarn
59.09	Textile fabrics coated or impregnated with oil or preparations with a basis or drying oil		Manufacture from yarn
59.10	Linoleum and materials prepared on a textile base in a similar manner to linoleum, whether or not cut to shape or of a kind used as floor coverings; floor coverings consisting of a coating applied on a textile base, cut to shape or not		Manufacture from yarn
59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods		Manufacture from yarn

## List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
59.12	Textile fabrics otherwise impregnated or coated; painted canvas being theatrical scenery, studio back cloths or the like		Manufacture from yarn
59.13	Elastic fabrics and trimmings (other than knitted or crocheted goods) consisting of textile materials combined with rubber threads		Manufacture from single yarn
59.15	Textile, hosepiping and similar tubing, with or without lining, armour or accessories of other materials		Manufacture from single yarn
59.16	Transmission, conveyor or elevator belts or belting, of textile material, whether or not strengthened with metal or other material		Manufacture from single yarn
59.17	Textile fabrics and textile articles, of a kind commonly used in machinery or plant		Manufacture from materials of heading Nos 50.01 to 50.03 inclusive, 51.01, 53.01 to 53.05 inclusive, 54.01, 55.01 to 55.04 inclusive, 56.01 to 56.03 inclusive and 57.01 to 57.04 inclusive
Chapter 60	Knitted and crocheted goods: — Man-made textile fibres continuous or discontinuous		Manufacture from materials of heading Nos 56.01 to 56.03 inclusive, from chemical products or textile pulp
	— Other		Manufacture from carded or combed natural fibres
61.01	Men's and boys' outer garments		Manufacture from yarn or unbleached textile fabrics
61.02	Women's, girls' and infants' outer garments		Manufacture from yarn or unbleached textile fabrics
61.03	Men's and boys' undergarments, including collars, shirt fronts and cuffs		Manufacture from yarn or unbleached textile fabrics
61.04	Women's, girls' and infants' undergarments		Manufacture from yarn or unbleached textile fabrics
61.05	Handkerchiefs		Manufacture from yarn
61.06	Shawls, scarves, mufflers, mantillas, veils and the like		Manufacture from yarn
61.07	Ties, bow ties and cravats		Manufacture from yarn
61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments		Manufacture from yarn
61.09	Corsets, corset-belts, suspender-belts, brassieres, braces, suspenders, garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic		Manufacture from yarn
61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods		Manufacture from yarn

List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
61.11	Made up accessories, for articles of apparel (for example, dress shields, shoulder and other pads, belts, muffs, sleeve protectors, pockets)		Manufacture from yarn
ex 62.01	Travelling rugs and blankets other than electrically heated		Manufacture from unbleached yarn of Chapters 50 to 56 inclusive
62.02	Bed linen, table toilet linen and kitchen linen; curtains and other furnishing articles		Manufacture from single unbleached yarn
62.03	Sacks and bags, of a kind used for the packing of goods		Manufacture from yarn
62.04	Tarpaulins, sails, awnings, sun-blinds, tents and camping goods		Manufacture from single unbleached yarn
62.05	Other made up textile articles (including dress patterns)		Manufacture in which the value of the products used does not exceed 40 % of the value of the finished product
64.01	Footwear with outer soles and uppers of rubber or artificial plastic material	Manufacture from assemblies (e.g., uppers affixed to inner soles or to other bottom parts and without outer soles), of any material except metal	
ex 64.02	Footwear with leather uppers	Manufacture from assemblies (e.g., uppers affixed to inner soles or to other bottom parts and without outer soles), of any material except metal	
ex 64.02	Footwear other than with leather uppers	Manufacture from assemblies (e.g., uppers affixed to inner soles or to other bottom parts and without outer soles), of any material except metal	
64.03	Footwear with outer soles of wood or cork	Manufacture from assemblies (e.g., uppers affixed to inner soles or to other bottom parts and without outer soles), of any material except metal	
64.04	Footwear with outer soles of other materials	Manufacture from assemblies (e.g., uppers affixed to inner soles or to other bottom parts and without outer soles), of any material except metal	
65.03	Felt hats and other felt headgear, being headgear made from the felt hoods and plateaux falling within heading No 65.01; whether or not lined or trimmed		Manufacture from fibres
65.05	Hats and other headgear (including hair-nets), knitted or crocheted, or made up from lace, felt or other textile fabric in the piece (but not from strips), whether or not lined or trimmed		Manufacture from yarn
66.01	Umbrellas and sunshades (including walking-stick umbrellas, umbrella tents, and garden and similar umbrellas)		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product

## List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT Heading No	Description		
ex 70.07	Cast or rolled glass (including Flashed or wired glass) cut to shape other than rectangular shape, or bent or otherwise worked (for example, edge worked or engraved), whether or not surface ground or polished; multiple walled insulating glass	Manufacture from drawn, cast or rolled glass of heading Nos 70.04 to 70.06 inclusive	
70.08	Safety glass consisting of toughened or laminated glass, shaped or not	Manufacture from drawn, cast or rolled glass of heading Nos 70.04 to 70.06 inclusive	
70.09	Glass mirrors (including rear-view mirrors), unframed, framed or backed	Manufacture from drawn, cast or rolled glass of heading Nos 70.04 to 70.06 inclusive	
71.15	Articles consisting of or incorporating, pearls, precious or semi-precious stones (natural, synthetic or reconstructed)		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
73.12	Hoop and strip, of iron or steel, hot-rolled or cold-rolled	Cutting without rolling of iron or steel coils of heading No 73.08	
73.13	Sheets and plates, of iron or steel, hot-rolled or cold-rolled	Cutting without rolling of iron or steel coils of heading No 73.08	
74.03	Wrought bars, rods, angles, shapes and sections, of copper; copper wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.04	Wrought plates, sheets and strip, of copper		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.05	Copper foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.15 mm		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.06	Copper powders and flakes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.07	Tubes and pipes and blanks therefor, of copper; hollow bars of copper		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.10	Stranded wire, cables, cordage, ropes, plaited bands and the like, of copper wire, but excluding insulating electric wires and cables		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
75.02	Wrought bars, rods, angles, shapes, and sections, of nickel; nickel wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
75.03	Wrought plates, sheets and strip, of nickel; nickel foil; nickel powders and flakes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product

List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
75.04	Tubes and pipes and blanks therefor, of nickel; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of nickel		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
75.05	Electroplating anodes, of nickel, wrought or unwrought, including those produced by electrolysis		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.02	Wrought bars, rods, angles, shapes and sections, of aluminium; aluminium wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.03	Wrought plates, sheets and strip, of aluminium		Manufacture in which the value of the products used does not exceed 40 % of the value of the finished product
76.04	Aluminium foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.20 mm		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.05	Aluminium powders and flakes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.06	Tubes and pipes and blanks therefor, of aluminium; hollow bars of aluminium		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.08	Structures, complete or incomplete, whether or not assembled, and parts of structures (for example, hangars, and other buildings, bridges and bridge sections, towers, lattice masts, roofs, roofing framework, door and window frames, balustrades, pillars and columns), of aluminium; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of aluminium		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.12	Stranded wire, cables, cordage, ropes, plaited bands and the like, of aluminium wire, but excluding insulated electric wires and cables		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.13	Gauze, cloth, grill, netting, reinforcing fabric and similar materials, of aluminium wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
78.02	Wrought bars, rods, angles, shapes and sections, of lead; lead wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
78.03	Wrought plates, sheets and strip, of lead		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product

## List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCCT heading No	Description		
78.04	Lead foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a weight (excluding any backing) not exceeding 1 700 kg per m <sup>2</sup> ; lead powders and flakes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
78.05	Tubes and pipes and blanks therefor, of lead; hollow bars, and tube and pipe fittings (for example, joints, elbow, sockets, flanges and S-bends), of lead		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
78.06	Other articles of lead		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
79.02	Wrought bars, rods, angles, shapes and sections, of zinc; zinc wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
79.03	Wrought plates, sheets and strip, of zinc; zinc foil; zinc powders and flakes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
79.04	Tubes and pipes and blanks therefor, of zinc; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of zinc		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
79.05	Gutters, roof capping, skylight frames, and other fabricated building components, of zinc		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
79.06	Other articles of zinc		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
80.02	Wrought bars, rods, angles, shapes and sections, of tin; tin wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
80.03	Wrought plates, sheets and strip, of tin		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
80.04	Tin foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a weight (excluding any backing) not exceeding 1 kg per m <sup>2</sup> ; tin powders and flakes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
80.05	Tubes and pipes and blanks therefor, of tin; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of tin		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product

List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
82.05	Interchangeable tools for machine tools or for hand tools, including power-operated hand tools (for example, for pressing, stamping, drilling, tapping, threading, boring, broaching, milling, cutting, turning, dressing, morticing or screw driving), including dies for wire drawing, extrusion dies for metal, and rock drilling bits		Assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
82.06	Knives and cutting blades, for machines or for mechanical appliances		Assembly in which the value of the materials and parts used does not exceed 40 % of the finished product
ex Chapter 84	Boilers, machinery and mechanical appliances and parts thereof, excluding products of heading No 84.15 and sewing machines (ex 84.41)		Assembly in which the value of the materials and parts used does not exceed 40 % of the finished product
84.15	Refrigerators and refrigerating equipment (electrical and other)		Assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts used are 'originating products'
ex 84.41	Sewing machines (for fabrics, leather, footwear, etc)		Assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the value of the finished product, and provided that: (a) at least 50 % in value of the materials and parts (1) used for the assembly of the head (motor excluded) are 'originating products', and (b) the thread tension, crochet and zigzag mechanisms are 'originating products'
ex Chapter 85	Electrical machines and equipment and parts thereof, excluding products of heading Nos 85.14 and 85.15		Assembly in which the value of the material and parts used does not exceed 40 % of the value of the finished product
85.14	Microphones and stands therefor; loudspeakers; audio-frequency electric amplifiers		Assembly in which the value of the 'non-originating' material and parts used does not exceed 40 % of the value of the finished product, and provided that: (a) at least 50 % in value of the materials and parts (1) used are 'originating products' and (b) all the transistors are 'originating products'
85.15	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including those incorporating gramophones) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus		Assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the value of the finished product, and provided that: (a) at least 50 % in value of the materials and parts (1) used are 'originating products', and (b) all the transistors are 'originating products'

## List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
Chapter 86	Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway track fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered)		Assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
ex Chapter 87	Vehicles, other than railway or tramway rolling-stock, and parts thereof, excluding products of heading No 87.09		Assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
87.09	Motor-cycles, auto-cycles and cycles fitted with an auxiliary motor, with or without side-cars; side-cars of all kinds		Assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts (1) used are 'originating products'
ex Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus and parts thereof, except products of heading Nos 90.05, 90.07, 90.08, 90.12 and 90.26		Assembly in which the value of the materials and parts used does not exceed 40 % of the finished product
90.05	Refracting telescopes (monocular and binocular), prismatic or not		Assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the finished product, and provided that at least 50 % in value of the materials and parts (1) used are 'originating products'
90.07	Photographic cameras; photographic flashlight apparatus		Assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the finished product and provided that at least 50 % in value of the materials and parts (1) used are 'originating products'
90.08	Cinematographic cameras, projectors, sound recorders and sound reproducers; any combination of these articles		Assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the value of the finished product and provided that at least 50 % in value of the materials and parts (1) used are 'originating products'
90.12	Compound optical microscopes, whether or not provided with means for photographing or projecting the image		Assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts (1) used are 'originating products'
90.26	Gas, liquid and electricity supply or production meters; calibrating meters therefor		Assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts (1) used are 'originating products'

List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
ex Chapter 91	Clocks and watches and parts thereof, excluding products of heading Nos 91.04 and 91.08		Assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
91.04	Other clocks		Assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts (!) used are 'originating products'
91.08	Clock movements, assembled		Assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts (!) used are 'originating products'
ex Chapter 92	Musical instruments; sound recorders and reproducers; television image and sound recorders and reproducers, magnetic; parts and accessories of such articles; excluding products of heading No 92.11		Assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
92.11	Gramophones, dictating machines and other sound recorders and reproducers, including record-players and tape decks, with or without sound-heads; television image and sound recorders and reproducers, magnetic		Assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the value of the finished product, and provided that: (a) at least 50 % of the materials and parts (!) used are 'originating products', and (b) all the transistors are 'originating products'
ex 93.07	Lead shot		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
96.02	Other brooms and brushes (including brushes of a kind used as parts of machines); paint rollers; squeegees (other than roller squeegees) and mops		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
97.03	Other toys; working models of a kind used for recreational purpose		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
98.01	Buttons and button moulds, studs, cuff-links, and press-fasteners, including snap-fasteners and press-studs; blanks and parts of such articles		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product

## List A (continued)

Products obtained		Working or processing which does not confer the character of 'originating products'	Working or processing which confers the character of 'originating products' where the following conditions are satisfied
CCT heading No	Description		
98.01	Typewriter and similar ribbons, whether or not on spools; ink-pads, with or without boxes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
ex 98.15	Vacuum flasks and other vacuum vessels, complete with cases		Manufacture from products of heading No 70.12

- (1) In determining the value of materials and parts, the following must be taken into account:
- (a) in respect of 'originating' materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for those products in the territory of the country where working, processing or assembly is carried out;
  - (b) in respect of other materials and parts, Article 4 of this Decision determining:
    - (i) the value of imported products,
    - (ii) the value of products of unknown origin.

ANNEX III

LIST B

List of working or processing operations which do not result in a change of tariff heading, but which do confer the character of 'originating product' on the products which undergo them

Finished products		Working or processon which confers the character of 'originating products'
CCT heading No	Description	
		Incorporation of 'non-originating' materials and parts in machinery, mechanical appliances, etc., of Chapter 84 to 92 does not make such products lose their character of 'originating products', if the value of the materials and parts used does not exceed 5% of the value of the finished product
ex 15.10	Fatty alcohols	Manufacture from fatty acids
ex 21.03	Prepared mustard	Manufacture from mustard flour
ex 22.09	Whisky of an alcoholic strength of less than 50°	Manufacture from alcohol derived from the distillation of cereals and in which 'non-originating' products do not exceed 15 % of the value of the finished product
ex 25.09	Earth colours, calcined or powdered	Crushing and calcination or powdering of earth colours
ex 25.15	Marble not further worked than squared by sawing, of a thickness of 25 cm or less	Sawing into slabs or sections, by polishing, grinding and cleaning of marble, of a thickness greater than 25 cm, including marble not further worked than roughly split, roughly squared, or squared by sawing
ex 25.16	Granite, porphyry, basalt, sandstone and other monumental and building stone, of a thickness of 25 cm or less, including such stone not further worked than roughly split, roughly squared or squared by sawing	Sawing of granite, porphyry, basalt, sandstone and other monumental and building stone, of a thickness greater than 25 cm, including such stone not further worked than roughly split, roughly squared or squared by sawing
ex 25.18	Calcined dolomite, agglomerated dolomite (including tarred dolomite)	Calcinated or unworked dolomite
ex 33.01	Essential oils other than of citrus fruit, terpeneless	Deterpenation of essential oils other than of citrus fruit
ex 38.05	Refined tall oil	Refining of crude tall oil
ex 38.07	Purified sulphate turpentine	Purification involving distillation and refinement of crude sulphate of turpentine
ex 40.01	Plates of crepe rubber for soles	Lamination of crepe sheets of natural rubber
ex 40.07	Rubber thread and cord, textile-covered	Manufacture from rubber thread or cord
ex 41.01	Sheep and lamb skins without the wool	Removing wool from sheep and lamb skins
ex 41.03	Retanned skin leather of crossed Indian sheep	Retanning of crossed Indian sheep skin leather not further prepared than tanned
ex 41.04	Retanned Indian goat or kid skin leather	Retanning of Indian goat or kid skin leather not further prepared than tanned
ex 50.09 ex 50.10 ex 51.04 ex 53.11 ex 53.12 ex 53.13 ex 54.05 ex 55.07 ex 55.08 ex 55.09 ex 56.07	Printed fabrics	Printing accompanied by finishing operations (bleaching, dressing, drying, steaming, burling, mending, impregnating, sanforizing, mercerizing) of fabrics the value of which does not exceed 47.5% of the value of the finished product
ex 68.03	Articles of slate, including articles of agglomerated slate	Manufacture of articles of slate

## List B (continued)

Finished products		Working or procession which confers the character of 'originating products'
CC1 heading No	Description	
ex 68.13	Articles of asbestos; articles of mixtures with a basis of asbestos or of mixtures with a basis of asbestos and magnesium carbonate	Manufacture of articles of asbestos or of mixtures with a basis of asbestos, or of mixtures with a basis of asbestos and magnesium carbonate
ex 68.15	Articles of mica, including bonded mica splittings on a support of paper or fabric	Manufacture of articles of mica
ex 70.10	Cut glass bottle	Cutting of bottles the value of which does not exceed 50 % of the value of the finished product
ex 70.13	Cut glassware (other than articles falling within heading No 70.19) of a kind commonly used for table, kitchen, toilet or office purposes, for indoor decoration, or for similar uses	Cutting of glassware the value of which does not exceed 50 % of the value of the finished product
ex 70.20	Articles made from glass fibre	Manufacture from unworked glass fibre
ex 71.02	Precious and semi-precious stones, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)	Manufacture from unworked precious or semi-precious stones
ex 71.03	Synthetic or reconstructed precious or semi-precious stones, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)	Manufacture from unworked synthetic or reconstructed precious or semi-precious stones
ex 71.05	Silver, including silver gilt and platinum-plated silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought silver and silver alloys
ex 71.06	Rolled silver, semi-manufactured	Rolling, drawing, beating or grinding of unworked rolled silver
ex 71.07	Gold, including platinum-plating gold, semi-manufactured	Rolling, drawing, beating or grinding of unwrought gold, including platinum-plated gold
ex 71.08	Rolled gold on base metal or silver, semi-manufactured	Rolling, drawing, beating or grinding of unworked rolled gold on base metal or silver
ex 71.09	Platinum and other metals of the platinum group, semi-manufactured	Rolling, drawing, beating or grinding of unwrought platinum and other metals of the platinum group
ex 71.10	Rolled platinum or other platinum group metals, on base metal or precious metal, semi-manufactured	Rolling, drawing, beating or grinding of unworked rolled platinum or other platinum group metals or base metal or precious metal
73.15	Alloy steel and high carbon steel in the forms mentioned in heading No 73.06 to 73.14	Manufacture from alloy steel and high steel in the forms mentioned in heading No 73.06 to 73.14 involving the transformation from one of the under-mentioned categories to another: <ol style="list-style-type: none"> <li>1. Ingots, blooms, billets, slabs and sheet bars</li> <li>2. Roughly forged pieces</li> <li>3. Coils for re-rolling; universal plates</li> <li>4. Bars and rods (including wire rod and hollow mining drill steel) and angles, shapes and sections</li> <li>5. Hoop and strip</li> <li>6. Sheets and plates</li> <li>7. Wire, whether or not coated, but not insulated</li> </ol>
ex 74.01	Unrefined copper (blister copper and other)	Smelting of copper matte
ex 74.01	Refined copper	Fine-refining or electrolytic refining of unrefined copper (blister copper and other), copper waste or scrap

List B (continued)

Finished products		Working or procession which confers the character of 'originating products'
CCT heading No	Description	
ex 74.01	Copper alloy	Fusion and thermal treatment of refined copper, copper waste or scrap
ex 75.01	Unwrought nickel (excluding electroplating anodes falling within heading No 75.05)	Refining by electrolysis, by fusion or chemically, of nickel mattes, nickel speiss and other intermediate products of nickel metallurgy
ex 77.04	Beryllium, wrought, and articles of beryllium	Rolling, drawing or grinding of unwrought beryllium
ex 81.01	Tungsten, wrought and articles thereof	Manufacture from unwrought tungsten
ex 81.02	Molybdenum, wrought, and articles thereof	Manufacture from unwrought molybdenum
ex 81.03	Tantalum, wrought, and articles thereof	Manufacture from unwrought tantalum
ex 81.04	Other base metals, wrought and articles thereof	Manufacture from other base metals, unwrought
ex 84.06	Internal combustion piston engines	Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
ex 84.08	Other engines and motors, excluding jet engines and gas turbines	Working, processing or assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the value of the finished product, if at least 50 % in value of the materials and parts <sup>(1)</sup> used are 'originating products'
ex 84.41	Sewing machines (for fabrics, leather, footwear, etc.)	Working, processing or assembly in which the value of the 'non-originating' materials and parts used does not exceed 40 % of the value of the finished product, and provided that:  (a) at least 50% in value of the materials and parts <sup>(1)</sup> used for assembly of the head (motor excluded) are 'originating products' and  (b) the thread tension, crochet and zigzag mechanisms are 'originating products'
ex 95.01	Articles of tortoise-shell	Manufacture from worked tortoise-shell
95.02	Articles of mother of pearl	Manufacture from worked mother of pearl
ex 95.03	Articles of ivory	Manufacture from worked ivory
ex 95.04	Articles of bone	Manufacture from worked bone
ex 95.05	Articles of horn, coral (natural or agglomerated) or of other animal carving material	Manufacture from worked horn, coral (natural or agglomerated) or other animal carving material
ex 95.06	Articles of vegetable carving material (for example, corozo, walnut, hard-grained woods, etc.)	Manufacture from worked vegetable carving material (for example, corozo, walnut, hard-grained woods, etc.)
ex 95.07	Articles of jet (and mineral substitutes for jet), amber, meerschaum, agglomerated amber and agglomerated meerschaum and articles of these substances	Manufacture from worked jet (and mineral substitutes for jet), amber, meerschaum, agglomerated amber and agglomerated meerschaum
ex 98.11	Smoking pipes, pipe bowls	Manufacture from roughly shaped blocks of wood or root

- (1) In determining the value of materials and parts, the following must be taken into account:
- (a) in respect of 'originating' materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for those products in the territory of the country where working, processing or assembly is carried out;
  - (b) in respect of other materials and parts, Article 4 of this Decision determining:
    - (i) the value of imported products,
    - (ii) the value of products of unknown origin.

## ANNEX IV

## LIST C

## List of products temporarily excluded from the scope of this Regulation

CCP heading No	Description
ex 27.07	Aromatic oils as defined in Note 2 to Chapter 27, of which more than 65 % by volume distils at a temperature of up to 250°C (including mixtures of petroleum spirit and benzol), intended for use as power or heating fuels
27.09 to 27.16	Mineral oils and products of their distillation; bituminous substances; mineral waxes
ex 29.01	Hydrocarbons: Acyclic Cyclanes and cyclenes, excluding azulenes Benzene, toluene, xylenes intended for use as power or heating fuels
ex 34.03	Lubricating preparations containing petroleum oils or oils obtained from bituminous minerals, but not including preparations containing 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals
ex 34.04	Waxes with a basis of paraffin wax, of petroleum waxes, of waxes obtained from bituminous minerals, of slack wax or of scale wax
ex 38.14	Prepared additives for lubricants
ex 38.19	Mixed alkylenes





## REGULATION (EEC) No 430/72 OF THE COMMISSION

of 29 February 1972

on measures of application governing imports of rice and broken rice originating in the Associated African States and Madagascar or in the Overseas Countries and Territories

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 540/70<sup>1</sup> of 20 March 1970 on the treatment to be accorded to rice and broken rice originating in the Associated African States and Madagascar or in the Overseas Countries and Territories, and in particular Article 5 thereof;

Whereas if Article 2 of Regulation (EEC) No 540/70 is correctly applied, the cif export prices for the various qualities of rice must relate to the standard quality for which the threshold price is fixed before the adjustments provided for in that Article are made; whereas to this end the corrective amounts provided for in Commission Regulation (EEC) No 1613/71<sup>2</sup> of 26 July 1971 laying down detailed rules for determining cif prices and levies on rice and broken rice, and the corrective amounts relating thereto should be applied; whereas with regard to long-grained rice, account should also be taken from 1 September 1971 of the difference in value between the standard quality for which the threshold price is fixed and the variety of long-grained rice representative of Community production, referred to in Article 14 (2) (b) of Regulation No 359/67/EEC<sup>3</sup> as amended by Regulation (EEC) No 1553/71<sup>4</sup>; whereas, in order to facilitate import transactions for the Makalioka, Vary Lava, Surinam and Alicambo qualities of rice, which represent the major part of imports from the AASM and the OCT, the amounts to be added to or subtracted from the cif export price should be fixed;

Whereas Article 4 of Regulation (EEC) No 540/70 provides that if imports from the AASM or the OCT exceed a certain quantity, such imports may be partially or totally suspended; whereas to this end a procedure should be established for the rapid and frequent communication of information on imports

by Member States to the Commission, so that the latter may decide, in full knowledge of the facts, on any measures to be proposed to the Council; whereas monthly communication should be sufficiently frequent to meet this requirement;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the application of the provisions of Article 2 of Regulation (EEC) No 540/70, the cif export price for a given lot of rice or broken rice shall be adjusted, before the levy is added, in accordance with the following rules:

1. If the cif export price is for a sacked product, that price shall be reduced by 0.50 unit of account per 100 kilogrammes.
2. The cif export price for the qualities Makalioka, Vary Lava, Surinam and Alicambo shall be adjusted:
  - (a) for the qualities Makalioka or Vary Lava, by increasing it by:
    - 0.320 unit of account per 100 kilogrammes of rice in the form of paddy rice;
    - 0.400 unit of account per 100 kilogrammes of rice in the form of husked rice;
    - 0.541 unit of account per 100 kilogrammes of rice in the form of semi-milled rice;
    - 0.580 unit of account per 100 kilogrammes of rice in the form of wholly-milled rice;
  - (b) for the qualities Surinam and Alicambo, by reducing it:
    - for rice in the form of paddy rice, by:
      - 0.880 unit of account per 100 kilogrammes of Surinam rice;
      - 1.680 units of account per 100 kilogrammes of Alicambo rice;

<sup>1</sup> OJ No L 68, 25.3.1970, p. 1.

<sup>2</sup> OJ No L 168, 27.7.1971, p. 28.

<sup>3</sup> OJ No 174, 31.7.1967, p. 1.

<sup>4</sup> OJ No L 164, 22.7.1971, p. 5.

- for rice in the form of husked rice, by:
    - 1-100 units of account per 100 kilogrammes of Surinam rice;
    - 2-100 units of account per 100 kilogrammes of Alicambo rice;
  - for rice in the form of semi-milled rice, by:
    - 1-486 units of account per 100 kilogrammes of Surinam rice;
    - 2-839 units of account per 100 kilogrammes of Alicambo rice;
  - for rice in the form of wholly-milled rice, by:
    - 1-594 units of account per 100 kilogrammes of Surinam rice;
    - 3-043 units of account per 100 kilogrammes of Alicambo rice.
3. For qualities of rice originating in the AASM and OCT other than those listed in paragraph 2, the cif export price shall be adjusted:
- (a) for round-grained rice, by applying:
    - for husked rice, the corrective amount listed in Annex I to Regulation (EEC) No 1613/71;
    - for rice in a form other than husked rice, the corrective amount listed in Annex I to Regulation (EEC) No 1613/73, this amount having first been multiplied by a coefficient of:
      - 0-8000 for rice in the form of paddy rice;
      - 1-2121 for rice in the form of semi-milled rice;
      - 1-2903 for rice in the form of wholly-milled rice;
  - (b) for long-grained rice:
    - for husked rice, by applying the corrective amount listed in Annex II to Regulation (EEC) No 1613/71, and by taking account of the difference in value between the standard quality for which the threshold price is fixed and the variety of long-grained rice representative of Community production referred to in Article 14 (2) (b) of Regulation No 359/67/EEC;
    - for rice in a form other than husked rice, by applying the corrective amount listed in Annex II to Regulation (EEC) No 1613/71, this amount having first been multiplied by a coefficient of:
      - 0-8000 for rice in the form of paddy rice;
      - 1-3513 for rice in the form of semi-milled rice;
      - 1-4493 for rice in the form of wholly-milled rice;
  - (c) for broken rice, by applying the corrective amount listed in Annex III to Regulation (EEC) No 1613/71.

*Article 2*

For the application of Article 4 of Regulation (EEC) No 540/70, Member States shall inform the Commission, before the 10th of each month for the preceding month, of the imports of rice and broken rice coming from the Associated African States and Madagascar and from the Overseas Countries and Territories, broken down by country of export and country of origin.

*Article 3*

Commission Regulation (EEC) No 1482/70<sup>1</sup> of 24 July 1970 on the application of measures governing imports of rice and broken rice originating in the Associated African States and Madagascar or in the Overseas Countries and Territories is hereby repealed.

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*. It shall apply from 1 September 1971.

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

Done at Brussels, 29 February 1972.

*For the Commission*

*The President*

Franco M. MALFATTI

<sup>1</sup> OJ No L 163, 25.7.1970, p. 15.



**REGULATION (EEC) No 1036/72 OF THE COUNCIL**

of 18 May 1972

amending, as regards tariff nomenclature, Regulation (EEC) Nos 522/70 and 653/71 on the treatment to be accorded to products processed from cereals and rice originating in the Associated African States and Madagascar or in the Overseas Countries and Territories and in the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas, following the Customs Cooperation Council recommendation of 9 June 1970, partially accepted by the Council Decision of 21 June 1971<sup>1</sup>, the text of Annex A to Council Regulation No 120/67/EEC<sup>2</sup> of 13 June 1967 on the common organization of the market in cereals was amended as regards tariff nomenclature by Regulation (EEC) No 2727/71<sup>3</sup>; whereas Council Regulation (EEC) No 522/70<sup>4</sup> of 17 March 1970 on the treatment to be accorded to products processed from cereals and rice originating in the Associated African States and Madagascar or in the Overseas Countries and Territories and Coun-

cil Regulation (EEC) No 653/71<sup>5</sup> of 30 March 1971 on the treatment to be accorded to products processed from cereals and rice originating in the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya should be amended to show the new Common Customs Tariff Nomenclature resulting from that amendment,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 (2) (a) of Regulation (EEC) Nos 522/70 and 653/71 the words 'falling within subheading No 07.06 B' are replaced by the words 'falling within subheading No 07.06 A'.

*Article 2*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1972.

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

Done at Brussels, 18 May 1972.

*For the Council*

*The President*

M. MART

<sup>1</sup> OJ No L 137, 23.6.1971, p. 10.

<sup>2</sup> OJ No 117, 19.6.1967, p. 2269/67.

<sup>3</sup> OJ No L 282, 23.12.1971, p. 8.

<sup>4</sup> OJ No L 65, 21.3.1970, p. 10.

<sup>5</sup> OJ No L 76, 31.3.1971, p. 2.



**REGULATION (EEC) No 14/73 OF THE COMMISSION (\*)**  
**of 4 January 1973**  
**fixing the levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC (1) of 13 June 1967 on the common organisation of the market in cereals, as last amended by Regulation (EEC) No 2429/72 (2), and in particular Article 13 (5) thereof;

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal, were fixed by Regulation (EEC) No 1630/72 (3) and subsequent amending Regulations;

Whereas it follows from applying the provisions contained in Regulation (EEC) No 1630/72 to the

offer prices and today's quotations known to the Commission that the levies at present in force should be altered as shown in the Annex to this Regulation;

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on the products listed in Article 1 (a), (b) and (c) of Regulation No 120/67/EEC are hereby fixed as shown in the Table annexed to this Regulation.

*Article 2*

This Regulation shall enter into force on 5 January 1973.

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

Done at Brussels, 4 January 1973.

*For the Commission*

*The Vice-President*

Carlo SCARASCIA MUGNOZZA

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(\*) A similar text containing other statistics appears regularly in the Official Journal. It is suggested that the latest Official Journal be consulted.

(1) OJ No 117, 19. 6. 1967, p. 2269/67.

(2) OJ No L 264, 23. 11. 1972, p. 1.

(3) OJ No L 174, 1. 8. 1972, p. 1.

## ANNEX

to the Commission Regulation of 4 January 1973, fixing the levies on cereals and wheat or rye flour, groats and meal

CCT heading No	Description of goods	u.a./ton
10.01 A	Common wheat, and meslin	26.94
10.01 B	Durum wheat	33.43 <sup>(1)</sup> <sup>(4)</sup>
10.02	Rye	27.91 <sup>(5)</sup>
10.03	Barley	15.26
10.04	Oats	17.76
10.05 B	Maize other than hybrid maize for sowing	24.53 <sup>(2)</sup> <sup>(3)</sup>
10.07 A	Buckwheat	0
10.07 B	Millet	6.81
10.07 C	Grain sorghum	18.93
10.07 D	Canary seed; other cereals	0 <sup>(4)</sup>
11.01 A	Wheat or meslin flour	55.74
11.01 B	Rye flour	49.45
11.02 A I a	Durum wheat groats and meal	60.62
11.02 A I b	Common wheat groats and meal	59.60

- <sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.
- <sup>(2)</sup> Where maize originating in the AASM and OCT is imported into the French Overseas Departments, the levy is reduced by 6 u.a./metric ton.
- <sup>(3)</sup> Where maize originating in Tanzania, Uganda and Kenya is imported into the Community, the levy is reduced by 1 u.a./metric ton.
- <sup>(4)</sup> Where wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.
- <sup>(5)</sup> The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1234/71 and Commission Regulation (EEC) No 2622/71.

No L 11/10

Official Journal of the European Communities

12. 1. 73

**REGULATION (EEC) No 56/73 OF THE COMMISSION (\*)**  
**of 11 January 1973**  
**fixing the levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation No 359/67/EEC <sup>(1)</sup> of 25 July 1967 on the common organisation of the market in rice, as last amended by Regulation (EEC) No 2429/72 <sup>(2)</sup>, and in particular Article 11 <sup>(5)</sup> thereof ;

Whereas the import levies on rice and broken rice were fixed by Regulation (EEC) No 1872/72 <sup>(3)</sup> and subsequent amending Regulations ;

Whereas, if the currency of a third country moves outside the margins of fluctuation agreed under the Washington agreement of 18 December 1971, a conversion rate based on the current market rate for that currency should, following consultation with the Monetary Committee, be used for the purpose of calculating levies ;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1872/72 to the offer prices and today's quotations known to the Commission that the levies at present in force should be altered as shown in the Table annexed to this Regulation ;

HAS ADOPTED THIS REGULATION :

*Article 1*

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation No 359/67/EEC are hereby fixed as shown in the Table annexed to this Regulation.

*Article 2*

This Regulation shall enter into force on 12 January 1973.

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

Done at Brussels, 11 January 1973.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

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**(\*) A similar text containing other statistics appears regularly in the Official Journal. It is suggested that the latest Official Journal be consulted.**

<sup>(1)</sup> OJ No 174, 31. 7. 1967, p. 1.

<sup>(2)</sup> OJ No L 264, 23. 11. 1972, p. 1.

<sup>(3)</sup> OJ No L 200, 1. 9. 1972, p. 10.



No L 11/22

Official Journal of the European Communities

12. 1. 73

**REGULATION (EEC) No 62/73 OF THE COMMISSION (\*)**  
**of 11 January 1973**  
**altering the import levies on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation No 120/67/EEC <sup>(1)</sup> of 13 June 1967 on the common organisation of the market in cereals, as last amended by Regulation (EEC) No 2429/72 <sup>(2)</sup>, and in particular Article 14 (4) thereof ;

Having regard to Council Regulation No 359/67/EEC <sup>(3)</sup> of 25 July 1967 on the common organisation of the market in rice, as last amended by Regulation (EEC) No 2429/72, and in particular Article 12 (4) thereof ;

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 2795/72 <sup>(4)</sup>, as last amended by Regulation (EEC) No 51/73 <sup>(5)</sup> ;

Whereas the levy on certain processed products must be reduced by the incidence of the production refund granted in respect of basic products intended for processing ; whereas, pursuant to Article 2 of Regulation (EEC) No 1080/68 <sup>(6)</sup>, the levies at present in force must therefore be altered as shown in the Table annexed to this Regulation ;

HAS ADOPTED THIS REGULATION :

*Article 1*

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 1052/68 <sup>(7)</sup>, as fixed in the Annex to Regulation (EEC) No 2795/72 as amended, are hereby altered as shown in the Table annexed to this Regulation.

*Article 2*

This Regulation shall enter into force on 12 January 1973.

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

Done at Brussels, 11 January 1973.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

**(\*) A similar text containing other statistics appears regularly in the Official Journal. It is suggested that the latest Official Journal be consulted.**

<sup>(1)</sup> OJ No 117, 19. 6. 1967, p. 2269/67.

<sup>(2)</sup> OJ No L 264, 23. 11. 1972, p. 1.

<sup>(3)</sup> OJ No 174, 31. 7. 1967, p. 1.

<sup>(4)</sup> OJ No L 295, 30. 12. 1972, p. 14.

<sup>(5)</sup> OJ No L 10, 11. 1. 1973, p. 12.

<sup>(6)</sup> OJ No L 181, 27. 7. 1968, p. 6.

<sup>(7)</sup> OJ No L 179, 25. 7. 1968, p. 8.

## ANNEX

to the Commission Regulation of 11 January 1973 altering the import levies on products  
processed from cereals and rice

CCT heading No	Nomenclature in simplified wording	Levies in u.a./100 kg	
		Third countries (other than AASM and OCT, Tanzania, Uganda and Kenya)	AASM, OCT, Tanzania, Uganda and Kenya
11.08 A II	Rice starch	4.407	1.857

1. 3. 73

Official Journal of the European Communities

No L 56/1

## REGULATION (EEC) No 569/73 OF THE COUNCIL

of 26 February 1973

temporarily suspending customs duties on certain fruits and vegetables originating in the Associated African and Malagasy States and in the overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 28 thereof ;

Having regard to the Opinion of the European Parliament ;

Whereas imports into the Community of certain fruits and vegetables originating in the Associated African and Malagasy States and the Overseas Countries and Territories are subject during certain periods of the year to the levy of Common Customs Tariff duties ; whereas it has been agreed to review the timetable for duty-free imports of several of these products ; whereas, pending this review, the customs duties on imports into the Community of products originating in these States, countries or territories should be suspended autonomously for longer periods than those at present laid down ;

HAS ADOPTED THIS REGULATION :

*Article 1*

Until 31 May 1973, the Common Tariff duties on the products listed below originating in the Associated African and Malagasy States and the Overseas Countries and Territories shall be temporarily suspended. This suspension shall apply to :

07.01 Vegetables, fresh or chilled :

F. Leguminous vegetables, shelled or unshelled :

ex I. Peas : from 1 March to 30 April

ex II. Beans : from 1 to 31 May

S. Sweet peppers : from 1 to 31 May

T. Other :

— Aubergines :

from 1 March to 15 May

— Pumpkins, marrows, gourds :

from 1 April to 15 May

08.09 Other fruit, fresh :

— Melons and the like :

from 1 April to 31 May.

*Article 2*

This Regulation shall enter into force on 1 March 1973.

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

Done at Brussels, 26 February 1973.

*For the Council*

*The President*

E. GLINNE

31. 1. 75

Official Journal of the European Communities

No L 26/5

## REGULATION (EEC) No 241/75 OF THE COUNCIL

of 30 January 1975

extending the treatment applicable to certain agricultural products originating in the Associated African States, Madagascar and Mauritius, in the overseas countries and territories, and in the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the Convention of Association <sup>(1)</sup> between the European Economic Community and the African States and Madagascar associated with that Community signed at Yaoundé on 29 July 1969 provides that for such agricultural products as come under a common organization of the market and where the Associated States have an economic interest in exporting such products, the Community shall lay down import arrangements for the products originating in those States which shall be more favourable than the general treatment applied to identical products originating in third countries;

Whereas, pursuant to the Association Agreement on the accession of Mauritius to the Yaoundé Convention, signed on 12 May 1972, the Yaoundé Convention applies to Mauritius;

Whereas Council Decision No 70/549/EEC <sup>(2)</sup> of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community lays down identical provisions in respect of agricultural products originating in those countries and territories;

Whereas the Agreement <sup>(3)</sup> establishing an association between the European Economic Community and the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya, signed at Arusha on 24 September 1969, lays down like provisions in respect of agricultural products originating in those States;

Whereas the following Regulations have been adopted pursuant to the undertakings entered into by the Community:

- Council Regulations (EEC) No 517/70 <sup>(4)</sup> of 17 March 1970 and (EEC) No 625/71 <sup>(5)</sup> of 30 March 1971 on the treatment applicable to beef and veal originating in the Associated African States and Madagascar (AASM) or the overseas countries and territories (OCT), and in the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya;
- Council Regulations (EEC) No 522/70 <sup>(6)</sup> of 17 March 1970 and (EEC) No 653/71 <sup>(7)</sup> of 30 March 1971 on the treatment applicable to processed cereal and rice products originating in the AASM or the OCT and in the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya, as last amended by Council Regulation (EEC) No 1036/72 <sup>(8)</sup> of 18 May 1972;
- Council Regulations (EEC) No 519/70 <sup>(9)</sup> of 17 March 1970 and (EEC) No 654/71 <sup>(10)</sup> of 30 March 1971 on the treatment applicable to processed fruit and vegetable products originating in the AASM or the OCT and in the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya;
- Council Regulations (EEC) No 244/71 <sup>(11)</sup> of 1 February 1971 and (EEC) No 655/71 <sup>(12)</sup> of 30 March 1971 on the treatment applicable to unmanufactured tobacco originating in the AASM or the OCT and in the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya;
- Council Regulations (EEC) No 2738/73 <sup>(13)</sup> of 8 October 1973, amending Council Regulation (EEC) No 859/72 <sup>(14)</sup> of 25 April 1972, and (EEC) No 2739/73 <sup>(15)</sup> of 8 October 1973, amending Council Regulation (EEC) No 860/72 <sup>(16)</sup> of 25 April 1972 on the treatment applicable to certain fruit and vegetables originating in the

<sup>(4)</sup> OJ No L 65, 21. 3. 1970, p. 1.

<sup>(5)</sup> OJ No L 76, 31. 3. 1971, p. 1.

<sup>(6)</sup> OJ No L 65, 21. 3. 1970, p. 10.

<sup>(7)</sup> OJ No L 76, 31. 3. 1971, p. 2.

<sup>(8)</sup> OJ No L 118, 20. 5. 1972, p. 18.

<sup>(9)</sup> OJ No L 65, 21. 3. 1970, p. 4.

<sup>(10)</sup> OJ No L 76, 31. 3. 1971, p. 3.

<sup>(11)</sup> OJ No L 29, 5. 2. 1971, p. 1.

<sup>(12)</sup> OJ No L 76, 31. 3. 1971, p. 5.

<sup>(13)</sup> OJ No L 282, 9. 10. 1973, p. 15.

<sup>(14)</sup> OJ No L 101, 28. 4. 1972, p. 5.

<sup>(15)</sup> OJ No L 282, 9. 10. 1973, p. 16.

<sup>(16)</sup> OJ No L 101, 28. 4. 1972, p. 7.

<sup>(1)</sup> OJ No L 282, 28. 12. 1970, p. 2.

<sup>(2)</sup> OJ No L 282, 28. 12. 1970, p. 83.

<sup>(3)</sup> OJ No L 282, 28. 12. 1970, p. 54.

AASM or the OCT and in the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya;

- Council Regulation (EEC) No 656/71<sup>(1)</sup> of 30 March 1971, as amended by Regulation (EEC) No 1446/72<sup>(2)</sup> of 10 July 1972 on the treatment applicable to maize originating in the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya;
- Council Regulation (EEC) No 1316/71<sup>(3)</sup> of 21 June 1971 on the treatment applicable to fish products originating in the AASM or the OCT;
- Council Regulation (EEC) No 518/70<sup>(4)</sup> of 17 March 1970 on the treatment applicable to oleaginous products originating in the AASM or the OCT;
- Council Regulation (EEC) No 540/70<sup>(5)</sup> of 20 March 1970 on the treatment applicable to rice and broken rice originating in the AASM or the OCT;
- Council Regulation (EEC) No 520/70<sup>(6)</sup> of 17 March 1970 laying down special provisions for the import of goods covered by Regulation (EEC) No 1059/69 originating in the AASM or the OCT;
- Council Regulations (EEC) No 521/70<sup>(7)</sup> of 1 March 1970 and (EEC) No 245/71<sup>(8)</sup> of 1 February 1971 providing for special derogations in respect of imports into the French overseas departments of certain agricultural products originating in the AASM or the OCT;

Whereas, following the Decisions of the Association Council of the Yaoundé Convention and the Association Council of the Arusha Agreement on transitional measures to be applied after 31 January 1975, the undertakings entered into by the Community in respect of the Associated African States and Madagascar and the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya have been extended until the entry into force of the new provisions relating to the same fields or until 31 July 1975, whichever is the earlier;

(<sup>1</sup>) OJ No L 76, 31. 3. 1971, p. 6.  
 (<sup>2</sup>) OJ No L 156, 12. 7. 1972, p. 8.  
 (<sup>3</sup>) OJ No L 139, 25. 6. 1971, p. 4.  
 (<sup>4</sup>) OJ No L 65, 21. 3. 1970, p. 2.  
 (<sup>5</sup>) OJ No L 68, 25. 3. 1970, p. 1.  
 (<sup>6</sup>) OJ No L 65, 21. 3. 1970, p. 6.  
 (<sup>7</sup>) OJ No L 65, 21. 3. 1970, p. 8.  
 (<sup>8</sup>) OJ No L 29, 5. 2. 1971, p. 3.

Whereas, by Council Decision No 75/89/EEC of 30 January 1975 on transitional measures to be applied after 31 January 1975 in relation with the overseas countries and territories, the undertakings in respect of those countries and territories have been extended until the entry into force of the new provisions relating to the same fields or until 31 July 1975, whichever is the earlier;

Whereas the reasons for according such a treatment are still valid; whereas such a treatment should be maintained throughout the period during which the undertakings entered into by the Community in respect of those associated states, countries and territories are valid,

HAS ADOPTED THIS REGULATION:

#### Article 1

The second and third paragraphs

- of Article 2 of Regulation (EEC) No 517/70,
- of Article 4 of Regulation (EEC) No 518/70,
- of Article 4 of Regulation (EEC) No 519/70,
- of Article 3 of Regulation (EEC) No 520/70,
- of Article 2 of Regulation (EEC) No 521/70,
- of Article 3 of Regulation (EEC) No 522/70,
- of Article 6 of Regulation (EEC) No 540/70

and the second paragraph

- of Article 3 of Regulation (EEC) No 244/71,
- of Article 3 of Regulation (EEC) No 245/71,
- of Article 2 of Regulation (EEC) No 1316/71,
- of Article 2 of Regulation (EEC) No 652/71,
- of Article 2 of Regulation (EEC) No 653/71,
- of Article 3 of Regulation (EEC) No 654/71,
- of Article 3 of Regulation (EEC) No 655/71,
- of Article 2 of Regulation (EEC) No 656/71,
- of Article 2 of Regulation (EEC) No 859/72,
- of Article 2 of Regulation (EEC) No 860/72

shall be replaced by the following paragraph:

'It shall be applicable:

- in respect of products originating in the Associated African States and Madagascar and in the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya, until the entry into force of the new provisions relating to the same fields, or until 31 July 1975, whichever is the earlier;
- in respect of products originating in the overseas countries and territories associated with the Community, until the entry into force of the provisions which are to replace the Council Decision of 29 September 1970

on the association of the overseas countries and territories with the European Economic Community or until 31 July 1975, whichever is the earlier.'

*Article 2*

This Regulation shall enter into force on 1 February 1975.

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

Done at Brussels, 30 January 1975.

*For the Council*  
*The President*  
G. FITZGERALD

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DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE  
MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY  
AS ORIGINALLY CONSTITUTED, MEETING WITHIN THE COUNCIL

of 30 January 1975

opening tariff preferences for the products covered by that Community and originating  
in the Associated African States and Madagascar and the overseas countries and  
territories

(75/90/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS  
OF THE MEMBER STATES OF THE EUROPEAN  
COAL AND STEEL COMMUNITY AS ORIGINALLY  
CONSTITUTED, MEETING WITHIN THE COUNCIL,

Whereas the Member States have concluded with  
each other the Treaty establishing the European Coal  
and Steel Community;

Whereas the Agreement relating to the products  
covered by the European Coal and Steel Community  
concluded on 29 July 1969 between the Member  
States of that Community and the Associated African  
States and Madagascar and the Agreement concluded  
on 14 December 1970 between the Member States of  
that Community relating to trade with the overseas  
countries and territories in products covered by the  
European Coal and Steel Community expire on 31  
January 1975;

Whereas, in accordance with Article 109 (1), second  
subparagraph and Article 117 (2) of the Act of  
Accession, the new Member States were not required  
to accede to these Agreements;

Having regard to Decision No 48/75 of the EEC-  
AASM Association Council on transitional measures  
to be applied after 31 January 1975 and Council  
Decision No 75/89/EEC <sup>(1)</sup> of 30 January 1975 on  
transitional measures to be applied after 31 January  
1975 in relations with the overseas countries and  
territories;

Desiring to continue to apply the existing tariff  
suspensions autonomously and concurrently;

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

*Article 1*

From 1 February 1975, the duties applicable in the  
Community as originally constituted to imports of

products covered by the European Coal and Steel  
Community and originating in the Associated  
African States and Madagascar or the overseas  
countries and territories, or the levying of such  
duties, shall be suspended.

*Article 2*

The provisions laying down the rules of origin for  
the application of the Convention of Association  
between the European Economic Community as  
originally constituted and the African States and  
Madagascar associated with that Community and for  
the implementation of Council Decision No 70/549/  
EEC of 29 September 1970 on the association of the  
overseas countries and territories with the European  
Economic Community shall be applicable to the  
products referred to in Article 1.

*Article 3*

The Member States shall decide by mutual  
agreement on any safeguard measures as may be  
suggested by one or more Member States or by the  
Commission.

*Article 4*

This Decision shall expire at the same time as the  
transitional measures provided for in Decision No  
48/75 of the EEC-AASM Association Council and in  
Decision No 75/89/EEC.

*Article 5*

The Member States shall take all the measures  
necessary to implement this Decision.

Done at Brussels, 30 January 1975.

*The President*  
G. FITZGERALD

<sup>(1)</sup> cf. OCT/EEC 0 102

28. 6. 75

Official Journal of the European Communities

No L 166/67

## REGULATION (EEC) No 1599/75 OF THE COUNCIL

of 24 June 1975

on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof;

Having regard to Council Regulation (EEC) No 1059/69 <sup>(1)</sup> of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products, as last amended by Regulation (EEC) No 1491/73 <sup>(2)</sup>, and in particular Article 12 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the ACP-EEC Lomé convention hereinafter called 'the convention', between the African, Caribbean and Pacific States, hereinafter called the 'ACP States', and the European Economic Community was signed on 28 February 1975;

Whereas Article 2 (2) (a) of that convention lays down that: 'Products originating in the ACP States:

- listed in Annex II to the Treaty when they come under a common organization of the market within the meaning of Article 40 of the Treaty; or
- subject, on importation into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy;

shall be imported into the Community notwithstanding the general arrangements applied in respect of third countries, in accordance with the following provisions:

- (i) those products shall be imported free of customs duties for which Community provisions in force at the time of importation do not provide, apart

from customs duties, for the application of any other measure relating to their importation;

- (ii) for products other than those referred to under (i), the Community shall take the necessary measures to ensure, as a general rule, more favourable treatment than the general treatment applicable to the same products originating in third countries to which the most-favoured-nation clause applies';

Whereas, when this convention was signed, the Community and the ACP States agreed in an exchange of letters to apply autonomously from 1 July 1975 certain provisions of the convention relating to trade in goods, including those of Article 2 (2) (a);

Whereas the application of these provisions is to be deferred with regard to products falling within heading Nos 06.03 and 06.04 of the Common Customs Tariff, by virtue of the statement entered in the minutes of the signature of the convention whereby the date from which these products will be admitted to the Community free of customs duties will be notified to the ACP States as soon as possible, as the Community must first settle problems related to Community import arrangements for these products;

Whereas, for the remainder, Council Regulation (EEC) No 1598/75 <sup>(3)</sup> of 24 June 1975 on the advance implementation of certain provisions of the ACP-EEC Lomé convention relating to trade in goods applies from 1 July 1975;

Whereas Article 1 (2) stipulates that paragraph 1 shall not prejudice the application of Article 38 of the Act of Accession; and whereas the customs duties which are temporarily provided under the aforesaid Article 38 therefore remain generally applicable;

<sup>(1)</sup> OJ No L 141, 12. 6. 1969, p. 1.

<sup>(2)</sup> OJ No L 151, 7. 6. 1973, p. 1.

<sup>(3)</sup> OJ No L 166, 28.6.1975

## Whereas

- Council Regulation (EEC) No 805/68<sup>(1)</sup> of 27 June 1968 on the common organization of the market in beef and veal, as last amended by Regulation (EEC) No 1855/74<sup>(2)</sup>,
- Council Regulation (EEC) No 2142/70<sup>(3)</sup> of 20 October 1970 on the common organization of the market in fishery products, as last amended by Regulation (EEC) No 1182/75<sup>(4)</sup>,
- Council Regulation No 136/66/EEC<sup>(5)</sup> of 22 September 1966 on the establishment of a common organization of the market in oils and fats, as last amended by Regulation (EEC) No 1707/73<sup>(6)</sup>,
- Council Regulation No 120/67/EEC<sup>(7)</sup> of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 665/75<sup>(8)</sup>,
- Council Regulation No 359/67/EEC<sup>(9)</sup> of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 668/75<sup>(10)</sup>,
- Council Regulation (EEC) No 1035/72<sup>(11)</sup> of 18 May 1972 on the common organization of the market in fruit and vegetables, as last amended by Regulation (EEC) No 2745/72<sup>(12)</sup>,
- Council Regulation (EEC) No 865/68<sup>(13)</sup> of 28 June 1968 on the common organization of the market in products processed from fruit and vegetables, as last amended by Regulation (EEC) No 981/75<sup>(14)</sup>,
- Regulation (EEC) No 1059/69,
- Council Regulation (EEC) No 727/70<sup>(15)</sup> of 21 April 1970 on the common organization of

the market in raw tobacco, as last amended by the Act of Accession<sup>(16)</sup>,

- Council Regulation (EEC) No 1308/70<sup>(17)</sup> of 29 June 1970 on the common organization of the market in flax and hemp, as last amended by the Act of Accession,
- Council Regulation (EEC) No 1696/71<sup>(18)</sup> of 26 July 1971 on the common organization of the market in hops, as last amended by the Act of Accession,
- Council Regulation (EEC) No 234/68<sup>(19)</sup> of 27 February 1968 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage, as last amended by the Act of Accession,
- Council Regulation (EEC) No 2358/71<sup>(20)</sup> of 26 October 1971 on the common organization of the market in seeds, as last amended by Regulation (EEC) No 671/75<sup>(21)</sup>,
- Council Regulation (EEC) No 827/68<sup>(22)</sup> of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty, as last amended by Regulation (EEC) No 1067/74<sup>(23)</sup>, and
- Council Regulation (EEC) No 1067/74 of 30 April 1974 on the common organization of the market in dehydrated fodder, as last amended by Regulation (EEC) No 1420/75<sup>(24)</sup>,

establish trade arrangements with third countries;

Whereas, on the one hand, these arrangements provide only for the application of custom duties on the importation of a number of products; whereas it should therefore be ensured that the exemption from duties provided for in Article 2 (2) (a) (i) of the convention is applied from 1 July 1975;

Whereas, on the other hand, these trade arrangements involve the application of customs duties and import levies on beef and veal and on products processed from fruit and vegetables the charging of levies in

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 195, 18. 7. 1974, p. 14.

<sup>(3)</sup> OJ No L 236, 27. 10. 1970, p. 5.

<sup>(4)</sup> OJ No L 118, 8. 5. 1975, p. 1.

<sup>(5)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(6)</sup> OJ No L 175, 29. 6. 1973, p. 5.

<sup>(7)</sup> OJ No 117, 19. 6. 1967, p. 2269/67.

<sup>(8)</sup> OJ No L 72, 20. 3. 1975, p. 14.

<sup>(9)</sup> OJ No 174, 31. 7. 1967, p. 1.

<sup>(10)</sup> OJ No L 72, 20. 3. 1975, p. 18.

<sup>(11)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(12)</sup> OJ No L 291, 28. 12. 1972, p. 14.

<sup>(13)</sup> OJ No L 153, 1. 7. 1968, p. 8.

<sup>(14)</sup> OJ No L 95, 17. 4. 1975, p. 2.

<sup>(15)</sup> OJ No L 94, 28. 4. 1970, p. 1.

<sup>(16)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(17)</sup> OJ No L 146, 4. 7. 1970, p. 1.

<sup>(18)</sup> OJ No L 175, 4. 8. 1971, p. 1.

<sup>(19)</sup> OJ No L 55, 2. 3. 1968, p. 1.

<sup>(20)</sup> OJ No L 246, 5. 11. 1971, p. 1.

<sup>(21)</sup> OJ No L 72, 20. 3. 1975, p. 21.

<sup>(22)</sup> OJ No L 151, 30. 6. 1968, p. 16.

<sup>(23)</sup> OJ No L 120, 1. 5. 1974, p. 2.

<sup>(24)</sup> OJ No L 141, 3. 6. 1975, p. 1.

respect of cereals, rice and products processed from cereals and rice, the charging of an *ad valorem* duty and a variable component on certain goods resulting from the processing of agricultural products, the application of customs duties and other measures in respect of imports of fishery products, certain fruit and vegetables and oils and fats; whereas the obligations of the Community towards the ACP States arising from Article 2 (2) (a) (ii) of the convention may be fulfilled by granting total or partial exemption from import charges for the products in question where they originate in the ACP States;

Whereas, in order to make exports of beef and veal easier for the ACP States concerned, provision should temporarily be made for the possibility of partially offsetting the import charges arising from present trends in the world market situation;

Whereas it should be specified that the advantages resulting from Article 2 (2) (a) of the convention are accorded only to originating products within the meaning of Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, annexed to the convention;

Whereas, until the entry into force of the convention, the provisions relating to the definition of the concept of 'originating products' and methods of administrative cooperation laid down in Annex II to Council Regulation (EEC) No 1598/75 are applicable;

Whereas, furthermore, these advantages should, according to the case, be combined with certain conditions and limited to certain annual and multiannual quantities;

Whereas the safeguard clauses provided for in the Regulations on the common organization of markets are applicable;

Whereas in addition specific safeguard clauses must be provided for certain products;

Whereas there have traditionally been trade flows from the ACP States towards the French overseas departments, and whereas provision should therefore be made for measures favouring imports of certain products originating in the ACP States into these French overseas departments to meet their supply requirements;

Whereas provisions similar to those for products originating in the ACP States are envisaged for agricultural products and certain goods resulting from the processing of agricultural products originating in the 'overseas countries and territories' associated with the European Economic Community, hereinafter called 'countries and territories';

Whereas a Council Regulation is envisaged to define the interim arrangements for trade with the 'countries and territories'; whereas, pending the entry into force of that Regulation, the rules of origin laid down in Regulation (EEC) No 1598/75 should be applied *mutatis mutandis* to products imported from the 'countries and territories'; whereas, following the entry into force of the Regulation on the interim arrangements for trade with the 'countries and territories', the provisions of the said Regulation relating to origin should be applied to those products,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. This Regulation shall apply to products originating in the ACP States listed in Annex I or in the 'countries and territories' listed in Annex II.

2. The rules of origin applicable to such of these products as are imported from the ACP States shall be those set out in Annex II to Regulation (EEC) No 1598/75. Until the entry into force of the Council Regulation on the interim arrangements for trade with the 'countries and territories' these same rules of origin shall apply *mutatis mutandis* to products imported from the 'countries and territories' referred to in paragraph 1.

After the entry into force of the said Regulation, its provisions on origin shall apply to imports from the 'countries and territories' of the products covered by this Regulation.

#### TITLE I

#### Beef and veal

#### Article 2

1. The beef and veal products referred to in Article 1 of Regulation (EEC) No 805/68 shall be imported free of customs duties.

2. Until 31 December 1975, the duties on imports from ACP States of the products referred to in Article 1 (a) of Regulation (EEC) No 805/68 shall be reduced by an amount to be fixed quarterly by the Commission and corresponding to 90% of the average of the import duties during the reference period referred to in paragraph 4.

3. Paragraph 2 shall apply to all imports for which the importer proves that an export tax of an amount corresponding to the reduction referred to in paragraph 2 has been charged by the exporter State.

4. The arrangements for applying paragraphs 2 and 3 shall be adopted in accordance with the procedure provided for in Article 27 of Regulation (EEC) No 805/68.

These arrangements shall, in particular, cover:

- (a) the basis for calculation and the reference period to be taken into consideration for fixing the amount by which the import duties are reduced;
- (b) the rules for fixing the corresponding amount to be charged by the exporter State;
- (c) admissible proof and inspection measures.

#### Article 3

Where, in the course of a year, imports into the Community of beef and veal falling within subheading 02.01 A II a) of the Common Customs Tariff and originating in an ACP State or 'country or territory' exceed a quantity equivalent to that of imports into the Community during the years between 1969 and 1974 inclusive in which the greatest quantity of Community imports of the origin in question was recorded, plus an annual growth rate of 7%, exemption from customs duties on the products of that origin shall be partially or totally suspended in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68.

In such a case, the Commission shall report to the Council, which, acting by a qualified majority on a proposal from the Commission, shall decide on the treatment to be applied to the imports concerned.

### TITLE II

#### Fishery products

##### Article 4

The fishery products referred to in Article 1 of Regulation (EEC) No 2142/70 shall be imported free of customs duties.

### TITLE III

#### Oils and fats

##### Article 5

The oils and fats products referred to in Article 1 (2) (a) and (b) of Regulation No 136/66/EEC shall be imported free of customs duties.

##### Article 6

Should the volume of imports of any of the oil seeds falling within subheading ex 12.01 B of the

Common Customs Tariff, referred to in Article 1 (2) (a) of Regulation No 136/66/EEC, undergo appreciable changes in relation to the present situation, the Council, acting by a qualified majority on a proposal from the Commission, shall adopt special measures.

### TITLE IV

#### Cereals

##### Article 7

1. The levy applicable to imports of maize falling within subheading 10.05 B of the Common Customs Tariff shall be that fixed in accordance with Article 13 of Regulation No 120/67/EEC, reduced by 1.50 units of account per metric ton.

2. The levy applicable to imports of millet falling within subheading 10.07 B of the Common Customs Tariff and of grain sorghum following within subheading 10.07 C of the Common Customs Tariff shall be that fixed in accordance with Article 13 of Council Regulation No 120/67/EEC, reduced by 50 %.

### TITLE V

#### Rice

##### Article 8

The levy applicable to imports of rice falling within heading No 10.06 of the Common Customs Tariff shall be equal, per 100 kg of product, to the levy applicable to imports of rice from third countries, reduced as follows:

- (a) for paddy rice falling within subheading 10.06 A I of the Common Customs Tariff:
  - by 50%, and
  - by 0.30 unit of account;
- (b) for husked rice falling within subheading 10.06 A II of the Common Customs Tariff:
  - by 50%, and
  - by 0.30 unit of account;
- (c) for semi-milled rice falling within subheading 10.06 B I of the Common Customs Tariff:
  - by the amount for the protection of the industry referred to in Article 14 (3) of Regulation No 359/67/EEC, converted by reference to the conversion rate between milled rice and semi-milled rice referred to in the third indent of Article 19 (a) of that Regulation;

- by 50% of the levy thus reduced, and
  - by 0.45 unit of account;
- (d) for milled rice falling within subheading 10.06 B II of the Common Customs Tariff:
- by the amount for the protection of the industry referred to in Article 14 (3) of Regulation No 359/67/EEC;
  - by 50% of the levy thus reduced, and
  - by 0.45 unit of account;
- (e) for broken rice falling within subheading 10.06 C of the Common Customs Tariff;
- by 50%, and
  - by 0.25 unit of account.

#### Article 9

1. The provisions of Article 8 shall apply only if the cif export price of a given quantity, increased by the levy applicable to imports of rice originating in the ACP States or in the 'countries and territories' is at the time of exportation, for that quantity, equal to or more than:

- for husked rice, milled rice and broken rice, the threshold price of each of these products, reduced by amounts of 0.30, 0.45 and 0.25 unit of account respectively;
- for paddy rice, the threshold price of husked rice adjusted by reference to the conversion rate, processing costs and the value of the by-products to be taken for conversion from the husked state to the paddy state, reduced by an amount of 0.30 unit of account;
- for semi-milled rice, the threshold price of milled rice adjusted by reference to the conversion rate, processing costs and the value of the by-products to be taken for conversion from the round grained milled state to the round grain semi-milled state, reduced by an amount of 0.45 unit of account.

2. In order to permit the necessary checks, the documents accompanying the goods must show the cif price at which the product is sold and the date of exportation, together with all details regarding quality enabling the product to be defined. This document must be stamped by the competent authorities in the exporting ACP State, 'country or territory'.

#### Article 10

1. Article 13 (2) of Regulation No 359/67/EEC shall not apply to the levies to be charged on

imports of rice originating in the ACP States or in the 'countries and territories'.

2. As regards such imports, however, the levy applicable on the day of exportation shall be applied, if the applicant so requests when applying for the licence referred to in Article 10 (1) of the above Regulation, to an importation to be effected during the period of validity of the licence.

#### Article 11

Where, in the course of a year, imports into the Community of rice originating in an ACP State or in a 'country or territory' exceed a quantity equivalent to the average quantity of annual imports into the Community of the origin in question over the past three years for which statistics are available plus 5%, the provisions of Article 8 shall be totally or partially suspended in respect of the products of the origin in question in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC.

In such a case, the Commission shall report to the Council which, acting by a qualified majority on a proposal from the Commission, shall decide on the treatment to be applied to the imports concerned.

#### TITLE VI

##### Products processed from cereals and rice

#### Article 12

1. The levy applicable to imports of the products listed in Annex A to Regulation No 120/67/EEC and of the products listed in Article 1 (1) (c) of Regulation No 359/67/EEC shall be equal to the levy applicable to imports of those products from third countries reduced by the fixed component specified for each of the products in question.

2. The variable component of the levy shall be reduced:

- by 0.15 unit of account per 100 kg for the products falling within subheading 07.06 A of the Common Customs Tariff;
- by 0.30 unit of account per 100 kg for the products falling within heading No 11.06 of the Common Customs Tariff;
- by 50% for the products falling within subheading 11.08 A V of the Common Customs Tariff.

3. The variable component of the levy shall not be charged in respect of the following products originating in the 'countries and territories':

CCT heading No	Description of goods
07.06	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and other similar roots and tubers with high starch or inulin content, fresh or dried, whole or sliced; sago pith: ex A. Manioc arrowroot, salep and other similar roots and tubers with high starch content, excluding sweet potatoes: — Arrowroot
11.06	Flours and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06: ex A. Denatured: — Flours and meal of arrowroot B. Other: ex I. For the manufacture of starches: — Flours and meal of arrowroot ex II. Other: — Flours and meal of arrowroot
11.08	Starches; inulin: A. Starches: ex V. Other: — Arrowroot starch

## TITLE VII

## Fruit and vegetables

## Article 13

1. The products listed below shall be imported free of customs duties:

CCT heading No	Description of goods
07.01	Vegetables, fresh or chilled: F. Leguminous vegetables, shelled or unshelled G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots: ex IV. Other: — Radishes ( <i>Raphanus sativus</i> ), known as 'Mooli' S. Sweet peppers T. Other

CCT heading No	Description of goods
08.02	Citrus fruit, fresh or dried: D. Grapefruit E. Other
08.08	Berries, fresh: E. Papaws ex F. Other: — Passion fruit
08.09	Other fruit, fresh

2. The products listed below shall be imported subject to customs duties equal to 20% of the Common Customs Tariff duties:

CCT heading No	Description of goods
08.02	Citrus fruit, fresh or dried: A. Oranges B. Mandarins including tangerines and satsumas; clementines, wilkings and other similar citrus hybrids

#### Article 14

1. Any decision taken under Article 29 (2) and (3) of Regulation (EEC) No 1035/72 and relating to the products listed in Article 13 of this Regulation shall be communicated to the ACP States concerned.

2. Furthermore, if serious disruptions occur as a result of a large increase in imports of products listed in Article 13 (1) and (2) of this Regulation and originating in the ACP States or in the 'countries and territories', or if these imports create difficulties which bring about a deterioration in the economic situation of a region of the Community, Articles 5, 6, 7 and 8 of Regulation (EEC) No 1598/75 or the corresponding rules concerning the countries and territories shall apply.

## TITLE VIII

## Products processed from fruit and vegetables

## Article 15

1. The products listed in Article 1 of Regulation (EEC) No 865/68 shall be imported free of customs duties.

2. Levies shall not be charged on imports of the products listed below:

CCT heading No	Description of goods
20.06	<p>Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit:</p> <p>B. Other:</p> <p>I. Containing added spirit:</p> <p>b) Pineapples, in immediate packings of a net capacity:</p> <p>1. Of more than 1 kg:</p> <p>aa) With a sugar content exceeding 17% by weight</p> <p>2. Of 1 kg or less:</p> <p>aa) With a sugar content exceeding 19% by weight</p> <p>e) Other fruits:</p> <p>ex 1. With a sugar content exceeding 9% by weight:</p> <p>— Grapefruit segments</p> <p>II. Not containing added spirit:</p> <p>a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg:</p> <p>2. Grapefruit segments</p> <p>5. Pineapples:</p> <p>aa) With a sugar content exceeding 17% by weight</p> <p>9. Mixtures of fruit:</p> <p>ex aa) Mixtures in which no single fruit exceeds 50% of the total weight of the fruits:</p> <p>— Mixtures of pineapples, papaws and pomegranate</p> <p>ex bb) Other:</p> <p>— Mixtures of pineapples, papaws and pomegranate</p> <p>b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less:</p> <p>2. Grapefruit segments</p> <p>5. Pineapples:</p> <p>aa) With a sugar content exceeding 19% by weight</p>

CCT heading No	Description of goods
20.06 (cont'd)	B. II. b) 9. Mixtures of fruit: ex aa) Mixtures in which no single fruit exceeds 50% of the total weight of the fruits: — Mixtures of pineapples, papaws and pomegranate ex bb) Other: — Mixtures of pineapples, papaws and pomegranate
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit: B. Of a specific gravity of 1.33 or less at 15° C: II. Other: b) Of a value of 30 u.a. or less per 100 kg net weight: 5. Pineapple juice: aa) With an added sugar content exceeding 30% by weight 8. Mixtures: bb) Other: ex 11. With an added sugar content exceeding 30% by weight: — Pineapple, papaw and pomegranate juice

TITLE IX

Unmanufactured tobacco

Article 16

The tobacco products listed in Article 1 of Regulation (EEC) No 727/70 shall be imported free of customs duties.

Article 17

1. Any decision taken pursuant to Article 10 (2) and (3) of Regulation (EEC) No 727/70 shall be communicated to the ACP States concerned.

2. Furthermore, if serious disruptions occur as a result of a large increase in duty-free imports of the products falling within heading No 24.01 of the Common Customs Tariff, originating in the ACP States or in the 'countries and territories', or if these imports create difficulties which bring about a deterioration in the economic situation of a region

of the Community, the Community may take the necessary safeguard measures, including those intended to offset any deflection of trade. For the purpose of implementing the safeguard measures *vis-à-vis* the ACP States or the 'countries and territories', Articles 5, 6, 7 and 8 of Regulation (EEC) No 1598/75 or the corresponding rules concerning the countries and territories shall apply.

TITLE X

Goods to which Regulation (EEC) No 1059/69 applies

Article 18

1. No fixed component shall be charged on imports of goods to which Regulation (EEC) No 1059/69 applies.

2. The variable component shall not be charged on imports of the goods listed below:

CCT heading No	Description of goods
17.04	Sugar confectionery, not containing cocoa:  C. White chocolate
18.06	Chocolate and other food preparations containing cocoa:  C. Chocolate and chocolate goods, whether or not filled; sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa
19.02	Preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa:  B. Other: I. Containing no milk fats or containing less than 1.5% by weight of such fats: d) Containing 45% or more but less than 65% by weight of starch
19.04	Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit:  D. Other, containing by weight of starch: ex II. 50% or more, excluding ships' biscuits
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion:  B. Other: IV. Containing 50% or more but less than 65% by weight of starch: a) Containing no sucrose or containing less than 5% by weight of sucrose (including invert sugar expressed as sucrose): ex I. Containing no milk fats or containing less than 1.5% by weight of such fats: — Biscuits  V. Containing 65% or more by weight of starch: ex a) Containing no sucrose or containing less than 5% by weight of sucrose (including invert sugar expressed as sucrose): — Biscuits ex b) Other: — Biscuits

## TITLE XI

## Other markets subject to common organization

## Article 19

The products referred to in Regulations (EEC) No 234/68, (EEC) No 827/68, (EEC) No 1308/70, (EEC) No 1696/71, (EEC) No 2358/71 and (EEC) No 1067/74 shall be imported free of customs duties, with the exception of the products listed below:

CCT heading No	Description of goods
06.03	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared
06.04	Foliage, branches and other parts (other than flowers or buds under 06.03) of trees, shrubs or bushes and other plants, and mosses, lichens and grasses, being goods of a kind suitable for bouquets or ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared

## TITLE XII

## Provisions relating to the French overseas departments

## Article 20

The levies shall not be applied to imports into the French overseas departments of the products listed below originating in the ACP States or in the 'countries and territories':

CCT heading No	Description of goods
01.02	Live animals of the bovine species: A. Domestic species: II. Other
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen: A. Meat: II. Of bovine animals: a) Of domestic bovine animals
10.06	Rice

*Article 21*

1. The levy applicable to imports into the French overseas departments of maize falling within subheading 10.05 B of the Common Customs Tariff originating in the ACP States or in the 'countries and territories' shall be that fixed in accordance with Article 13 of Regulation No 120/67/EEC reduced by six units of account per metric ton.

2. If imports into the French overseas departments of maize originating in the ACP States or in the 'countries and territories' have exceeded 4 500 metric tons in a year, and if such imports are causing or are likely to cause serious disturbances in the market, the Commission shall take the necessary measures, at the request of a Member State or on its own initiative.

3. Any Member State may, within three working days of notification of the measure taken by the Commission, refer that measure to the Council. The Council shall meet forthwith. It may amend or declare void the measure in question, acting by a qualified majority.

## TITLE XIII

**General and final provisions***Article 22*

1. The reductions provided for by this Regulation shall be calculated by reference to the levies and variable components applicable, at any given time, to imports from third countries into the Community as originally constituted.

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

Done at Luxembourg, 24 June 1975.

However, the amount resulting from such reduction may not be less than the highest accession compensatory amount actually applicable, where appropriate, by the importing Member State on the day of importation in its trade with the other Member States.

2. The exemption referred to in Article 12 (3), Article 15 (2) and Article 18 (2) shall be limited to the highest accession compensatory amount actually applicable, where appropriate, by the importing Member State on the day of importation in its trade with the other Member States.

*Article 23*

If necessary, detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC or, as the case may be, in the corresponding Articles of the other Regulations on the common organization of the agricultural markets.

*Article 24*

This Regulation shall enter into force on 1 July 1975.

It shall apply until the convention enters into force and until 29 February 1976 at the latest.

The Council may decide to extend the application of this Regulation beyond that date.

*For the Council*

*The President*

G. FITZGERALD

## ANNEX I

## List of States referred to in Article 1 (1)

Bahamas	Liberia
Barbados	Malagasy Republic
Botswana	Malawi
Burundi	Mali
Cameroon	Mauritania
Central African Republic	Mauritius
Chad	Niger
People's Republic of the Congo	Nigeria
Dahomey	Rwanda
Equatorial Guinea	Senegal
Ethiopia	Sierra Leone
Fiji	Somali
Gabon	Sudan
Gambia	Swaziland
Ghana	Tanzania
Grenada	Togo
Guinea	Tonga
Guinea Bissau	Trinidad and Tobago
Guyana	Uganda
Ivory Coast	Upper Volta
Jamaica	Western Samoa
Kenya	Zaire
Lesotho	Zambia

## ANNEX II

## List of the 'countries and territories' referred to in Article 1 (1)

1. Overseas countries of the Kingdom of the Netherlands:
    - Surinam,
    - The Netherlands Antilles (Aruba, Bonaire, Curaçao and St Martin, Saba, St Eustatius).
  
  2. Overseas territories of the French Republic:
    - Saint Pierre and Miquelon,
    - The Comoro Archipelago,
    - The Territory of the Afars and Issas,
    - New Caledonia and Dependencies,
    - Wallis and Futuna Islands,
    - French Polynesia,
    - French Southern and Antarctic Territories.
  
  3. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland:
    - Belize,
    - Brunei,
    - Associated States in the Caribbean: Antigua, Dominica, St Lucia, St Vincent, St Christopher, Nevis and Anguilla,
    - Cayman Islands,
    - Falkland Islands and Dependencies,
    - Gilbert and Ellice Islands,
    - British Solomon Islands,
    - Turks and Caicos Islands,
    - British Virgin Islands,
    - Montserrat,
    - Pitcairn,
    - St Helena and Dependencies,
    - The Seychelles,
    - British Antarctic Territory,
    - British Indian Ocean Territory.
  
  4. Anglo-French Condominium of the New Hebrides.
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**DECISION  
OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES  
OF THE EUROPEAN COAL AND STEEL COMMUNITY,  
MEETING IN COUNCIL**

of 24 June 1975

**opening tariff preferences for products within the province of that Community originating  
in the African, Caribbean and Pacific States and in the overseas countries and territories  
associated with the Community**

(75/371/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS  
OF THE MEMBER STATES OF THE EUROPEAN  
COAL AND STEEL COMMUNITY MEETING IN  
COUNCIL,

Whereas the Member States have concluded with each other the Treaty establishing the European Coal and Steel Community;

Whereas the Agreement on products within the province of the European Coal and Steel Community, hereinafter called the 'Agreement', between the Member States of that Community and the African, Caribbean and Pacific States, hereinafter called the 'ACP States', was signed on 28 February 1975 at the same time as the ACP-EEC Lomé convention and whereas that Agreement is being submitted for ratification;

Whereas when the Agreement was signed, the European Economic Community, its Member States and the ACP States agreed in an exchange of letters to apply autonomously from 1 July 1975 certain provisions of the convention relating to trade in goods;

Desiring to apply likewise autonomously and concurrently the tariff suspensions contained in the Agreement;

Whereas a Council Regulation is envisaged to define the interim arrangements for trade with the overseas countries and territories associated with the European Economic Community; whereas it will not apply to products within the province of the European Coal and Steel Community, and whereas the association's arrangements should nevertheless be extended to these products;

Whereas, until the rules of origin which will be laid down by the abovementioned Regulation enter into force, the rules of origin laid down in Regulation (EEC) No 1598/75 should be applied to products imported from the 'countries and territories' *mutatis mutandis* with products imported from the ACP States, and whereas thereafter the rules of origin laid down by the Regulation on the interim arrangements for trade with the 'countries and territories' should be applied;

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

*Article 1*

From 1 July 1975, the duties applicable in the Community to imports of products within the

province of the European Coal and Steel Community, originating in the ACP States listed in Annex I or in the 'overseas countries and territories' listed in Annex II, and charges having equivalent effect, or the levying of such duties and charges, shall be suspended. The treatment applied to such products may not be more favourable than that accorded by the Member States among themselves.

For purposes of the implementation of the first subparagraph, account shall not be taken of residual customs duties and charges having equivalent effect arising from the application of Articles 32 and 36 of the Act of Accession.

#### Article 2

The provisions defining the rules of origin provided for in Council Regulation (EEC) No 1598/75 <sup>(1)</sup> of 24 June 1975 on the advance implementation of certain provisions of the ACP-EEC Lomé convention relating to trade in goods shall apply to products referred to in Article 1 imported from the ACP States.

They shall apply *mutatis mutandis* to products referred to in Article 1 imported from the 'countries and territories' until the entry into force of the Council Regulation on the interim arrangements for trade with the 'countries and territories'. After the

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<sup>(1)</sup> OJ No L 166 of 28.6.1975

entry into force of that Regulation, its provisions on origin shall apply to products imported from the said 'countries and territories'.

#### Article 3

The Member States shall decide by mutual agreement on any safeguard measures suggested by one or more Member States or by the Commission.

#### Article 4

This Decision shall remain applicable until the entry into force of the Agreement and at the latest until 29 February 1976.

Where necessary, the representatives of the Governments of the Member States of the European Coal and Steel Community, meeting in Council, may decide to keep this Decision in force beyond that date and until the entry into force of the Agreement aforesaid.

#### Article 5

The Member States shall take all the measures necessary for the implementation of this Decision.

Done at Luxembourg, 24 June 1975.

*The President*  
G. FITZGERALD

## ANNEX I

## List of States referred to in Article 1, first subparagraph

Bahamas	Liberia
Barbados	Malagasy Republic
Botswana	Malawi
Burundi	Mali
Cameroon	Mauritania
Central African Republic	Mauritius
Chad	Niger
People's Republic of the Congo	Nigeria
Dahomey	Rwanda
Equatorial Guinea	Senegal
Ethiopia	Sierra Leone
Fiji	Somali
Gabon	Sudan
Gambia	Swaziland
Ghana	Tanzania
Grenada	Togo
Guinea	Tonga
Guinea Bissau	Trinidad and Tobago
Guyana	Uganda
Ivory Coast	Upper Volta
Jamaica	Western Samoa
Kenya	Zaire
Lesotho	Zambia

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## ANNEX II

## List of the 'countries and territories' referred to in Article 1, first subparagraph

1. Overseas countries of the Kingdom of the Netherlands:
    - Surinam,
    - The Netherlands Antilles (Aruba, Bonaire, Curaçao and St Martin, Saba, St Eustatius)
  2. Overseas territories of the French Republic:
    - Saint Pierre and Miquelon,
    - The Comoro Archipelago,
    - The Territory of the Afars and Issas,
    - New Caledonia and Dependencies,
    - Wallis and Futuna Islands,
    - French Polynesia,
    - French Southern and Antarctic Territories.
  3. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland:
    - Belize,
    - Brunei,
    - Associated States in the Caribbean: Antigua, Dominica, St Lucia, St Vincent, St Christopher, Nevis and Anguilla,
    - Cayman Islands,
    - Falkland Islands and Dependencies,
    - Gilbert and Ellice Islands,
    - British Solomon Islands,
    - Turks and Caicos Islands,
    - British Virgin Islands,
    - Montserrat,
    - Pitcairn,
    - St Helena and Dependencies,
    - The Seychelles,
    - British Antarctic Territory,
    - British Indian Ocean Territory
  4. Anglo-French Condominium of the New Hebrides.
-

**REGULATION (EEC) No 1725/75 OF THE COMMISSION**  
of 4 July 1975

on detailed rules for the application of the arrangements governing the importation of beef and veal originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1599/75<sup>(1)</sup>, of 24 June 1975 on the arrangements applicable to agricultural products and to certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories, and in particular Article 2 (4) thereof;

Whereas Article 2 (2) of Regulation (EEC) No 1599/75 provides for a reduction in import charges on beef and veal originating in the signatory countries to the Lomé convention, provided that an equivalent tax was imposed on exportation from the country of origin;

Whereas customs duties are not applied to the imports under discussion; whereas the level of the levy applicable may be affected by the accession and monetary compensatory amounts; whereas, since these amounts vary according to the system to which each Member State is subject, the import charge also varies;

Whereas, however, a strict application of the compensatory amounts would lead to complex management problems and would oblige the non-member countries concerned to levy different charges depending on the destination within the Community; whereas it thus appears desirable to provide for a standard method of calculation of these amounts based on a division of the Community into two regions, namely on the one hand the new Member States which are still applying the accession compensatory amounts and on the other hand the other Member States, and to apply for each of these regions the compensatory amounts applicable to imports into that Member State which imports the largest quantity of the products concerned;

Whereas these amounts may moreover be regarded as being close to the average for the compensatory amounts applicable to each Member State;

Whereas proof that the export charge has been paid may be provided by an entry on the movement certificate provided for by Council Regulation (EEC) No 1598/75<sup>(2)</sup> of 24 June 1975 on the advance imple-

mentation of certain provisions of the ACP-EEC Lomé convention relating to trade in goods;

Whereas the Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The amount referred to in Article 2 (2) of Regulation (EEC) No 1599/75 shall for each product intended for import into Ireland or into the United Kingdom be equal to 90 % of the balance of the average levy, minus the accession compensatory amount, applicable to imports into the United Kingdom from non-member countries during the period of reference, and the monetary compensatory amount applicable to imports into this Member State during the last full week of such period.

2. The amount referred to in Article 2 (2) of Regulation (EEC) No 1599/75 shall for each product intended for import into a Member State other than those mentioned in paragraph 1 be equal to 90 % of the balance of the average levy applicable during the period of reference, and the monetary compensatory amount applicable for France during the last full week of such period.

*Article 2*

The period of reference for each quarter shall be the preceding quarter.

*Article 3*

1. The amount as fixed in accordance with Article 1 shall not be deducted from the import charge unless the movement certificate EUR.1 as prescribed in section 5 of Annex II to Regulation (EEC) No 1598/75 shows:

- (a) in section 5, the group of countries of destination, showing for Member States referred to in Article 1 (1) the figure '1' and for Member States referred to in Article 1 (2) the figure '2';
- (b) in section 7, the amount of the export tax levied per hundred kilogrammes;

<sup>(1)</sup> OJ No L 166, 28. 6. 1975, p. 67.

<sup>(2)</sup> OJ No L 166, 28. 6. 1975, p. 1.

(c) in section 8, the CCT subheading for the product concerned.

A separate certificate shall be drawn up for each CCT subheading.

2. Application of this Regulation may in no case result in payment of an amount to the importer.

3. The export tax applicable shall be that in force on the day on which customs export formalities are completed.

The amount of the reduction of the import charge shall be that in force on the day on which customs import formalities are completed in the region of the Community mentioned in section 5 of the movement certificate.

*Article 4*

This Regulation shall enter into force on 7 July 1975.

It shall apply to imports effected on or before 31 December 1975.

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

Done at Brussels, 4 July 1975.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

**REGULATION (EEC) No 1726/75 OF THE COMMISSION****of 4 July 1975****fixing the amounts by which the import charges on beef and veal originating in the African, Caribbean and Pacific States or in the overseas countries and territories are to be reduced**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1599/75<sup>(1)</sup> of 24 June 1975 on the arrangements applicable to agricultural products and to certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories, and in particular Article 2 (2) thereof;

Whereas Article 2 (2) of Regulation (EEC) No 1599/75 provides for a 90 % reduction in the import charges on beef and veal; whereas the amount of this reduction must be calculated in conformity with Article 1 of Regulation (EEC) No 1725/75 of 4 July 1975 on

detailed rules for the application of the arrangements governing the importation of beef and veal originating in the African, Caribbean and Pacific States or in the overseas countries and territories,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amounts by which the import charges on beef and veal are to be reduced pursuant to Article 2 (2) of Regulation (EEC) No 1599/75 shall in respect of the period 1 July to 30 September 1975 be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 7 July 1975.

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

Done at Brussels, 4 July 1975.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 28. 6. 1975, p. 67.

## ANNEXE — ANNEX — ANHANG — ALLEGATO — BIJLAGE — BILAG

N° du tarif douanier commun CCT heading No Nr. des Gemeinsamen Zolltarifs Numero della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief Position i den fælles toldtarif	Ireland + United Kingdom  UC/100 kg	Autres Etats membres Other Member States Andere Mitgliedstaaten Altri Stati membri Andere Lid-Staten Andre medlemsstater UC/RE/UA/100 kg
01.02 A II a)	19,252	39,438
01.02 A II b)	19,252	39,438
02.01 A II a) 1 aa) 11	37,698	74,932
02.01 A II a) 1 aa) 22	30,075	59,945
02.01 A II a) 1 aa) 33	45,322	89,919
02.01 A II a) 1 bb) 11	37,698	74,932
02.01 A II a) 1 bb) 22	30,075	59,945
02.01 A II a) 1 bb) 33	45,322	89,919
02.01 A II a) 1 cc) 11	77,369	112,398
02.01 A II a) 1 cc) 22	81,762	128,568
02.01 A II a) 2 aa)	44,048	78,569
02.01 A II a) 2 bb)	35,155	62,855
02.01 A II a) 2 cc)	55,164	98,212
02.01 A II a) 2 dd) 11	86,123	117,854
02.01 A II a) 2 dd) 22 aaa)	53,859	98,212
02.01 A II a) 2 dd) 22 bbb) (1)	53,859	98,212
02.01 A II a) 2 dd) 22 ccc)	90,867	135,139
02.06 C I a) 1	79,736	112,398
02.06 C I a) 2	74,409	128,568

(1) L'admission dans cette sous-position est subordonnée à la présentation d'un certificat délivré dans les conditions prévues par les autorités compétentes des Communautés européennes.

(1) Entry under this subheading is subject to the production of a certificate issued on conditions laid down by the competent authorities of the European Communities.

(1) Die Zulassung zu dieser Tarifstelle ist abhängig von der Vorlage einer Bescheinigung, die den von den zuständigen Stellen der Europäischen Gemeinschaften festgesetzten Voraussetzungen entspricht.

(1) L'ammissione in questa sottovoce è subordinata alla presentazione di un certificato conformemente alle condizioni stabilite dalle autorità competenti delle Comunità europee.

(1) Indeling onder deze onderverdeling is onderworpen aan de voorwaarde dat een certificaat wordt voorgelegd, hetwelk is afgegeven onder de voorwaarden en bepalingen, vastgesteld door de bevoegde autoriteiten van de Europese Gemeenschappen.

(1) Henførsel under denne underposition er betinget af, at der fremlægges et certifikat, der opfylder de betingelser, der er fastsat af de kompetente myndigheder i De europæiske Fællesskaber.

31. 7. 75

Official Journal of the European Communities

No L 201/5

## REGULATION (EEC) No 1957/75 OF THE COUNCIL

of 30 July 1975

on the interim trade arrangements with the 'overseas countries and territories'  
associated with the European Economic Community

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to Part 4 of the Treaty establishing the  
European Economic Community, and in particular  
Article 136 thereof;

Having regard to the recommendation from the  
Commission;

Having regard to the Opinion of the European  
Parliament;

Whereas the ACP-EEC Lomé convention between  
the African, Caribbean and Pacific States and the  
European Economic Community was signed on  
28 February 1975;

Whereas, when the convention was signed, the Com-  
munity and the ACP States agreed in an exchange  
of letters to apply autonomously from 1 July 1975  
certain provisions of this convention concerning  
trade in goods;

Whereas interim arrangements for trade in goods  
with the 'overseas countries and territories' associated  
with the European Economic Community, hereinafter  
referred to as 'countries and territories' should be  
established along the lines of those for products  
originating in the ACP States;

Whereas the development needs of the 'countries  
and territories' and the needs of their industrializa-  
tion justify the maintenance of the possibility of  
levying customs duties and imposing quantitative  
restrictions,

HAS ADOPTED THIS REGULATION:

*Article 1*

1 Products originating in the 'countries and terri-  
tories' listed in Annex I, other than those:

— listed in Annex II to the Treaty when they come  
under a common organization of the market  
within the meaning of Article 40 of the Treaty,

— subject, on importation into the Community, to  
specific rules introduced as a result of the imple-  
mentation of the common agricultural policy,

shall be imported into the Community free of  
customs duties and charges having equivalent effect,  
but the treatment applied to these products may not  
be more favourable than that applied by the Member  
States among themselves.

2. For the purpose of implementing the provisions  
of paragraph 1 concerning the treatment applied by  
the Member States among themselves, account shall  
not be taken of the customs duties and charges  
having equivalent effect applied pursuant to  
Articles 32, 36 and 59 of the Act.

*Article 2*

1. The Community shall not apply to imports of  
products originating in the 'countries and territories'  
any quantitative restrictions or measures having  
equivalent effect other than those which the Member  
States apply among themselves.

2. Paragraph 1, however, shall not prejudice the  
import treatment applied to the products referred  
to in the first indent of Article 1 (2).

3. This Article shall not prejudice the treatment  
which the Community applies to certain products  
in implementation or world commodity agreements  
to which the Community is signatory.

*Article 3*

The responsible authorities of a 'country or territory'  
may retain or introduce, in respect of imports of  
products originating in the Community or in other  
'countries or territories', such customs duties or  
quantitative restrictions as they consider necessary,  
in view of their development needs.

*Article 4*

Articles 2 and 3 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 and 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 arbitrary discrimination or a disguised restriction on trade between the 'countries and territories' and the Community.

*Article 5*

1. The trade arrangements applied in respect of the Community by the 'countries and territories' shall not give rise to any discrimination between Member States nor be less favourable than the most-favoured-nation treatment.

2. Paragraph 1 shall not preclude a 'country or territory' from granting certain other 'countries or territories' or other developing countries more favourable treatment than accorded to the Community.

*Article 6*

1. For the purpose of implementing this Chapter, the concept of 'originating products', and the methods of administrative cooperation relating thereto, are laid down in Annex II.

2. The Council acting unanimously on a recommendation from the Commission, may adopt any amendment to Annex II.

3. If for any product the concept of 'originating products' has not been defined pursuant to paragraphs 1 or 2, the Community and the responsible

authorities of the 'countries and territories' shall continue to apply their own rules.

*Article 7*

1. If, as a result of implementing the provisions of this Chapter, serious disturbances occur in a sector of the economy of the Community or of one or more of its Member States, or their external financial stability is jeopardized, or if difficulties arise which may result in a deterioration in a sector of the economy of a region of the Community, the Commission may, in accordance with the procedure specified in Annex III, take or authorize the Member States concerned to take the necessary safeguard measures.

2. For the purpose of implementing paragraph 1, priority shall be given to such measures as would least disturb the functioning of the association and the Community. These measures shall not exceed the limits of what is strictly necessary to remedy the difficulties that have arisen.

*Article 8*

This Regulation shall not apply to the products falling within subheading 22.09 C I of the Common Customs Tariff (rum, arrack and tafia), which shall be the subject of a special Regulation.

*Article 9*

This Regulation shall enter into force on 1 August 1975. It shall remain applicable until the entry into force of the Decision on the association of the 'overseas countries and territories' with the European Economic Community, and until 29 February 1976 at the latest.

If necessary, the Council may decide that this Regulation shall remain applicable beyond that date and until the entry into force of the said Decision.

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

Done at Brussels, 30 July 1975.

*For the Council*

*The President*

M. RUMOR

## ANNEX I

## List of the 'countries and territories' referred to in Article 1 (1)

1. Overseas countries of the Kingdom of the Netherlands:
    - Surinam,
    - The Netherlands Antilles (Aruba, Bonaire, Curaçao and St Martin, Saba, St Eustatius).
  
  2. Overseas territories of the French Republic:
    - Saint Pierre and Miquelon,
    - The Comoro Archipelago,
    - The Territory of the Afars and Issas,
    - New Caledonia and Dependencies,
    - Wallis and Futuna Islands,
    - French Polynesia,
    - French Southern and Antarctic Territories
  
  3. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland:
    - Belize,
    - Brunei,
    - Associated States in the Caribbean: Antigua, Dominica, St Lucia, St Vincent, St Christopher, Nevis and Anguilla,
    - Cayman Islands,
    - Falkland Islands and Dependencies,
    - Gilbert and Ellice Islands,
    - British Solomon Islands,
    - Turks and Caicos Islands,
    - British Virgin Islands,
    - Montserrat,
    - Pitcairn,
    - St Helena and Dependencies,
    - The Seychelles,
    - British Antarctic Territory,
    - British Indian Ocean Territory.
  
  4. Anglo-French Condominium of the New Hebrides.
-

## ANNEX II

**concerning the definition of the concept of 'originating products' and methods of administrative cooperation**

## TITLE I

## Definition of the concept of originating products

*Article 1*

1. For the purpose of implementing the Regulation and without prejudice to paragraphs 3 and 4, the following products shall be considered as:

(a) products originating in the Community :

1. products wholly obtained in the Community,
2. products obtained in the Community, in the manufacture of which products other than those wholly obtained in the Community are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 3;

(b) products originating in the 'countries and territories':

1. products wholly obtained in one more 'countries or territories',
2. products obtained in one or more 'countries or territories' in the manufacture of which products other than those wholly obtained in the 'countries and territories' are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 3.

2. For the purpose of implementing paragraph 1 (b), the 'countries and territories' are considered as being one territory.

3. For the purpose of implementing paragraph 1 (a) (1), products wholly obtained in one or more 'countries or territories' which undergo working or processing in the Community shall be considered as having been wholly obtained in the Community.

For the purpose of implementing paragraph 1 (a) (2), working or processing in one or more 'countries or territories' shall be considered as having been carried out in the Community, where the products thus obtained undergo subsequent working or processing in the Community.

This paragraph shall be applicable on condition that the products in question were transported in accordance with Article 5.

4. For the purpose of implementing paragraph 1 (b) (1), products wholly obtained in the Community or in one or more ACP States, which undergo working or processing in one or more 'countries or territories', shall be considered as having been wholly obtained in that or those 'countries or territories'.

For the purpose of implementing paragraph 1 (b) (2), working or processing in the Community or in one or more ACP States shall be considered as having been carried out in one or more 'countries or territories' where the products thus obtained undergo subsequent working or processing in that or those 'countries or territories'.

This paragraph shall be applicable on condition that the products in question were transported in accordance with Article 5.

5. For the purpose of implementing the previous paragraphs, and provided that all the conditions laid down in those paragraphs are fulfilled, the products obtained in two or more 'countries or territories' or in the Community shall be considered as products originating in the 'countries or territory' where the last working or processing took place or as products originating in the Community if the last working or processing took place in the Community. For this purpose the working or processing listed in Article 3 (3) (a), (b), (c) and (d) shall not be considered as working or processing, nor shall a combination of such working or of such processing.

6. The products in List C in Annex 4 shall be temporarily excluded from the scope of this Annex.

*Article 2*

The following shall be considered as wholly obtained either in one or more 'countries and territories' in the Community or in one or more ACP States, within the meaning of Article 1 (1) (a) (1), (b) (1) and (3):

- (a) mineral products extracted from their soil or from their seabed;
- (b) vegetable products harvested therein;
- (c) live animals born and raised therein;
- (d) products from live animals raised therein;

- (e) products obtained by hunting or fishing conducted therein;
- (f) products of sea fishing and other products taken from the sea by their vessels;
- (g) products made aboard their factory ships exclusively from products referred to in subparagraph (f);
- (h) used articles collected there fit only for the recovery of raw materials;
- (i) waste and scrap resulting from manufacturing operations conducted therein;
- (j) goods produced there exclusively from products specified in subparagraphs (a) to (i).

### Article 3

1. For the purpose of implementing Article 1 (1) (a) (2) and (b) (2) the following shall be considered as sufficient working or processing:

- (a) working or processing as a result of which the goods obtained receive a classification under a heading other than that covering each of the products worked or processed, except, however, working or processing specified in List A in Annex 2, where the special provisions of that list apply;
- (b) working or processing specified in List B in Annex 3.

'Sections', 'chapters' and 'headings' shall mean the sections, chapters and headings in the Brussels Nomenclature for the classification of goods in customs tariffs.

2. When, for a given product obtained, a percentage rule limits in List A and in List B the value of the materials and parts which can be used, the total value of these materials and parts, whether or not they have changed heading in the course of the working, processing or assembly within the limits and under the conditions laid down in each of those two lists, may not exceed, in relation to the value of the product obtained, the value corresponding either to the common rate, if the rates are identical in both lists, or to the higher of the two if they are different.

3. For the purpose of implementing Article 3 (1) (a) the following shall always be considered as insuf-

ficient working or processing to confer the status of originating products, whether or not there is a change of heading:

- (a) operations to ensure the preservation of merchandise in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
- (b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;
- (c) (i) changes of packaging and breaking up and assembly of consignments;
- (ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards, etc., and all other simple packing operations;
- (d) affixing marks, labels or other like distinguishing signs on products or their packaging;
- (e) simple mixing of products, whether or not of different kinds, where one or more components of the mixtures do not meet the conditions laid down in this Annex to enable them to be considered as originating either in the Community, in the 'countries and territories' or in an ACP State;
- (f) simple assembly of parts of articles to constitute a complete article;
- (g) a combination of two or more operations specified in subparagraphs (a) to (f);
- (h) slaughter of animals.

### Article 4

Where the Lists A and B referred to in Article 3 provide that goods obtained in the Community or in one or more 'countries or territories' shall be considered as originating therein only if the value of the products worked or processed does not exceed a given percentage of the value of the goods obtained, the values to be taken into consideration for such percentage shall be:

— on the one hand, as regards products whose importation can be proved: their customs value at the time of importation;

as regards products of undetermined origin: the earliest ascertainable price paid for such

- products in the Community or in one of the 'countries and territories' where manufacture takes place;
- and on the other hand, the ex-works price of the goods obtained, less internal taxes refunded or refundable on exportation.

- stating the dates of unloading and reloading of the goods or of their embarkation or disembarkation, identifying the ships used,
- certifying the conditions under which the goods remained in the transit country;

(c) or failing these, any substantiating documents.

#### Article 5

1. For the purpose of implementing Article 1 (1), (3) and (4), originating products whose transport is effected without entering into territory other than that of the 'countries and territories' of ACP States are considered as transported directly from the 'countries and territories' to the Community or to the ACP States or from the Community or from the ACP States to the 'countries and territories'. Originating goods constituting one single consignment may be transported through territory other than that of the Community or the ACP States or the 'countries and territories', with should the occasion arise, transshipment or temporary warehousing in such territory, provided that the crossing of the latter territory is justified for geographical reasons or the needs of transport and that the products have not entered into commerce or been delivered for home use and have not undergone operations other than unloading, reloading or any operation designed to preserve them in good condition.

Interruptions or changes in the method of transport due to *force majeure* or consequent upon conditions at sea shall not affect the application of the preferential treatment laid down in this Annex, provided that the goods have not, during these interruptions or changes, entered into commerce or been delivered for home use and have not undergone any operations other than those designed to preserve them in good condition.

2. Evidence that the conditions referred to in paragraph 1 have been fulfilled shall be supplied to the responsible customs authorities in the Community by the production of:

- (a) a through bill of lading issued in the exporting Member State, 'country or territory' covering the passage through the country of transit;
- (b) or a certificate issued by the customs authorities of the country of transit:
- giving an exact description of the goods,

#### TITLE II

#### Arrangements for administrative cooperation

#### Article 6

1. Evidence of originating status, within the meaning of this Annex, of products is given by a movement certificate EUR. 1 of which a specimen is given in Annex 5 to this Annex.

However, the evidence of originating status, within the meaning of this Annex, of products which form the subject of postal consignments (including parcels), provided that they consist only of originating products and that the value does not exceed 1 000 units of account per consignment, is given by a form EUR. 2, of which a specimen is given in Annex 6 to this Annex.

2. Without prejudice to Article 3 (3), where, at the request of the person declaring the goods at the customs, a dismantled or non-assembled article falling within Chapter 84 or 85 of the Brussels Nomenclature is imported by instalments on the conditions laid down by the competent authorities, it shall be considered to be a single article and a movement certificate may be submitted for the whole article upon importation of the first instalment.

3. Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle which are part of the normal equipment and included in the price thereof or are not separately invoiced are regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

#### Article 7

1. A movement certificate EUR. 1 shall be issued by the customs authorities of the exporting Member State or 'country or territory' when the goods to which it relates are exported. It shall be made

available to the exporter as soon as actual exportation has been effected or ensured.

2. In exceptional circumstances a movement certificate EUR. 1 may also be issued after exportation of the goods to which it relates if it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances. In this case, the certificate shall bear a special reference to the conditions in which it was issued.

3. A movement certificate EUR. 1 shall be issued only on application having been made in writing by the exporter. Such application shall be made on a form, of which a specimen is given in Annex 5 to this Annex, which shall be completed in accordance with this Annex.

4. A movement certificate EUR. 1 may be issued only where it can serve as the documentary evidence required for the purpose of implementing the Regulation.

5. Applications for movement certificates EUR. 1 must be preserved for at least three years by the customs authorities of the exporting Member State, 'country or territory'.

#### Article 8

1. The movement certificate EUR. 1 shall be issued by the customs authorities of the exporting Member State, 'country or territory', if the goods can be considered 'originating products' within the meaning of this Annex.

2. For the purpose of verifying whether the conditions stated in paragraph 1 have been met, the customs authorities shall have the right to call for any documentary evidence or to carry out any check which they consider appropriate.

3. It shall be the responsibility of the customs authorities of the exporting Member State, 'country or territory' to ensure that the forms referred to in Article 9 are duly completed. In particular, they shall check whether the space reserved for the description of the goods has been completed in such a manner as to exclude all possibility of fraudulent additions. To this end, the description of the goods must be indicated without leaving any blank lines. Where the space is not completely filled a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

4. The date of issue of the movement certificate must be indicated in the part of the certificate reserved for the customs authorities.

#### Article 9

Movement certificates EUR. 1 shall be made out on the form of which a specimen is given in Annex 5 to this Annex. This form shall be printed in one or more of the official languages of the Community. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting Member State, 'country or territory'; if they are handwritten, they shall be completed in ink and in capital letters.

Each certificate shall measure 210 × 297 mm, a tolerance of up to plus 8 mm or minus 5 mm in the length may be allowed. The paper used must be white-sized writing paper not containing mechanical pulp and weighing not less than 25 g/m<sup>2</sup>. It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.

The exporting Member States and the responsible authorities of the exporting 'countries and territories' may reserve the right to print the certificates themselves or may have them printed by approved printers. In the latter case, each certificate must include a reference to such approval. Each certificate must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.

#### Article 10

1. Under the responsibility of the exporter, he or his authorized representative shall request the issue of a movement certificate EUR. 1.

2. The exporter or his representative shall submit with his request any appropriate supporting document proving that the goods to be exported are such as to qualify for the issue of a movement certificate EUR. 1.

#### Article 11

1. A movement certificate EUR. 1 must be submitted, within five months of the date of issue by the customs authorities of the exporting Member State, 'country or territory', to the customs authorities of the importing Member State, 'country or territory' where the goods are entered.

2. When the products enter territories other than those of the Community, the 'countries and territories', or the ACP States, the time limit laid down in paragraph 1 for the submission of the certificate is extended to 10 months.

#### Article 12

Movement certificates EUR. 1 shall be submitted to customs authorities in the importing Member State, 'country or territory', in accordance with the procedures laid down by that Member State, 'country or territory'. The said authorities may require a translation of a certificate. They may also require the import declaration to be accompanied by a statement from the importer to the effect that the goods meet the conditions required for the implementation of the convention.

#### Article 13

1. A movement certificate EUR. 1 which is submitted to the customs authorities of the importing Member State, 'country or territory' after the final date for presentation specified in Article 11 may be accepted for the purpose of applying preferential treatment, where the failure to submit the certificate by the final date set is due to reasons of *force majeure* or exceptional circumstances.

2. In other cases of belated presentation, the customs authorities of the importing Member State, 'country or territory' may accept the certificates where the goods have been submitted to them before the said final date.

#### Article 14

The discovery of slight discrepancies between the statements made in the movement certificate EUR. 1 and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the goods shall not *ipso facto* render the certificate null and void if it is duly established that the certificate does correspond to the goods submitted.

#### Article 15

Form EUR. 2, a specimen of which is given in Annex 6, shall be completed by the exporter. It shall be made out in one of the official languages of the Community and in accordance with the provisions of the domestic law of the exporting Member State,

'country or territory'. If it is handwritten it must be completed in ink and in capital letters.

Form EUR. 2 shall be composed of two parts, each part being 210 × 148 mm. The paper used shall be white-sized writing paper not containing mechanical pulp and weighing not less than 64 g/m<sup>2</sup>.

The exporting Member States, and the responsible authorities of the exporting 'countries or territories' may reserve the right to print the forms themselves or may have them printed by printers they have approved. In the latter case each form must include a reference to such approval. In addition, each part must bear the distinctive sign attributed to the approved printer and a serial number, either printed or not, by which it can be identified.

A form EUR. 2 shall be completed for each postal consignment. After completing and signing the two parts of the form, the exporter shall, in the case of consignments by parcel post, attach the two parts to the dispatch note. In the case of consignments by letter post, the exporter shall attach Part 1 firmly to the consignment and insert Part 2 inside it.

These provisions do not exempt exporters from complying with any other formalities required by customs or postal regulations.

#### Article 16

1. Goods sent as small packages to private persons or forming part of travellers' personal luggage shall be admitted as originating products to the benefits of the provisions of this Annex without requiring the production of a movement certificate EUR. 1 or the completion of a form EUR. 2, provided that such goods are not imported by way of trade and have been declared as meeting the conditions required for the application of these provisions, and where there is no doubt as to the veracity of such declaration.

2. Importations which are occasional and consist solely of goods for the personal use of the recipients or travellers or their families shall not be considered as importations by way of trade if it is evident from the nature and quantity of the goods that no commercial purpose is in view. Furthermore, the total value of these goods must not exceed 60 units of account in the case of small packages or 200 units of accounts in the case of the contents of travellers' personal luggage.

*Article 17*

1. Goods sent from a Member State or from a 'country or territory' for exhibition in a country other than a Member State, a 'country or territory' or an ACP State and sold after the exhibition for importation into the Community or into a different 'country or territory' shall benefit on importation from the provisions of this Annex on condition that the goods meet the requirements of this Annex entitling them to be recognized as originating in a 'country or territory' and provided that it is shown to the satisfaction of the customs authorities that:

- (a) an exporter has consigned these goods from the Community or from a 'country or territory' to the country in which the exhibition is held and has exhibited them there;
- (b) the goods have been sold or otherwise disposed of by that exporter to someone in the Community or in a 'country or territory';
- (c) the goods have been consigned during the exhibition or immediately thereafter to the Community in the state in which they were sent for exhibition;
- (d) the goods have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A movement certificate EUR. 1 must be produced to the customs authorities in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the nature of the goods and the conditions under which they have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organized for private purposes in shops or business premises with a view to the sale of foreign goods, and during which the goods remain under customs control.

*Article 18*

1. When a certificate is issued within the meaning of Article 7 (2) of this Annex after the goods to which it relates have actually been exported, the exporter must in the application referred to in Article 7 (3) of this Annex:

- indicate the place and date of exportation of the goods to which the certificate relates;
- certify that no movement certificate EUR. 1 was issued at the time of exportation of the goods in question, and state the reasons.

2. The customs authorities may issue a movement certificate EUR. 1 retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.

Certificates issued retrospectively must be endorsed with one of the following phrases: 'NACHTRÄGLICH AUSGESTELLT', 'DÉLIVRÉ A POSTERIORI', 'RILASCIATO A POSTERIORI', 'AFGEDEVEN A POSTERIORI', 'ISSUED RETROSPECTIVELY', 'UDSTEDT EFTERFØLGENDE'.

*Article 19*

In the event of the theft, loss or destruction of a movement certificate EUR. 1, the exporter may apply to the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession. The duplicate issued in this way must be endorsed with one of the following words: 'DUPLIKAT', 'DUPLICATA', 'DUPLICATO', 'DUPLICAAT', 'DUPLICATE'.

*Article 20*

1. When paragraphs 2, 3 and 4 of Article 1 are applied, for the issue of a movement certificate EUR. 1, the competent customs office in the Member State, 'country or territory' requested to issue the certificate for products in the manufacture of which products coming from other Member States, other 'countries or territories' or ACP States are used, shall take into consideration the declaration, of which a specimen is given in Annex 7, given by the exporter in the State, 'country or territory' from which these products came, either on the commercial invoice applicable to these products, or on a supporting document to that invoice.

2. The submission of the information certificate, issued under the conditions set out in Article 21 and of which a specimen is given in Annex 8, may however be requested of the exporter by the customs office concerned, either for checking the authenticity

and accuracy of information given on the declaration provided for in paragraph 1, or for obtaining additional information.

#### Article 21

The information certificate concerning the products taken into use shall be issued at the request of the exporter of these products, either in the circumstances envisaged in Article 20 (2), or at the initiative of this exporter, by the competent customs office in the State, 'country or territory' from which these goods were exported. It shall be made out in duplicate. One copy shall be given to the exporter who has requested it, who shall send it either to the exporter of the final products or to the customs office where the issue of the movement certificate EUR. 1 for these products has been requested. The second copy shall be preserved by the office which has issued it for at least three years.

#### Article 22

Member States and the competent authorities of the 'countries and territories' shall take all necessary steps to ensure that goods traded under cover of a movement certificate EUR. 1, and which in the course of transport use a free zone situated in their territory, are not replaced by other goods and that they do not undergo handling other than normal operations designed to prevent their deterioration.

#### Article 23

In order to ensure the proper application of this Title, the Member States and the responsible authorities of the 'countries and territories' shall assist each other, through their respective customs administrations, in checking the authenticity of movement certificates EUR. 1 and the accuracy of the information concerning the actual origin of the products concerned and the declarations by exporters on forms EUR. 2 and the authenticity and accuracy of the information certificates envisaged in Article 20.

#### Article 24

Penalties shall be imposed on any person who, in order to enable goods to be accepted as eligible for preferential treatment, draws up, or causes to be drawn up, either a document which contains incorrect particulars for the purpose of obtaining a movement certificate EUR. 1 or a form EUR. 2 containing incorrect particulars.

#### Article 25

1. A *posteriori* verification of movement certificates EUR. 1 and of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing Member State, 'country or territory' have reasonable doubt as to the authenticity of the document or the accuracy of the information regarding the true origin of the goods in question.

2. For the purpose of implementing paragraph 1, the customs authorities of the importing Member State, 'country or territory' shall return the movement certificate EUR. 1 or Part 2 of form EUR. 2, or a photocopy thereof, to the customs authorities of the exporting Member State, 'country or territory', giving, where appropriate, the reasons of form or substance for an inquiry. The invoice, if it has been submitted, or a copy thereof shall be attached to Part 2 of form EUR. 2 and the customs authorities shall forward any information that has been obtained suggesting that the particulars given on the said certificate or the said form are inaccurate.

If the customs authorities of the importing Member State, 'country or territory' decide to suspend execution of the Regulation while awaiting the results of the verification, they shall offer to release the goods to the importer subject to any precautionary measures judged necessary.

3. The customs authorities of the importing Member State, 'country or territory' shall be informed of the results of the *a posteriori* verification within three months. These results must be such as to make it possible to determine whether the disputed movement certificate EUR. 1 or form EUR. 2 applies to the goods actually exported, and whether these goods can, in fact, qualify for the application of the preferential arrangements.

When such disputes cannot be settled between the customs authorities of the importing Member State, 'country or territory' and those of the exporting Member State, 'country or territory', or when they raise a question as to the interpretation of this Annex, they shall be submitted to the Committee on Origin set up under Council Regulation (EEC) No 802/68<sup>(1)</sup> of 27 June 1968 on the common definition of the concept of the origin of goods.

In all cases the settlement of disputes between the importer and the customs authorities of the importing Member State, 'country or territory' shall be under the legislation of the said State.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 1.

*Article 26*

The subsequent verification of the information certificate referred to in Article 20 shall be carried out in the circumstances envisaged in Article 25 following a similar procedure to that envisaged in that Article.

*Article 27*

The Council shall examine annually the application of the provisions of this Annex and their economic effects with a view to making any necessary changes. This examination may be carried out at more frequent intervals at the request either of the competent authorities of a Member State or of a 'country or territory' notably when the development of existing industries in a country or territory or the creation of new industries in a 'country or territory' necessitates derogations from this Annex. In those cases, the Member State concerned shall notify the Community of the particulars of the case and the reasons justifying the need for such derogation.

The Council, on the basis of a report by the Committee on Origin, shall, immediately after, arrange for the examination of the application(s) and take every step to ensure that a decision is reached as early as possible, at any rate not later than six months after receipt of the application(s).

*Article 28*

1. For goods which conform to the provisions of this Annex and which, at the time of the entry into force of the Regulation are either being transported or being held in the Community or in a 'country or territory' in temporary storage, in bonded warehouses or in free zones, the proof of originating status within the meaning of this Annex is given by the submission, within four months of that date, to the customs authorities of the importing Member State, 'country or territory' of:

- (a) a movement certificate EUR. 1 issued retrospectively by the customs authorities of the exporting Member State, 'country or territory', or
- (b) a certificate of origin issued by the competent authorities in that Member State, 'country or territory', or
- (c) a movement certificate of the model previously used in the context of preferential trade between the Community and the 'countries and territories',

(d) for goods destined for importation into Ireland or the United Kingdom of Great Britain and Northern Ireland, a certificate of the type previously used in the context of Commonwealth preferences.

2. The movement certificates mentioned in paragraph 1 (c) may continue to be used, under the conditions laid down in this Annex, until 31 December 1975.

3. Until 1 July 1977, Article 1 (3) and (4) shall not be applicable in respect of products obtained in one or more 'countries or territories' from:

- products of one or more Member States of the Community as originally constituted, exported to one or more new Member States or to one or more 'countries or territories' referred to in Article 24 of the Act of Accession, or
- products of one or more new Member States, exported to one or more Member States of the Community as originally constituted, or to one or more 'countries or territories' referred to in Council Decision No 71/231/EEC<sup>(1)</sup> of 7 June 1971 on the definition of the concept of 'originating products' and on methods of administrative cooperation for the application of the Decision of 29 September 1970 on the Association of the overseas countries and territories with the European Economic Community,

where the products referred to in the two above indents have been the subject only of working or processing within the meaning of Article 3 (3).

*Article 29*

Movement certificates EUR. 1 and forms EUR. 2 printed in the Member States before the date of the entry into force of the Regulation, which indicate the exporting country, group of countries or territory in boxes 4 and 7 respectively, may continue to be used until stocks are exhausted, under the conditions laid down by this Annex.

<sup>(1)</sup> OJ No L 141, 27. 6. 1971, p. 47.

*Annex 1 to Annex II*

## EXPLANATORY NOTES

**Note 1 — Articles 1 and 2**

The terms 'Member States', 'countries and territories' and 'ACP States' shall also cover their territorial waters.

Vessels operating on the high seas, including factory ships, on which the fish caught is worked or processed shall be considered as part of the territory of the Member State, 'country or territory' or ACP State to which they belong, provided that they satisfy the conditions set out in explanatory note 6.

**Note 2 — Article 1 (1) (b), (3) and (4)**

In order to determine whether goods originate in the Community, 'countries and territories' or in one or more of the ACP States, it shall not be necessary to establish whether the power and fuel, plant and equipment, and machines and tools used to obtain such goods originate in third countries or not.

**Note 3 — Article 1**

Where a percentage rule is applied in determining originating status of a product obtained in a Member State or a 'country or territory' the value added by the working or processing referred to in Article 1 shall correspond to the ex-works price of the product obtained less the customs value of third products imported into the Community or the 'countries and territories'.

**Note 4 — Article 3 (1) and (2) and Article 4**

The percentage rule constitutes, where the product obtained appears in List A, a criterion additional to that of change of heading for any non-originating product used.

**Note 5 — Article 1**

Packing shall be considered as forming a whole with the goods contained therein. This provision, however, shall not apply to packing which is not of the normal type for the article packed and which has intrinsic utilization value and is of a durable nature, apart from its function as packing.

**Note 6**

The term 'their vessels' shall apply only to vessels:

- which are registered or recorded in a Member State, a 'country or territory' or an ACP State;
- which sail under the flag of a Member State, a 'country or territory' or an ACP State;
- which are owned to an extent of at least 50% by nationals of Member States, 'countries and territories' or ACP States, or by a company with its head office in a Member State, 'country and territory' or ACP State, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards, are nationals of Member States, 'countries and territories' or ACP States and of which, addition in the case of partnerships or limited companies, at least half the capital belongs to Member States, 'countries and territories' or ACP States or to public bodies or nationals of Member States, 'countries and territories' or ACP States;
- of which at least 50% of the crew, captain and officers included, are nationals of Member States, 'countries and territories' or ACP States.

**Note 7 — Article 4**

'Ex-works price' shall mean the price paid to the manufacturer in whose undertaking the last working or processing is carried out, provided the price includes the value of all the products used in manufacture.

'Customs value' shall be understood as meaning the customs value laid down in the convention concerning the Valuation of Goods for Customs Purposes signed in Brussels on 15 December 1950.

**Note 8 — Article 23**

The authorities consulted shall furnish any information concerning the conditions under which the product has been made, indicating especially the conditions in which the rules of origin have been respected in the various Member States, 'countries and territories' or ACP States concerned.

**Note 9 — Article 1 (4)**

Within the meaning of Annex II 'ACP States' shall mean the countries referred to as ACP States in the ACP-EEC Lomé convention.

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## Annex 2 to Annex II

## LIST A

List of working or processing operations which result in a change of tariff heading without conferring the status of 'originating products' on the products undergoing such operations, or conferring this status only subject to certain conditions

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked	Salting, placing in brine, drying or smoking of meat and edible meat offals of heading Nos 02.01 and 02.04	
03.02	Fish, dried, salted or in brine, smoked fish, whether or not cooked before or during the smoking process	Drying, salting, placing in brine; smoking of fish, whether cooked or not	
04.02	Milk and cream, preserved, concentrated or sweetened	Preserving, concentrating, or adding sugar to milk or cream of heading No 04.01	
04.03	Butter	Manufacture from milk or cream	
04.04	Cheese and curd	Manufacture from products of heading Nos 04.01, 04.02 and 04.03	
07.02	Vegetables (whether or not cooked), preserved by freezing	Freezing of vegetables	
07.03	Vegetables, provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption	Placing in brine or in other solutions of vegetables of heading No 07.01	
07.04	Dried, dehydrated or evaporated vegetables, whole, cut, sliced, broken or in powder, but not further prepared	Drying, dehydration, evaporation cutting, grinding, powdering of vegetables of heading Nos 07.01 to 07.03	
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar	Freezing of fruit	
08.11	Fruit provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption	Placing in brine or in other solutions of fruit of heading Nos 08.01 to 08.09	

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04 or 08.05	Drying of fruit	
11.01	Cereal flours	Manufacture from cereals	
11.02	Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled, but not further prepared), except husked, glazed, polished or broken rice; germ of cereals, whole, rolled, flaked or ground	Manufacture from cereals	
11.03	Flours of the leguminous vegetables falling within heading No 07.05	Manufacture from dried leguminous vegetables	
11.04	Flours of the fruits falling within any heading in Chapter 8	Manufacture from fruits of Chapter 8	
11.05	Flour, meal and flakes of potato	Manufacture from potatoes	
11.06	Flour and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06	Manufacture from products of heading No 07.06	
11.07	Malt, roasted or not	Manufacture from cereals	
11.08	Starches; inulin	Manufacture from cereals of Chapter 10, or from potatoes or other products of Chapter 7	
11.09	Wheat gluten, whether or not dried	Manufacture from wheat or wheat flours	
15.01	Lard, other pig fat and poultry fat, rendered or solvent-extracted	Manufacture from products of heading No 02.05	
15.02	Fats of bovine cattle, sheep or goats, unrendered; rendered or solvent-extracted fats (including 'premier jus') obtained from those unrendered fats	Manufacture from products of heading Nos 02.01 and 02.06	
15.04	Fats and oils, of fish and marine mammals, whether or not refined	Manufacture from fish or marine mammals caught by fishing vessels of third countries	
15.06	Other animal oils and fats (including neat's-foot oil and fats from bones or waste)	Manufacture from products of Chapter 2	

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
C.C.T heading No	Description		
ex 15.07	Fixed vegetable oils, fluid or solid, crude, refined or purified, but not including Chinawood oil, myrtle wax, Japan wax or oil of tung nuts, oleococca seeds or oiticia seeds; also not including oils of a kind used in machinery or mechanical appliances or for industrial purposes other than the manufacture of edible products	Manufacture from products of Chapters 7 and 12	
16.01	Sausages and the like, of meat, meat offal or animal blood	Manufacture from products of Chapter 2	
16.02	Other prepared or preserved meat or meat offal	Manufacture from products of Chapter 2	
16.04	Prepared or preserved fish, including caviar and caviar substitutes	Manufacture from products of Chapter 3	
16.05	Crustaceans and molluscs, prepared or preserved	Manufacture from products of Chapter 3	
17.02	Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel	Manufacture from any product	
17.04	Sugar confectionery, not containing cocoa	Manufacture from other products of Chapter 17 the value of which exceeds 30% of the value of the finished product	
17.05	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion	Manufacture from other products of Chapter 17 the value of which exceeds 30% of the value of the finished product	
18.06	Chocolate and other food preparations containing cocoa	Manufacture from products of Chapter 17 the value of which exceeds 30% of the value of the finished product	
19.01	Malt extract	Manufacture from products of heading No 11.07	
19.02	Preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa	Manufacture from cereals and derivatives thereof, meat and milk, or in which the value of products of Chapter 17 used exceeds 30% of the value of the finished product	
19.03	Macaroni, spaghetti and similar products		Manufacture from durum wheat

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
19.04	Tapioca and sago; tapioca and sago substitutes from potato or other starches	Manufacture from potato starch	
19.05	Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, cornflakes and similar products)	Manufacture from any product other than of Chapter 17 <sup>(1)</sup> or in which the value of the products of Chapter 17 used exceeds 30% of the value of the finished product	
19.06	Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper, and similar products	Manufacture from products of Chapter 11	
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit	Manufacture from products of Chapter 11	
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion	Manufacture from products of Chapter 11	
20.01	Vegetables and fruit prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard	Preserving vegetables, fresh or frozen or preserved temporarily or preserved in vinegar	
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid	Preserving vegetables fresh or frozen	
20.03	Fruit preserved by freezing, containing added sugar	Manufacture from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
20.04	Fruits, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallized)	Manufacture from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
ex 20.05	Jams, fruit jellies, marmalades, fruit purées and fruit pastes, being cooked preparations, containing added sugar	Manufacture from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
20.06	Fruit otherwise prepared or preserved whether or not containing added sugar or spirit:		

<sup>(1)</sup> This rule does not apply where the use of maize of the 'zea indurata' type or 'durum wheat' is concerned.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
20.06 (cont'd)	A. Nuts		Manufacture, without added sugar or spirit, in which the value of the constituent 'originating products' of heading Nos 08.01, 08.05 and 12.01, represents at least 60% of the value of the manufactured product
	B. Other fruits	Manufactured from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
ex 20.07	Fruit juices (including grape must), whether or not containing added sugar, but unfermented and not containing spirit	Manufacture from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
ex 21.01	Roasted chicory and extracts thereof	Manufacture from chicory roots, fresh or dried	
21.05	Soups and broths in liquid, solid or powder forms; homogenized food preparations	Manufacture from products of heading No 20.02	
22.02	Lemonade, flavoured spa waters and flavoured aerated waters, and other non-alcoholic beverages, not including fruit and vegetable juices falling within heading No 20.07	Manufacture from fruit juices <sup>(1)</sup> or in which the value of products of Chapter 17 used exceeds 30% of the value of the finished product	
22.06	Vermouths, and other wines of fresh grapes flavoured with aromatic extracts	Manufacture from products of heading No 08.04, 20.07, 22.04 or 22.05	
22.08	Ethyl alcohol or neutral spirits, undenatured, of a strength of 80° or higher; denatured spirits (including ethyl alcohol and neutral spirits) of any strength	Manufacture from products of heading No 08.04, 20.07, 22.04 or 22.05	
22.09	Spirits (other than those of heading No 22.08); liqueurs and other spirituous beverages; compound alcoholic preparations (known as 'concentrated extracts') for the manufacture of beverages	Manufacture from products of heading No 08.04, 20.07, 22.04 or 22.05	
22.10	Vinegar and substitutes for vinegar	Manufacture from products of heading No 08.04, 20.07, 22.04 or 22.05	

<sup>(1)</sup> This rule does not apply where fruit juices of pineapple, lime and grapefruit are concerned.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 23.03	Residues from the manufacture of maize starch (excluding concentrated steeping liquours), of a protein content, calculated on the dry product, exceeding 40% dry weight	Manufacture from maize or maize flour	
23.04	Oil cake and other residues (except dregs) resulting from the extraction of vegetable oils	Manufacture from various products	
23.07	Sweetened forage; other preparations of a kind used in animal feeding	Manufacture from cereals and derived products, meat, milk, sugar and molasses	
ex 24.02	Cigarettes, cigars, smoking tobacco		Manufacture from products of heading No 24.01 of which at least 70 % by quantity are 'originating products'
ex 28.38	Aluminium sulphate		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
30.03	Medicaments (including veterinary medicaments)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
31.05	Other fertilizers; goods of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
32.06	Colour lakes	Manufacture from materials of heading No 32.04 or 32.05 <sup>(1)</sup>	
32.07	Other colouring matter; inorganic products of a kind used as luminophores	Mixing of oxides or salts of Chapter 28 with extenders such as barium sulphate, chalk barium carbonate and satin white <sup>(1)</sup>	
33.05	Aqueous distillates and aqueous solutions of essential oils, including such products suitable for medicinal uses	Manufacture from products of heading No 33.01 <sup>(1)</sup>	
35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues		Manufacture from maize or potatoes

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
37.01	Photographic plates and film in the flat, sensitized, unexposed, of any material other than paper, paperboard or cloth	Manufacture from products of heading No 37.02 <sup>(1)</sup>	
37.02	Film in rolls, sensitized, unexposed, perforated or not	Manufacture from products of heading No 37.01 <sup>(1)</sup>	
37.04	Sensitized plates and film, exposed but not developed, negative or positive	Manufacture from products of heading No 37.01 or 37.02 <sup>(1)</sup>	
38.11	Disinfectants, insecticides, fungicides, weed-killers, anti-sprouting products, rat poisons and similar products, put up in forms or packings for sale by retail or as preparations or as articles (for example, sulphur-treated bands, wicks and candles, fly-papers)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.12	Prepared glazings, prepared dressings and prepared mordants, of a kind used in the textile, paper, leather or like industries		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.13	Pickling preparations for metal surfaces; fluxes and other auxiliary preparations for soldering, brazing or welding; soldering, brazing or welding powders and pastes consisting of metal and other materials; preparations of a kind used as cores or coatings for welding rods and electrodes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
ex 38.14	Anti-knock preparations, oxidation inhibitors, gum inhibitors, viscosity improvers, anti-corrosive preparations and similar prepared additives for mineral oils, excluding prepared additives for lubricants		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.15	Prepared rubber accelerators		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
38.17	Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.18	Composite solvents and thinners for varnishes and similar products		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
ex 38.19	<p>Chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included, excluding:</p> <ul style="list-style-type: none"> <li>— Fusel oil and Dippel's oil;</li> <li>— Naphthenic acids and their non-water-soluble salts, esters of naphthenic acids;</li> <li>— Sulphonaphthenic acids and their non-water-soluble salts; esters of sulphonaphthenic acids;</li> <li>— Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanolamines, thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts;</li> <li>— Mixed alkylbenzenes and mixed alkylnaphthalenes;</li> <li>— Ion exchangers;</li> <li>— Catalysts;</li> <li>— Getters for vacuum tubes;</li> <li>— Refractory cements or mortars and similar preparations;</li> <li>— Alkaline iron oxide for the purification of gas;</li> <li>— Carbon (excluding that in artificial graphite of heading No 38.01) of metallo-graphite or other compounds, in the form of small plates, bars or other semi-manufactures</li> </ul>		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 39.02	Polymerization products		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
39.07	Articles of materials of the kinds described in heading Nos 39.01 to 39.06		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
40.05	Plates, sheets and strip, of unvulcanized natural or synthetic rubber, other than smoked sheets and crepe sheets of heading No 40.01 or 40.02; granules of unvulcanized natural or synthetic rubber compounded ready for vulcanization; unvulcanized natural or synthetic rubber, compounded before or after coagulation either with carbon black (with or without the addition of mineral oil) or with silica (with or without the addition of mineral oil), in any form, of a kind known as masterbatch		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
41.08	Patent leather and imitation patent leather; metallized leather		Varnishing or metallizing of leather of heading Nos 41.02 to 41.07 (other than skin leather of crossed Indian sheep and of Indian goat or kid, not further prepared than vegetable tanned, or if otherwise prepared obviously unsuitable for immediate use in the manufacture of leather articles) in which the value of the skin leather used does not exceed 50% of the value of the finished product
43.03	Articles of furskin	Making up from furskin in plates, crosses and similar forms (heading No ex 43.02) <sup>(1)</sup>	
44.21	Complete wooden packing cases, boxes, crates, drums and similar packings		Manufacture from boards not cut to size
45.03	Articles of natural cork		Manufacture from products of heading No 45.01

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
48.06	Paper and paperboard, ruled, lined or squared, but not otherwise printed, in rolls or sheets		Manufacture from paper pulp
48.14	Writing blocks, envelopes, letter cards, plain postcards, correspondence cards; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing only an assortment of paper stationery		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
48.15	Other paper and paperboard, cut to size or shape		Manufacture from paper pulp
48.16	Boxes, bags and other packing containers, of paper or paperboard		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
49.09	Picture postcards, Christmas and other picture greeting cards, printed by any process, with or without trimmings	Manufacture from products of heading No 49.11	
49.10	Calendars of any kind, of paper or paperboard, including calendar blocks	Manufacture from products of heading No 49.11	
50.04 <sup>(1)</sup>	Silk yarn, other than yarn of noil or other waste silk, not put up for retail sale		Manufacture from products other than those of heading No 50.04
50.05 <sup>(1)</sup>	Yarn spun from silk waste other than noil, not put up for retail sale		Manufacture from products of heading No 50.03
50.06 <sup>(1)</sup>	Yarn spun from noil silk, not put up for retail sale		Manufacture from products of heading No 50.03
50.07 <sup>(1)</sup>	Silk yarn and yarn spun from noil or other waste silk, put up for retail sale		Manufacture from products of heading Nos 50.01 to 50.03
x50.08 <sup>(1)</sup>	Imitation catgut of silk		Manufacture from products of heading No 50.01 or from products of heading No 50.03, neither carded nor combed

<sup>(1)</sup> For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
50.09 <sup>(1)</sup>	Woven fabrics of silk or of waste silk other than noil		Manufacture from products of heading No 50.02 or 50.03
50.10 <sup>(1)</sup>	Woven fabrics of noil silk		Manufacture from products of heading No 50.02 or 50.03
51.01 <sup>(2)</sup>	Yarn of man-made fibres (continuous), not put up for retail sale		Manufacture from chemical products or textile pulp
51.02 <sup>(2)</sup>	Monofil, strip (artificial straw and the like) and imitation catgut, of man-made fibre materials		Manufacture from chemical products or textile pulp
51.03 <sup>(2)</sup>	Yarn of man-made fibres (continuous), put up for retail sale		Manufacture from chemical products or textile pulp
51.04 <sup>(1)</sup>	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02		Manufacture from chemical products or textile pulp
52.01 <sup>(2)</sup>	Metallized yarn, being textile yarn spun with metal or covered with metal by any process		Manufacture from chemical products, from textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste, neither carded nor combed
52.02 <sup>(1)</sup>	Woven fabrics of metal thread or of metallized yarn, of a kind used in articles of apparel, as furnishing fabrics or the like		Manufacture from chemical products, from textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste
53.06 <sup>(2)</sup>	Yarn of carded sheep's or lambs' wool (woollen yarn), not put up for retail sale		Manufacture from products of heading No 53.01 or 53.03
53.07 <sup>(2)</sup>	Yarn of combed sheep's or lambs' wool (worsted yarn), not put up for retail sale		Manufacture from products of heading No 53.01 or 53.03

<sup>(1)</sup> For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

(i) to 20% where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;

(ii) to 30% where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

<sup>(2)</sup> For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
53.08 <sup>(1)</sup>	Yarn of fine animal hair (carded or combed), not put up for retail sale		Manufacture from raw fine animal hair of heading No 53.02
53.09 <sup>(1)</sup>	Yarn of horsehair or of other coarse animal hair, not put up for retail sale		Manufacture from raw coarse animal hair of heading No 53.02 or from raw horsehair of heading No 05.03
53.10 <sup>(1)</sup>	Yarn of sheep's or lambs' wool, of horsehair or of other animal hair (fine or coarse), put up for retail sale		Manufacture from materials of heading Nos 05.03 and 53.01 to 53.04
53.11 <sup>(2)</sup>	Woven fabrics of sheep's or lambs' wool or of fine animal hair		Manufacture from materials of heading Nos 53.01 to 53.05
53.12 <sup>(2)</sup>	Woven fabrics of coarse animal hair other than horsehair		Manufacture from products of heading Nos 53.02 to 53.05
53.13 <sup>(2)</sup>	Woven fabrics of horsehair		Manufacture from horsehair of heading No 05.03
54.03 <sup>(1)</sup>	Flax or ramie yarn, not put up for retail sale		Manufacture either from products of heading No 54.01 neither carded nor combed or from products of heading No 54.02
54.04 <sup>(1)</sup>	Flax or ramie yarn, put up for retail sale		Manufacture from materials of heading No 54.01 or 54.02
54.05 <sup>(2)</sup>	Woven fabrics of flax or of ramie		Manufacture from materials of heading No 54.01 or 54.02
55.05 <sup>(1)</sup>	Cotton yarn, not put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.06 <sup>(2)</sup>	Cotton yarn, put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.07 <sup>(2)</sup>	Cotton gauze		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.08 <sup>(2)</sup>	Terry towelling and similar terry fabrics, of cotton		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.09 <sup>(2)</sup>	Other woven fabrics of cotton		Manufacture from materials of heading No 55.01, 55.03 or 55.04

<sup>(1)</sup> For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated.

<sup>(2)</sup> For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

(i) to 20% where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within headings Nos ex 51.01 and ex 58.07;

(ii) to 30% where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.02	Continuous filament tow for the manufacture of man-made fibres (discontinuous)		Manufacture from chemical products or textile pulp
56.03	Waste (including yarn waste and pulled or garnetted rags) of man-made fibres (continuous or discontinuous), not carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.05 <sup>(1)</sup>	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale		Manufacture from chemical products or textile pulp
56.06 <sup>(1)</sup>	Yarn of man-made fibres (discontinuous or waste), put up for retail sale		Manufacture from chemical products or textile pulp
56.07 <sup>(2)</sup>	Woven fabrics of man-made fibres (discontinuous or waste)		Manufacture from products of heading Nos 56.01 to 56.03
57.05 <sup>(1)</sup>	Yarn of true hemp		Manufacture from raw true hemp
57.06 <sup>(1)</sup>	Yarn of jute or of other textile bast fibres of heading No 57.03		Manufacture from raw jute, jute tow or from other raw textile bast fibres of heading No 57.03
57.07 <sup>(1)</sup>	Yarn of other vegetable textile fibres		Manufacture from raw vegetable textile fibres of heading No 57.02 or 57.04

<sup>(1)</sup> For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated.

<sup>(2)</sup> For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

(i) to 20% where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within headings Nos ex 51.01 and ex 58.07;

(ii) to 30% where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
57.08	Paper yarn		Manufacture from products of Chapter 47, from chemical products, textile pulp or from natural textile fibres discontinuous man-made fibres or their waste, neither carded nor combed
57.09 <sup>(1)</sup>	Woven fabrics of true hemp		Manufacture from products of heading No 57.01
57.10 <sup>(1)</sup>	Woven fabrics of jute or of other textile bast fabrics of heading No 57.03		Manufacture from raw jute, jute tow or from other raw textile bast fibres of heading No 57.03
57.11 <sup>(1)</sup>	Woven fabrics of other vegetable textile fibres		Manufacture from materials of heading No 57.02 or 57.04 or from coir yarn of heading No 57.07
57.12	Woven fabrics of paper yarn		Manufacture from paper, from chemical products, textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste
58.01 <sup>(2)</sup>	Carpets, carpeting and rugs, knotted (made up or not)		Manufacture from materials of heading Nos 50.01 to 50.03, 51.01, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04
58.02 <sup>(2)</sup>	Other carpets, carpeting, rugs, mats and matting, and 'Kelem', 'Schumacks' and 'Karamanie' rugs and the like (made up or not)		Manufacture from materials of heading Nos 50.01 to 50.03, 51.01, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03, 57.01 to 57.04 or from coir yarn of heading No 57.07
58.04 <sup>(2)</sup>	Woven pile fabrics and chenille fabrics (other than terry towelling or similar terry fabrics of cotton of heading No 55.08 and fabrics of heading No 58.05)		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03, 57.01 to 57.04 or from chemical products or textile pulp

<sup>(1)</sup> For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

(i) to 20% where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;

(ii) to 30% where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

<sup>(2)</sup> For products composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which products of the other textile materials of which the mixed product is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

(i) to 20% where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;

(ii) to 30% where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
58.05 <sup>(1)</sup>	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No 58.06		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
58.06 <sup>(1)</sup>	Woven labels, badges and the like, not embroidered, in the piece, in strips or cut to shape or size		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.07 <sup>(1)</sup>	Chenille yarn (including flock chenille yarn), gimped yarn (other than metallized yarn of heading No 52.01 and gimped horsehair yarn); braids and ornamental trimmings in the piece; tassels, pompons and the like		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.08 <sup>(1)</sup>	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), plain		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.09 <sup>(1)</sup>	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), figured; hand or mechanically made lace, in the piece, in strips or in motifs		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.10	Embroidery, in the piece, in strips or in motifs		Manufacture in which the value of the product used does not exceed 50% of the value of finished product
59.01 <sup>(1)</sup>	Wadding and articles of wadding; textile flock and dust and mill neps		Manufacture either from natural fibres or from chemical products or textile pulp
59.02 <sup>(1)</sup>	Felt and articles of felt whether or not impregnated		Manufacture either from natural fibres or from chemical products or textiles pulp
ex 59.02 <sup>(1)</sup>	Needled felt, whether or not impregnated or coated		Manufacture from fibre or continuous polypropylene filament of which the denomination of the filaments is less than 8 denier and of which the value does not exceed 40% of the value of the finished product

<sup>(1)</sup> For products composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which products of the other textile materials of which the mixed product is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

- (i) to 20% where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;
- (ii) to 30% where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
59.03 <sup>(1)</sup>	Bonded fibre fabrics, similar bonded yarn fabrics, and articles of such fabrics, whether or not impregnated or coated		Manufacture either from natural fibres or from chemical products or textile pulp
59.04 <sup>(1)</sup>	Twine, cordage, ropes and cables, plaited or not		Manufacture either from natural fibres or from chemical products or textile pulp or from coir yarn of heading No 57.07
59.05 <sup>(1)</sup>	Nets and netting made of twine, cordage or rope, and made up fishing nets of yarn, twine, cordage or rope		Manufacture either from natural fibres or from chemical products or textile pulp or from coir yarn of heading No 57.07
59.06 <sup>(1)</sup>	Other articles made from yarn, twine, cordage, rope or cables, other than textile fabrics and articles made from such fabrics		Manufacture either from natural fibres or from chemical products or textile pulp or from coir yarn of heading No 57.07
59.07	Textile fabrics coated with gum or amylaceous substances of a kind used for the outer covers of books and the like; tracing cloth; prepared painting canvas; buckram and similar fabrics for hat foundations and similar uses		Manufacture from yarn
59.08	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials		Manufacture from yarn
59.09	Textile fabrics coated or impregnated with oil or preparations with a basis of drying oil		Manufacture from yarn
59.10 <sup>(1)</sup>	Linoleum and materials prepared on a textile base in a similar manner to linoleum, whether or not cut to shape or of a kind used as floor coverings; floor coverings consisting of a coating applied on a textile base, cut to shape or not		Manufacture either from yarn or from textile fibres

<sup>(1)</sup> For products composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which products of the other textile materials of which the mixed product is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

- (i) to 20% where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;
- (ii) to 30% where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods		Manufacture from yarn
59.12	Textile fabrics otherwise impregnated or coated; painted canvas being theatrical scenery, studio backcloths or the like		Manufacture from yarn
59.13 <sup>(1)</sup>	Elastic fabrics and trimmings (other than knitted or crocheted goods) consisting of textile materials combined with rubber threads		Manufacture from single yarn
59.15 <sup>(1)</sup>	Textile hosepiping and similar tubing, with or without lining, armour or accessories of other materials		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
59.16 <sup>(1)</sup>	Transmission, conveyor or elevator belts or belting, of textile material, whether or not strengthened with metal or other material		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
59.17 <sup>(1)</sup>	Textile fabrics and textile articles, of a kind commonly used in machinery or plant		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
ex Chapter 60 <sup>(1)</sup>	Knitted and crocheted goods, excluding knitted or crocheted goods obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from natural fibres, carded or combed, from materials of heading Nos 56.01 to 56.03, from chemical products or textile pulp
ex 60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(2)</sup>

<sup>(1)</sup> For products composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which products of the other textile materials of which the mixed product is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

(i) to 20% where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07;

(ii) to 30% where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

<sup>(2)</sup> Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 60.03	Stockings, under stockings, socks, anklesocks, sockettes and the like, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(1)</sup>
ex 60.04	Under garments, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(1)</sup>
ex 60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(1)</sup>
ex 60.06	Other articles, knitted or crocheted, elastic or rubberized (including elastic knee-caps and elastic stockings), obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn <sup>(1)</sup>
61.01	Men's and boys' outer garments		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
ex 61.01	Fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from uncoated cloth of which the value does not exceed 40% of the value of the finished product <sup>(1)</sup> <sup>(2)</sup>
ex 61.02	Women's, girls' and infants' outer garments, not embroidered		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
ex 61.02	Fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from uncoated cloth of which the value does not exceed 40% of the value of the finished product <sup>(1)</sup> <sup>(2)</sup>
ex 61.02	Women's, girls' and infants' outer garments, embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product <sup>(1)</sup>

<sup>(1)</sup> Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

<sup>(2)</sup> These provisions do not apply where the products are obtained from printed fabric in accordance with the conditions shown in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
61.04	Women's, girls' and infants' under garments		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
ex 61.05	Handkerchiefs, not embroidered		Manufacture from unbleached single yarn <sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup>
ex 61.05	Handkerchiefs, embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product <sup>(1)</sup>
ex 61.06	Shawls, scarves, mufflers, mantillas, veils and the like, not embroidered		Manufacture from unbleached single yarn of natural textile fibres or discontinuous man-made fibres or their waste, or from chemical products or textile pulp <sup>(1)</sup> <sup>(2)</sup>
ex 61.06	Shawls, scarves, mufflers, mantillas, veils and the like, embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product <sup>(1)</sup>
61.07	Ties, bow ties and cravats		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
ex 61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments, not embroidered		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
ex 61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments, embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product <sup>(1)</sup>
61.09	Corsets, corset-belts, suspender-belts, brassières, braces, suspenders, garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>

<sup>(1)</sup> Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

<sup>(2)</sup> These provisions do not apply where the products are obtained from printed fabric in accordance with the conditions shown in List B.

<sup>(3)</sup> For products obtained from two or more textile materials, this rule does not apply to one or more of the mixed textile materials if its or their weight does not exceed 10% of the total weight of all the textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 61.10	Fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from uncoated cloth of which the value does not exceed 40% of the value of the finished product <sup>(1)</sup> <sup>(2)</sup>
61.11	Made up accessories for articles of apparel (for example, dress shields, shoulder and other pads, belts, muffs, sleeve protectors, pockets)		Manufacture from yarn <sup>(1)</sup> <sup>(2)</sup>
62.01	Travelling rugs and blankets		Manufacture from unbleached yarn of Chapters 50 to 56 <sup>(2)</sup> <sup>(3)</sup>
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles; not embroidered		Manufacture from unbleached single yarn <sup>(2)</sup> <sup>(3)</sup>
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles; embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product
62.03	Sacks and bags, of a kind used for the packing of goods		Manufacture from chemical products, textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste <sup>(2)</sup> <sup>(3)</sup>
62.04	Tarpaulins, sails, awnings, sun-blinds, tents and camping goods		Manufacture from single unbleached yarn <sup>(2)</sup> <sup>(3)</sup>
62.05	Other made up textile articles (including dress patterns)		Manufacture in which the value of the products used does not exceed 40% of the value of the finished product
64.01	Footwear with outer soles and uppers of rubber or artificial plastic material	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	

<sup>(1)</sup> Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

<sup>(2)</sup> These provisions do not apply where the products are obtained from printed fabric in accordance with the conditions shown in List B.

<sup>(3)</sup> For products obtained from two or more textile materials, this rule does not apply to one or more of the mixed textile materials if its or their weight does not exceed 10% of the total weight of all the textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
64.02	Footwear with outer soles of leather or composition leather; footwear (other than footwear falling within heading No 64.01) with outer soles of rubber or artificial plastic material	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
64.03	Footwear with outer soles of wood or cork	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
64.04	Footwear with outer soles of other materials	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
65.03	Felt hats and other felt headgear, being headgear made from the felt hoods and plateaux falling within heading No 65.01, whether or not lined or trimmed		Manufacture from textile fibres
65.05	Hats and other headgear (including hair nets), knitted or crocheted, or made up from lace, felt or other textile fabric in the piece (but not from strips), whether or not lined or trimmed		Manufacture either from yarn or from textile fibres
66.01	Umbrellas and sunshades (including walking-stick umbrellas, umbrella tents, and garden and similar umbrellas)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
ex 70.07	Cast, rolled, drawn or blown glass (including flashed or wired glass) cut to shape other than rectangular shape, or bent or otherwise worked (for example, edge worked or engraved) whether or not surface ground or polished; multiple-walled insulating glass	Manufacture from drawn, cast or rolled glass of heading Nos 70.04 to 70.06	

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
70.08	Safety glass consisting of toughened or laminated glass, shaped or not	Manufacture from drawn, cast or rolled glass of heading Nos 70.04 to 70.06	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product (1)
70.09	Glass mirrors (including rear-view mirrors), unframed, framed or backed	Manufacture from drawn, cast or rolled glass of heading Nos 70.04 to 70.06	
71.15	Articles consisting of, or incorporating, pearls, precious or semi-precious stones (natural, synthetic or reconstructed)		
73.07	Blooms, billets, slabs and sheet bars (including tinplate bars) of iron or steel; pieces roughly shaped by forging, of iron or steel	Manufacture from products of heading No 73.06	
73.08	Iron or steel coils re-rolling	Manufacture from products of heading No 73.07	
73.09	Universal plates of iron or steel	Manufacture from products of heading No 73.07 or 73.08	
73.10	Bars and rods (including wire rod), of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished (including precision-made); hollow mining drill steel	Manufacture from products of heading No 73.07	
73.11	Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished; sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements	Manufacture from products of heading Nos 73.07 to 73.10, 73.12 or 73.13	
73.12	Hoop and strip, of iron or steel, hot-rolled or cold-rolled	Manufacture from products of heading Nos 73.07 to 73.09 or 73.13	
73.13	Sheets and plates, of iron or steel, hot-rolled or cold-rolled	Manufacture from products of heading Nos 73.07 to 73.09	
73.14	Iron or steel wire, whether or not coated, but not insulated	Manufacture from products of heading No 73.10	

(1) These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
73.16	Railway and tramway track construction material of iron or steel, the following: rails, check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bed-plates, ties and other material specialized for joining or fixing rails		Manufacture from products of heading No 73.06
73.18	Tubes and pipes and blanks therefor, of iron (other than of cast iron) or steel, excluding high-pressure hydro-electric conduits		Manufacture from products of heading Nos 73.06 and 73.07 or heading No 73.15 in the forms specified in heading Nos 73.06 and 73.07
74.03	Wrought bars, rods, angles, shapes and sections, of copper; copper wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.04	Wrought plates, sheets and strip, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.05	Copper foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.15 mm		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.06	Copper powder and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.07	Tubes and pipes and blanks therefor, of copper; hollow bars of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.08	Tube and pipe fittings (for example, joints, elbows, sockets and flanges), of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
74.09	Reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquified gas), of copper, of a capacity exceeding 300 litres, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.10	Stranded wire, cables, cordage, ropes, plaited bands and the like, of copper wire, but excluding insulated electric wires and cables		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.11	Gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands), of copper wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.12	Expanded metal, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.13	Chain and parts thereof, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.14	Nails, tacks, staples, hook-nails, spiked cramps, studs, spikes and drawing pins, of copper, or of iron or steel with heads of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.15	Bolts and nuts (including bolt ends and screw studs), whether or not threaded or tapped, and screws (including screw hooks and screw rings), of copper; rivets, cotters, cotter-pins, washers and spring washers, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.16	Springs, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.17	Cooking and heating apparatus of a kind used for domestic purposes, not electrically operated, and parts thereof, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
74.18	Other articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
74.19	Other articles of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
75.02	Wrought bars, rods, angles, shapes and sections, of nickel; nickel wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
75.03	Wrought plates, sheets and strip, of nickel; nickel foil; nickel powders and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
75.04	Tubes and pipes and blanks therefor, of nickel; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of nickel		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
75.05	Electro-plating anodes, of nickel, wrought or unwrought, including those produced by electrolysis		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
75.06	Other articles of nickel		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
76.02	Wrought bars, rods, angles, shapes and sections, of aluminium; aluminium wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.03	Wrought plates, sheets and strip, of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.04	Aluminium foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.20 mm		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
76.05	Aluminium powders and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.06	Tubes and pipes and blanks therefor, of aluminium; hollow bars of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.07	Tube and pipe fittings (for example, joints, elbows, sockets and flanges), of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.08	Structures, complete or incomplete, whether or not assembled, and parts of structures (for example, hangars and other buildings, bridges and bridge-sections, towers, lattice masts, roofs, roofing frameworks, door and window frames, balustrades, pillars and columns), of aluminium; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.09	Reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquified gas), of aluminium, of a capacity exceeding 300 litres, whether or not lined or heat insulated, but not fitted with mechanical or thermal equipment		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.10	Casks, drums, cans, boxes and similar containers (including rigid and collapsible tubular containers), of aluminium, of a description commonly used for the conveyance or packing of goods		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.11	Containers of aluminium for compressed or liquified gas		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.12	Stranded wire, cables, cordage, ropes, plaited bands and the like, of aluminium wire, but excluding insulated electric wires and cables		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.13	Gauze, cloth, grill, netting, reinforcing fabric and similar materials, of aluminium wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
76.14	Expanded metal, of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.15	Articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.16	Other articles of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
77.02	Wrought bars, rods, angles, shapes and sections, of magnesium; magnesium wire; wrought plates, sheets and strip, of magnesium; magnesium foil; raspings and shavings of uniform size, powders and flakes, of magnesium; tubes and pipes and blanks therefor, of magnesium; hollow bars of magnesium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
77.03	Other articles of magnesium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
78.02	Wrought bars, rods, angles, shapes and sections, of lead; lead wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
78.03	Wrought plates, sheets and strip, of lead		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
78.04	Lead foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a weight (excluding any backing) not exceeding 1.7 kg/m <sup>2</sup> ; lead powders and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
78.05	Tubes and pipes and blanks therefor, of lead; hollow bars and tube and pipe fittings (for example, joints, elbows, sockets, flanges and S-bends)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
78.06	Other articles of lead		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
79.02	Wrought bars, rods, angles, shapes and sections, of zinc; zinc wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
79.03	Wrought plates, sheets and strip, of zinc; zinc foil; zinc powders and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
79.04	Tubes and pipes and blanks therefor, of zinc; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of zinc		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
79.05	Gutters, roof capping, skylight frames, and other fabricated building components, of zinc		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
79.06	Other articles of zinc		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
80.02	Wrought bars, rods, angles, shapes and sections, of tin; tin wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
80.03	Wrought plates, sheets and strip, of tin		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
80.04	Tin foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a weight (excluding any backing) not exceeding 1 kg/m <sup>2</sup> ; tin powders and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
80.05	Tubes and pipes and blanks therefor, of tin; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of tin		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
82.05	Interchangeable tools for hand tools, for machine tools or for power-operated hand tools (for example, for pressing, stamping, drilling, tapping, threading, boring, broaching, milling, cutting, turning, dressing, morticing or screwdriving), including dies for wire drawing, extrusion dies for metal, and rock drilling bits		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product <sup>(1)</sup>
82.06	Knives and cutting blades, for machines or for mechanical appliances		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product <sup>(1)</sup>
ex Chapter 84	Boilers, machinery and mechanical appliances and parts thereof, excluding refrigerators and refrigerating equipment (electrical and other) (No 84.15) and sewing machines, including furniture specially designed for sewing machines (ex No 84.41)		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
84.15	Refrigerators and refrigerating equipment (electrical and other)		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(2)</sup> used are originating products

<sup>(1)</sup> These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

<sup>(2)</sup> In determining the value of products, materials and parts, the following must be taken into account:

(a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;

(b) in respect of products, materials and parts other than those referred to under (a), the provisions of Article 4 of Annex II determining:

(i) the value of imported products,

(ii) the value of products of undetermined origin.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex 84.41	Sewing machines, including furniture for sewing machines		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that:  (a) at least 50% in value of the materials and parts <sup>(1)</sup> used for the assembly of the head (motor excluded) are originating products, and  (b) the thread tension, crochet and zigzag mechanisms are originating products
ex Chapter 85	Electrical machinery and equipment; parts thereof; excluding products of heading No 85.14 or 85.15		Working, processing or assembly in which the value of the non-originating material and parts used does not exceed 40% of the value of the finished product
85.14	Microphones and stands therefor; loudspeakers; audio-frequency electric amplifiers		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that:  (a) at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products, and  (b) the value of the non-originating transistors used does not exceed 3% of the value of the finished product <sup>(2)</sup>

<sup>(1)</sup> In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of Annex II determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

<sup>(2)</sup> This percentage is not cumulative with the 40%.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
85.15	Radiotelegraphic and radio-telephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that:  (a) at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products, and  (b) the value of the non-originating transistors used does not exceed 3% of the value of the finished product <sup>(2)</sup>
Chapter 86	Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway track fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered)		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
ex Chapter 87	Vehicles, other than railway or tramway rolling-stock, and parts thereof, excluding products of heading No 87.09		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
87.09	Motor-cycles, autocycles and cycles fitted with an auxiliary motor, with or without side-cars; side-cars of all kinds		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
ex Chapter 90	Optical, photographic cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus and parts thereof, excluding products of heading No 90.05, 90.07, 90.08, 90.12 or 90.26		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product

<sup>(1)</sup> In determining the value of products, materials and parts, the following must be taken into account:

(a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;

(b) in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of Annex II determining:

(i) the value of imported products,

(ii) the value of products of undetermined origin.

<sup>(2)</sup> This percentage is not cumulative with the 40%.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
90.05	Refracting telescopes (monocular and binocular), prismatic or not		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
90.07	Photographic cameras; photographic flashlight apparatus		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
90.08	Cinematographic cameras projectors, sound recorders and sound reproducers; any combination of these articles		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
90.12	Compound optical microscopes, whether or not provided with means for photographing or projecting the image		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
90.26	Gas, liquid and electricity supply or production meters; calibrating meters therefor		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products

<sup>(1)</sup> In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of Annex II determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
ex Chapter 91	Clocks and watches and parts thereof, excluding products of heading No 91.04 or 91.08		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
91.04	Other clocks		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
91.08	Clock movements, assembled		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
ex Chapter 92	Musical instruments; sound recorders and reproducers; television image and sound recorders and reproducers, magnetic; parts and accessories of such articles; excluding products of heading No 92.11		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product
92.11	Gramophones, dictating machines and other sound recorders and reproducers, including record players and tape decks, with or without sound-heads; television image and sound recorders and reproducers, magnetic		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that:  (a) at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products, and  (b) the value of the non-originating transistors used does not exceed 3% of the value of the finished product <sup>(2)</sup>

<sup>(1)</sup> In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of Annex II determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

<sup>(2)</sup> This percentage is not cumulative with the 40%.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
CCT heading No	Description		
Chapter 93	Arms and ammunition; parts thereof		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
96.02	Other brooms and brushes (including brushes of a kind used as parts of machines); paint rollers; squeegees (other than roller squeegees) and mops		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
97.03	Other toys; working models of a kind used for recreational purposes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
98.01	Buttons and button moulds, studs, cuff-links, and press-fasteners, including snap fasteners and press-studs; blanks and parts of such articles		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
98.08	Typewriter and similar ribbons, whether or not on spools; ink-pads, with or without boxes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

## Annex 3 to Annex II

## LIST B

List of working or processing operations which do not result in a change of tariff heading, but which do confer the status of 'originating products' on the products undergoing such operations

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
		Incorporation of non-originating materials and parts in boilers, machinery, mechanical appliances, etc., of Chapters 84 to 92 in boilers and radiators of heading No 73.37 and in the products contained in heading Nos 97.07 and 98.03 does not make such products lose their status of originating products, provided that the value of these products does not exceed 5% of the value of the finished product
13.02	Shellac, seed lac, stick lac and other lacs; natural gums, resins, gum-resins and balsams	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 50% of the value of the finished product
ex 15.10	Fatty alcohols	Manufacture from fatty acids
ex 21.03	Prepared mustard	Manufacture from mustard flour
ex 22.09	Whisky of an alcoholic strength of less than 50°	Manufacture from alcohol deriving exclusively from the distillation of cereals and in which the value of the non-originating constituent products does not exceed 15% of the value of the manufactured product
ex 25.09	Earth colours, calcined or powdered	Crushing and calcination or powdering of earth colours
ex 25.15	Marble squared by sawing, of a thickness not exceeding 25 cm	Sawing into slabs or sections, polishing, grinding and cleaning of marble, including marble not further worked than roughly split, roughly squared or squared by sawing, of a thickness exceeding 25 cm
ex 25.16	Granite, porphyry, basalt, sandstone and other monumental and building stone, squared by sawing, of a thickness not exceeding 25 cm	Sawing of granite, porphyry, basalt, sandstone and other building stone, including such stone not further worked than roughly split, roughly squared or squared by sawing, of a thickness exceeding 25 cm
ex 25.18	Calcined dolomite; agglomerated dolomite (including tarred dolomite)	Calcination of unworked dolomite
Chapters 28 to 37	Products of the chemical and allied industries excluding calcined, crushed and powdered natural aluminium calcium phosphates, treated thermally (ex 31.03) and essential oils other than of citrus fruit, terpeneless (ex 33.01)	Working or processing in which the value of the non-originating products used does not exceed 20% of the value of the finished product

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 31.03	Calcined, crushed and powdered natural aluminium calcium phosphates, treated thermically	Crushing and powdering of calcined natural aluminium calcium phosphates, treated thermically
ex 33.01	Essential oils other than of citrus fruit, terpeneless	Deterpenation of essential oils other than of citrus fruit
ex Chapter 38	Miscellaneous chemical products, other than refined tall oil (ex 38.05) and sulphate turpentine refined (ex 38.07)	Working or processing in which the value of the non-originating materials used does not exceed 20% of the value of the finished product
ex 38.05	Refined tall oil	Refining of crude tall oil
ex 38.07	Sulphate turpentine, purified	Purification consisting of the distillation or refining of raw sulphate turpentine
ex Chapter 39	Artificial plastic materials, cellulose ethers and esters, artificial resins and articles made of these materials, excepting films of ionomers (ex 39.02)	Working or processing in which the value of the non-originating materials used does not exceed 20% of the value of the finished product
ex 39.02	Ionomer film	Manufacture from a thermoplastic partial salt which is a copolymer of ethylene and metacrylic acid partly neutralized with metal ions, mainly zinc and sodium
ex 40.01	Slabs of crepe rubber for soles	Lamination of crepe sheets of natural rubber
ex 40.07	Rubber thread and cord, textile-covered	Manufacture from rubber thread or cord
ex 41.01	Sheep- and lamb-skins without the wool	Removing wool from sheep- and lamb-skins in the wool
ex 41.02	Retanned bovine cattle leather (including buffalo leather) and equine leather, except leather of heading Nos 41.06 to 41.08	Retanning of bovine cattle leather (including buffalo leather) and equine leather, not further prepared than tanned
ex 41.03	Retanned sheep- and lamb-skin leather, except leather of heading Nos 41.06 to 41.08	Retanning of sheep- and lamb-skin leather, not further prepared than tanned
ex 41.04	Retanned goat and kid skin leather, except leather of heading Nos 41.06 to 41.08	Retanning of goat and kid skin leather, not further prepared than tanned
ex 41.05	Other kinds of retanned leather, except leather of heading Nos 41.06 to 41.08	Retanning of other kinds of leather, not further prepared than tanned
ex 43.02	Assembled furskins	Bleaching, dyeing, dressing, cutting and assembling of tanned or dressed furskins
ex 50.03	Silk waste carded or combed	Carding or combing waste silk

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 50.09 ex 50.10 ex 51.04 ex 53.11 ex 53.12 ex 53.13 ex 54.05 ex 55.07 ex 55.08 ex 55.09 ex 56.07	Printed fabrics	Printing accompanied by finishing operations (bleaching, dressing, drying, steaming, burling, mending, impregnating, sanforizing, mercerizing) of fabrics the value of which does not exceed 47.5% of the value of the finished product
ex 59.14	Incandescent gas mantles	Manufacture from tubular gas mantle fabric
ex 68.03	Articles of slate, including articles of agglomerated slate	Manufacture of articles of slate
ex 68.13	Articles of asbestos; articles of mixtures with a basis of asbestos or of mixtures with a basis of asbestos and magnesium carbonate	Manufacture of articles of asbestos or of mixtures with a basis of asbestos, or of mixtures with a basis of asbestos and magnesium carbonate
ex 68.15	Articles of mica, including bonded mica splittings on a support of paper or fabric	Manufacture of articles of mica
ex 70.10	Cut-glass bottles	Cutting of bottles the value of which does not exceed 50% of the value of the finished product
70.13	Glassware (other than articles falling in heading No 70.19) of a kind commonly used for table, kitchen, toilet or office purposes, for indoor decoration, or similar uses	Cutting of glassware the value of which does not exceed 50% of the value of the finished product or decoration, with the exception of silk-screen printing, carried out entirely by hand, of hand-blown glassware the value of which does not exceed 50% of the value of the finished product
ex 70.20	Articles made from glass fibre	Manufacture from unworked glass fibre
ex 71.02	Precious and semi-precious stones, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)	Manufacture from unworked precious and semi-precious stones
ex 71.03	Synthetic or reconstructed precious or semi-precious stones, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)	Manufacture from unworked synthetic or reconstructed precious or semi-precious stones
ex 71.05	Silver and silver alloys, including silver gilt and platinum-plated silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought silver and silver alloys
ex 71.05	Silver, including silver gilt and platinum-plated silver, unwrought	Alloying or electrolytic separation of unwrought silver and silver alloys

Finished products		Working or processing that confers the status of originating products
GCT heading No	Description	
ex 71.06	Rolled silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought rolled silver
ex 71.07	Gold, including platinum-plated gold, semi-manufactured	Rolling, drawing, beating or grinding of unwrought gold, including platinum-plated gold
ex 71.07	Gold, including platinum-plated gold, unwrought	Alloying or electrolytic separation of unwrought gold or gold alloys
ex 71.08	Rolled gold on base metal or silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought rolled gold on base metal or silver
ex 71.09	Platinum and other metals of the platinum group, semi-manufactured	Rolling, drawing, beating or grinding of unwrought platinum or other metals of the platinum group
ex 71.09	Platinum and other metals of the platinum group, unwrought	Alloying or electrolytic separation of unwrought platinum or other metals of the platinum group
ex 71.10	Rolled platinum or other platinum group metals, on base metal or precious metal, semi-manufactured	Rolling, drawing, beating or grinding of unwrought rolled platinum or other unwrought platinum group metals or precious metal
ex 73.15	Alloy steel and high carbon steel: -- in the forms mentioned in heading Nos 73.07 to 73.13 — in the forms mentioned in heading No 73.14	Manufacture from products in the forms mentioned in heading No 73.06 Manufacture from products in the forms mentioned in heading No 73.06 or 73.07
ex 74.01	Unrefined copper (blister copper and other)	Smelting of copper matte
ex 74.01	Refined copper	Fire-refining or electrolytic refining of unrefined copper (blister copper and other), copper waste or scrap
ex 74.01	Copper alloy	Fusion and thermal treatment of refined copper, copper waste or scrap
ex 75.01	Unwrought nickel (excluding electro-plating anodes of heading No 75.05)	Refining by electrolysis, by fusion or chemically, of nickel mattes, nickel speiss and other intermediate products of nickel metallurgy
ex 75.01	Unwrought nickel except nickel alloys	Refining of waste by electrolysis, by melting or by chemical means of waste and scrap

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 76.01	Unwrought aluminium	Manufacture by thermal or electrolytic treatment of unalloyed aluminium and scrap
ex 77.04	Beryllium wrought	Rolling, drawing or grinding of unwrought beryllium the value of which does not exceed 50% of the value of the finished product
ex 78.01	Refined lead	Manufacture by thermal refining from bullion lead
ex 81.01	Tungsten, wrought	Manufacture from unwrought tungsten the value of which does not exceed 50% of the value of the finished product
ex 81.02	Molybdenum, wrought	Manufacture from unwrought molybdenum the value of which does not exceed 50% of the value of the finished product
ex 81.03	Tantalum, wrought	Manufacture from unwrought tantalum the value of which does not exceed 50% of the value of the finished product
ex 81.04	Other base metals, wrought	Manufacture from other base metals, unwrought the value of which does not exceed 50% of the value of the finished product
ex 83.06	Indoor ornaments made from base metals other than statuettes	Working or processing in which the value of the non-originating materials used does not exceed 30% of the value of the finished product
84.06	Internal combustion piston engines	Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
ex 84.08	Engines and motors, excluding reaction engines and gas turbines	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts <sup>(1)</sup> used are originating products
84.16	Calendering and similar rolling machines (other than metal-working and metal-rolling machines and glass working machines) and cylinders thereof	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 25% of the value of the finished product

<sup>(1)</sup> In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of other products, materials and parts, other than those referred to under (a), the provisions of Article 4 of Annex II determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 84.17	Machinery, plant and similar laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature, for wood, paper pulp, paper and paperboard manufacturing industries	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 25% of the value of the finished product
84.31	Machinery for making or finishing cellulosic pulp, paper or paperboard	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 25% of the value of the finished product
84.33	Paper or paperboard cutting machines of all kinds; other machinery for making up paper pulp, paper or paperboard	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 25% of the value of the finished product
ex 84.41	Sewing machines, including furniture specially designed for sewing machines	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that:  (a) at least 50% of the materials and parts <sup>(1)</sup> used for assembly of the head (motor excluded) are originating products, and  (b) the thread tension, crochet and zigzag mechanisms are originating products
85.14	Microphones and stands therefor; loudspeakers; audiofrequency electric amplifiers	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product and provided that at least 50% of the materials and parts used are originating products <sup>(2)</sup>
85.15	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio, broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product and provided that at least 50% of the materials and parts used are originating products <sup>(2)</sup>
87.06	Parts and accessories of the motor vehicles of heading Nos 87.01 to 87.03	Working, processing or assembly in which the value of the materials and parts used does not exceed 15% of the value of the finished product

<sup>(1)</sup> In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products in the territory of the country where working, processing or assembly is carried out;
- (b) in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of Annex II determining:
- (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

<sup>(2)</sup> The application of this rule must not have the effect of allowing the exceeding of the percentage of 3% for the originating transistors laid down in List A for the same tariff heading.

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 94.01	Chairs and other seats (other than those falling within heading No 94.02) whether or not convertible into beds, made of base metals	Working, processing or assembly in which unstuffed cotton cloth is used of a weight of 300 g/m <sup>2</sup> or less in the form ready to use, of which the value does not exceed 25% of the value of the finished product <sup>(1)</sup>
ex 94.03	Other furniture of base metal	Working, processing or assembly in which unstuffed cotton cloth is used of a weight of 300 g/m <sup>2</sup> or less in the form ready to use of which the value does not exceed 25% of the value of the finished product <sup>(1)</sup>
ex 95.01	Articles of tortoise-shell	Manufacture from worked tortoise-shell
ex 95.02	Articles of mother of pearl	Manufacture from worked mother of pearl
ex 95.03	Articles of ivory	Manufacture from worked ivory
ex 95.04	Articles of bone (excluding whalebone)	Manufacture from worked bone (excluding whalebone)
ex 95.05	Articles of horn, coral (natural or agglomerated) or of other animal carving material	Manufacture from worked horn, coral (natural or agglomerated) or other animal carving material
ex 95.06	Articles of vegetable carving material (for example, corozo)	Manufacture from worked vegetable carving material (for example, corozo)
ex 95.07	Articles of jet (and mineral substitutes for jet), amber, meerschaum, agglomerated amber and agglomerated meerschaum	Manufacture from worked jet (and mineral substitutes for jet), amber, meerschaum, agglomerated amber and agglomerated meerschaum
ex 98.11	Smoking pipes, pipe bowls, of wood, root or other materials	Manufacture from roughly shaped blocks

<sup>(1)</sup> This rule does not apply when the general rule of change of tariff heading is applied to the other non-originating parts which are part of the composition of the final product.

## Annex 4 to Annex II

## LIST C

## List of products excluded from the scope of Annex II

CCT heading No	Description
ex 27.07	Assimilated aromatic oils as defined in Note 2 to Chapter 27, of which more than 65% by volume distils at a temperature of up to 250° C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels
27.09 to 27.16	} Mineral oils and products of their distillation; bituminous substances; mineral waxes
ex 29.01	Hydrocarbons: — acyclic — cyclanes and cyclenes, excluding azulenes — benzene, toluene, xylenes for use as power or heating fuels
ex 34.03	Lubricating preparations containing petroleum oils or oils obtained from bituminous minerals, but not including preparations containing 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals
ex 34.04	Waxes with a basis of paraffin, of petroleum waxes, of waxes obtained from bituminous minerals, of slack wax or of scale wax
ex 38.14	Prepared additives for lubricants

Annex 5 to Annex II

MOVEMENT CERTIFICATE

<b>1. Exporter</b> (Name, full address, country)	<b>EUR. 1</b> No <b>A</b> 000.000	
	See notes overleaf before completing this form	
<b>3. Consignee</b> (Name, full address, country) (Optional)	<b>2. Certificate used in preferential trade between</b> ..... and ..... (insert appropriate countries, groups of countries or territories)	
	<b>4. Country, group of countries or territory in which the products are considered as originating</b> <sup>(1)</sup>	<b>5. Country, group of countries or territory of destination</b>
<b>6. Transport details</b> (Optional)	<b>7. Remarks</b>	
<b>8. Item number ; marks and numbers ; Number and kind of packages</b> <sup>(2)</sup> ; Description of goods	<b>9. Gross weight (kg) or other measure</b> (litres, m <sup>3</sup> , etc.)	<b>10. Invoices</b> (Optional)
<b>11. CUSTOMS ENDORSEMENT</b> Declaration certified Export document <sup>(3)</sup> Form ..... No ..... Customs office ..... Issuing country or territory ..... ..... Date ..... ..... (Signature)	Stamp	<b>12. DECLARATION BY THE EXPORTER</b> I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.  Place and date: .....  ..... (Signature)

<sup>(1)</sup> Complete only in cases of exporting country not being identical to the country where the products are originating. In the contrary case, this box has to be struck through.

<sup>(2)</sup> If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

<sup>(3)</sup> Complete only where the regulations of the exporting country or territory require.

<p><b>13. REQUEST FOR VERIFICATION, to</b></p>	<p><b>14. RESULT OF VERIFICATION,</b></p>
<p>Verification of the authenticity and accuracy of this certificate is requested.</p> <p>..... (Place and date) Stamp</p> <p>..... (Signature)</p>	<p>Verification carried out shows that this certificate <sup>(1)</sup></p> <p><input type="checkbox"/> was issued by the customs office indicated and that the information contained therein is accurate.</p> <p><input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).</p> <p>..... (Place and date) Stamp</p> <p>..... (Signature)</p> <p><sup>(1)</sup> Insert X in the appropriate box.</p>

**NOTES**

1. Certificates must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and endorsed by the customs authorities of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

APPLICATION FOR A MOVEMENT CERTIFICATE

<p><b>1. Exporter</b> (Name, full address, country)</p>	<p><b>EUR. 1</b> No <b>A</b> 000.000</p>		
	<p>See notes overleaf before completing this form</p>		
<p><b>3. Consignee</b> (Name, full address, country) (Optional)</p>	<p><b>2. Application for a certificate to be used in preferential trade between</b></p> <p>.....</p> <p style="text-align: center;">and</p> <p>.....</p> <p>(insert appropriate countries, groups of countries or territories)</p>		
	<p><b>4. Country, group of countries or territory in which the products are considered as originating <sup>(1)</sup></b></p>	<p><b>5. Country, group of countries or territory of destination</b></p>	
<p><b>6. Transport details</b> (Optional)</p>	<p><b>7. Remarks</b></p>		
<p><b>8. Item number; marks and numbers; Number and kind of packages <sup>(2)</sup>; Description of goods</b></p>	<p><b>9. Gross weight (kg) or other measure (litres, m<sup>3</sup>, etc.)</b></p>	<p><b>10. Invoices</b> (Optional)</p>	

<sup>(1)</sup> Complete only in cases of exporting country being identical to the country where the products are originating. In the contrary case, this box has to be struck through.

<sup>(2)</sup> If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

**DECLARATION BY THE EXPORTER**

I, the undersigned, exporter of the goods described overleaf,

DECLARE that the goods meet the conditions required for the issue of the attached certificate;

SPECIFY as follows the circumstances which have enabled these goods to meet the above conditions:

.....

.....

.....

.....

**SUBMIT** the following supporting documents <sup>(1)</sup>:

.....

.....

.....

.....

UNDERTAKE to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

REQUEST the issue of the attached certificate for these goods.

.....  
(Place and date)

.....  
(Signature)

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<sup>(1)</sup> For example: import documents, movement certificates, invoices, manufacturer's declarations, etc., referring to the products used in manufacture or to the goods re-exported in the same state.

(7) (8) (9) (See footnotes on back of part 1).

Before completing this form read carefully the instructions on the back of Part 1.

<p>1 Name and address of exporter</p>	<p>3 Name and address of consignee</p>	<p>4 Place and date</p> <p>6 Signature of exporter</p>	<p>5 Remarks (2)</p>	<p>10 Description of goods</p>
<p>2 Declaration by the exporter I, the undersigned, exporter of the goods described below and contained in this postal consignment, — DECLARE that the goods are situated in ..... (exporting country) under the conditions necessary for completion of this form in accordance with the provisions governing trade between ..... (1); and that the goods have the status of originating products within the meaning of the said provisions; — UNDERTAKE to submit to the appropriate authorities any supporting evidence which these authorities may require and to agree to any inspection by them of my accounts and any check by them on the processes of manufacture of the goods described below.</p>		<p>7 Country, group of countries or territory in which the products are considered as originating (8)</p> <p>8 Country of destination</p> <p>9 Gross weight</p>	<p>11 Authorities in the exporting country responsible for verification of the declaration by the exporter</p>	

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**FORM EUR. 2** No A 000 000

(Part 1)

REQUEST FOR VERIFICATION	RESULT OF VERIFICATION
<p>The undersigned customs officer requests that the declaration by the exporter on the front of this form be verified (*) (1)</p> <p style="text-align: center;">..... (Place and date of signature)</p> <div style="border: 1px dashed black; width: 60px; height: 40px; margin: 10px auto;"></div> <p style="text-align: center;">..... (Signature of customs officer)</p>	<p>Verification carried out by the undersigned customs officer shows that:</p> <p><input type="checkbox"/> the statements and particulars given in this form are accurate (1);</p> <p><input type="checkbox"/> this form does not meet the requirements as to authenticity and accuracy (see remarks appended) (1)</p> <p style="text-align: center;">..... (Place and date of signature)</p> <div style="border: 1px dashed black; width: 60px; height: 40px; margin: 10px auto;"></div> <p style="text-align: center;">..... (Signature of customs officer)</p> <p>(1) Place an x where applicable</p>

(\*) Verification of the form is made on a sampling basis or whenever the customs authorities of the importing country have reasonable doubt as to the true origin of the goods in question or of constituents thereof.

The customs authorities of the importing country must send the form to the authorities of the exporting country responsible for verification, specifying the reasons of substance or form which justify an inquiry. Wherever possible they must attach to the form the invoice submitted to them or a copy thereof, and give any information which it has been possible to obtain and which suggests that the particulars given in the form are inaccurate.

If the customs authorities of the importing country decide to suspend the provisions of the Agreement while awaiting the results of the verification, they shall offer to release the goods to the importer subject to such safeguards as may be considered necessary.

— in the case of a consignment by letter post, attach Part 1 firmly to the consignment and insert Part 2 inside it.  
 — in the case of a consignment by parcel post, attach the two parts to the dispatch note,  
 C. After completing and signing the two parts of the form, the exporter must;

B. The exporter must give the reference 'EUR.2' followed by the serial number of the form either on green label C 1 or on customs declaration C 2/CP 3.

Those provisions must be studied carefully before the form is completed.

A. A form EUR.2 may be made out only for goods which in the exporting country meet the conditions specified by the provisions governing the trade referred to in space 2.

Instructions for the completion of form EUR.2

(2) Complete only in cases of exporting country not being identical to the country where the products are originating. In the contrary case, this box has to be struck through.

(3) Refer to any verification already carried out by the appropriate authorities.

(4) Indicate the Contracting Parties to the transaction in respect of which the form has been completed.

Footnotes for both forms

FORM **EUR. 2** No A 000 000

(Part 2)

Before completing this form read carefully the instructions on the back of Part 1.

1 Name and address of exporter  3 Name and address of consignee	2 Declaration by the exporter I, the undersigned, exporter of the goods described below and contained in this postal consignment, — DECLARE that the goods are situated in ..... (exporting country) under the conditions necessary for completion of this form in accordance with the provisions governing trade between ..... (1); and that the goods have the status of originating products within the meaning of the said provisions; — UNDERTAKE to submit to the appropriate authorities any supporting evidence which these authorities may require and to agree to any inspection by them of my accounts and any check by them on the processes of manufacture of the goods described below.	
	4 Place and date  6 Signature of exporter	
5 Remarks (2)	7 Country, group of countries or territory in which the products are considered as originating (3)	8 Country of destination  9 Gross weight
10 Description of goods	11 Authorities in the exporting country responsible for verification of the declaration by the exporter	

(1) (2) (3) (See footnotes on back of part 1).

*Annex 7 to Annex II*

**SPECIMEN OF DECLARATION**

I, the undersigned, declare that the goods listed on this invoice were obtained in .....

and (as appropriate):

(a) (\*) satisfy the rules on the definition of the concept of 'wholly produced products'

or

(b) (\*) were produced from the following products:

Description	Country of origin	Value (*)
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

and have undergone the following processes:

..... (indicate processings)

in

.....

.....  
(Place and date)

.....  
(Signature)

.....  
(\*) To be completed as necessary.

Annex 8 to Annex II

**EUROPEAN COMMUNITIES**

1. Supplier <sup>(1)</sup>	<p><b>INFORMATION CERTIFICATE</b> to facilitate the issue of a <b>MOVEMENT CERTIFICATE</b> for preferential trade between the</p> <div style="border: 1px solid black; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> <p><b>EUROPEAN ECONOMIC COMMUNITY</b> and the <b>COUNTRIES AND TERRITORIES</b></p> </div>		
2. Consignee <sup>(1)</sup>			
3. Processor <sup>(1)</sup>	4. State, country or territory in which the working or processing has been carried out		
6. Customs office of importation <sup>(2)</sup>	5. For official use		
7. Import document <sup>(2)</sup> Form ..... No ..... Series ..... Date <input type="text"/> <input type="text"/> <input type="text"/>			
<b>GOODS SENT TO THE STATE, COUNTRY OR TERRITORY OF DESTINATION</b>			
8. Marks, numbers, quantity and kind of package	9. Tariff heading number and description of goods	10. Quantity <sup>(3)</sup>	
		11. Value <sup>(4)</sup>	
<b>IMPORTED GOODS USED</b>			
12. Tariff heading number and description	13. Country of origin	14. Quantity <sup>(3)</sup>	15. Value <sup>(5)</sup> ( <sup>6</sup> )
16. Nature of the working or processing carried out			
17. Remarks			
<p><b>18. CUSTOMS ENDORSEMENT</b></p> <p>Declaration certified</p> <p>Document .....</p> <p>Form ..... No .....</p> <p>Customs office .....</p> <p>Date <input type="text"/> <input type="text"/> <input type="text"/></p> <div style="border: 1px solid black; width: 100px; height: 60px; margin: 10px auto; text-align: center; padding: 5px;"> <p>Official stamp</p> </div> <p>..... (Signature)</p>		<p><b>19. DECLARATION BY THE SUPPLIER</b></p> <p>I, the undersigned, declare that the information on this certificate is accurate</p> <p>..... <input type="text"/> <input type="text"/> <input type="text"/> (Place) (date)</p> <p>..... (Signature)</p>	

<sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup> <sup>(4)</sup> <sup>(5)</sup> See footnotes on verso.

<p><b>REQUEST FOR VERIFICATION</b></p> <p>The undersigned customs official requests verification of the authenticity and accuracy of this information certificate</p>   <p>..... (Place and date)</p> <div style="border: 1px solid black; width: 80px; height: 50px; margin: 10px auto; display: flex; align-items: center; justify-content: center;"> <p>Official stamp</p> </div> <p>..... (Official's signature)</p>	<p><b>RESULT OF VERIFICATION</b></p> <p>Verification carried out by the undersigned customs official shows that this information certificate:</p> <p>(a) was issued by the customs office indicated and that the information contained therein is accurate (*)</p> <p>(b) does not meet the requirements as to authenticity and accuracy (see notes appended) (*)</p>   <p>..... (Place and date)</p> <div style="border: 1px solid black; width: 80px; height: 50px; margin: 10px auto; display: flex; align-items: center; justify-content: center;"> <p>Official stamp</p> </div> <p>..... (Official's signature)</p> <p>..... (*) Delete where not applicable.</p>
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**CROSS REFERENCES**

- (1) Name of individual or business and full address.
- (2) Optional information.
- (3) Kg, hl, m<sup>3</sup> or other measure.
- (4) Packaging shall be considered as forming a whole with the goods contained therein. However, this provision shall not apply to packaging which is not of the normal type for the article packed, and which has a lasting utility value of its own, apart from its function as packaging.
- (5) The value must be indicated in accordance with the provisions on rules of origin.

## ANNEX III

## on the application of Article 7

*Article 1*

1. At the request of a Member State or on its own initiative the Commission may decide to apply to products originating in the 'countries and territories' the safeguard measures which the Community may take pursuant to Article 7 of the Regulation, in particular a temporary, total or partial suspension of the tariff and other measures provided for by the Regulation for the benefit of the 'countries and territories'.

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.

Member States shall be notified of the safeguard measures which shall apply immediately.

2. Any Member State may refer the measures taken by the Commission to the Council within 10 working days following the date of notification of such a measure. The Council shall meet without delay. Acting by a qualified majority, it may amend or rescind the measure in question.

*Article 2*

1. Without prejudice to the application of Article 1, the Commission may, in order to enable a Member State to face up to the disturbances or difficulties referred to in Article 7 of the Regulation, authorize that Member State to take safeguard measures.

If the Commission has received a request from the Member State concerned, 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.

2. Any Member State may refer the Commission 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.

*Article 3*

1. Without prejudice to the application of Article 2, the Member State or States concerned may, in an emergency, introduce safeguard measures. They shall notify the other Member States and the Commission of such measures forthwith.

Using an emergency procedure, 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 safeguard measures, the Commission's decision shall be suspended. The 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.

3. For the purposes of applying this Article, priority must be given to such measures as will least disturb the functioning of the common market.

*Article 4*

1. Articles 1 and 2 shall not affect application of the safeguard clauses provided for in the Treaty, and in particular in Articles 108 and 109, in accordance with the procedures laid down therein.

2. This Annex shall not preclude full application of the regulations on the common organization of the agricultural markets. Articles 2 and 3 shall not be applicable to products covered by those regulations.

*ANNEX IV*

**relating to Article 1**

The duties which may be temporarily retained under Article 38 of the Act of Accession shall remain generally applicable and Article 1 (1) of the Regulation may not constitute an exception thereto.

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*ANNEX V*

**relating to Article 2**

Article 2 (1) of the Regulation shall be without prejudice to certain quantitative restrictions and the special system applicable to imports of motor vehicles and the motor vehicle assembly industry in Ireland which are the subject of Protocols 6 and 7 to the Act of Accession.

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31. 7. 75

Official Journal of the European Communities

No L 201 73

## REGULATION (EEC) No 1958/75 OF THE COUNCIL

of 30 July 1975

extending certain transitional measures for rum, arrack and tafia in relation with certain overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof;

Having regard to the Act of Accession <sup>(1)</sup>, and in particular Article 119 (3) thereof;

Having regard to the Opinion of the Commission;

Whereas, with a view to the advance implementation of Article 2 (1) of the ACP-EEC Lomé convention and Protocol 7 thereto, which was announced by the Community when that convention was signed, the Council, by Regulation (EEC) No 1600/75 <sup>(2)</sup>, opened a duty-free Community tariff quota for products falling within subheading 22.09 C I of the Common Customs Tariff (rum, arrack and tafia) originating in the ACP States; whereas special import arrangements should therefore be made for these products when they originate in the overseas countries and territories;

Whereas Council Decision No 70/549/EEC <sup>(3)</sup> of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community, expired on 31 January 1975; whereas, under Decision No 75/89/EEC <sup>(4)</sup>, Decision No 70/549/EEC and its Annexes, and the provisions adopted for their implementation continue to apply beyond 31 January 1975 until the entry into force of the provisions which are to replace this Decision or until 31 July 1975, whichever is the earlier; whereas, however, Council Decision No 75/463/EEC of 22 July 1975 on the extension of certain transitional measures in relations with certain overseas countries and territories, maintains in force Decision No 70/549/EEC provided that no new provisions relating to the same fields have entered into force or until 31 July 1976, whichever is the earlier;

Whereas Regulation (EEC) No 1957/75, which enters into force on 1 August 1975, lays down interim trade arrangements with the overseas countries and territories associated with the European Economic Community similar to those laid down for products originating in the ACP States; whereas Article 1 of this Regulation provides that certain products originating in the overseas countries and territories shall be imported into the Community free of customs duties and charges having equivalent effect; whereas, however, the abovementioned Regulation provides for the adoption of a special Regulation for products falling within subheading 22.09 C I of the Common Customs Tariff;

Whereas, pursuant to Article 115 (3) of the Act of Accession the Council, by Decision No 75/462/EEC <sup>(5)</sup> maintained in force the arrangements provided for in Articles 109 (1), 114 and 119 (1) of that Act;

Whereas, pursuant to Article 119 of the Act of Accession, the arrangements resulting from Decision No 70/549/EEC shall not apply in relations between the new Member States and the overseas countries and territories;

Whereas the import arrangements for the products falling within subheading 22.09 C I of the Common Customs Tariff (rum, arrack and tafia) originating in the overseas countries and territories are not covered by Regulation (EEC) No 1957/75; whereas the Council has agreed to adopt texts laying down these arrangements by 30 November 1975; whereas, pending this decision, the status quo should be maintained for imports of these products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The products falling within subheading 22.09 C I of the Common Customs Tariff (rum, arrack and tafia) originating in the overseas countries and territories listed in Annex I shall be subject:

<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(2)</sup> OJ No L 166, 28. 6. 1975, p. 81.

<sup>(3)</sup> OJ No L 282, 28. 12. 1970, p. 83.

<sup>(4)</sup> OJ No L 26, 31. 1. 1975, p. 9.

(5) OJ No L 201, 31.7.1975

(a) when imported into the Member States of the Community as originally constituted, to the arrangements resulting from Decision No 70/549/EEC and from Article 119 (2), third subparagraph, of the Act of Accession;

(b) when imported into the new Member States, to the arrangements provided for in Article 119 (2), first and third subparagraphs, of the Act of Accession.

*Article 2*

The products falling within subheading 22.09 C I of the Common Customs Tariff (rum, arrack and

tafia) originating in the overseas countries and territories listed in Annex II shall be subject to the arrangements provided for in Article 119 (2), second and third subparagraphs, of the Act of Accession.

*Article 3*

This Regulation shall enter into force on 1 August 1975.

It shall continue to apply until the entry into force of the new provisions relating to the same fields or until 29 February 1976, whichever is the earlier.

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

Done at Brussels, 30 July 1975.

*For the Council*

*The President*

M. RUMOR

## ANNEX I

## List of the overseas countries and territories referred to in Article 1

1. Overseas countries of the Kingdom of the Netherlands:
  - Surinam,
  - The Netherlands Antilles (Aruba, Bonaire, Curaçao, St Martin, Saba, St Eustatius).
2. Overseas territories of the French Republic:
  - Saint Pierre and Miquelon,
  - The Comoro Archipelago,
  - The Territory of the Afars and Issas,
  - New Caledonia and dependencies,
  - Wallis and Futuna Islands,
  - French Polynesia,
  - French Southern and Antarctic Territories.

## ANNEX II

## List of the overseas countries and territories referred to in Article 2

1. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland:
  - Belize,
  - Brunei,
  - Associated States in the Caribbean: Antigua, Dominica, St Lucia, St Vincent, St Christopher, Nevis and Anguilla,
  - Cayman Islands,
  - Falkland Islands and Dependencies,
  - Gilbert and Ellice Islands,
  - British Solomon Islands,
  - Turks and Caicos Islands,
  - British Virgin Islands,
  - Montserrat,
  - Pitcairn,
  - St Helena and Dependencies,
  - The Seychelles,
  - British Antarctic Territory,
  - British Indian Ocean Territory.
2. Anglo-French Condominium of the New Hebrides.

31. 7. 75

Official Journal of the European Communities

No L 201/77

## COUNCIL DECISION

of 22 July 1975

on the extension of certain transitional measures in relation with certain overseas countries and territories

(75/463/EEC)

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof;

Whereas Council Decision No 70/549/EEC<sup>(1)</sup> of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community, expired on 31 January 1975;

Whereas, pursuant to Decision No 75/89/EEC<sup>(2)</sup>, Decision No 70/549/EEC and its Annexes and the arrangements adopted for their implementation remain applicable beyond 31 January 1975 until the entry into force of the provisions which are to replace that Decision or until 31 July 1975, whichever is the earlier;

Whereas Council Regulation (EEC) No 1957/75 of 30 July 1975 on the interim trade arrangements with the overseas countries and territories associated with the European Economic Community, enters into force on 1 August 1975;

Whereas Decision No 70/549/EEC should continue to apply provisionally to fields not covered by that Regulation;

<sup>(1)</sup> OJ No L 282, 28. 12. 1970, p. 83.

<sup>(2)</sup> cf. OCT/CEE 0 102

Whereas, pursuant to Article 119 of the Act of Accession, the arrangements resulting from Decision No 70/549/EEC do not apply in relations between the new Member States and the overseas countries and territories; whereas, pursuant to Article 119 (3) of the Act of Accession, the Council, by Decisions No 75/88/EEC<sup>(3)</sup> and No 75/462/EEC<sup>(4)</sup>, has extended these arrangements until expiry of the period during which the transitional measures are applied,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Provided that no new provisions relating to the same fields have entered into force, Decision No 70/549/EEC, its Annexes and the arrangements adopted for their implementation shall remain in force.

The preceding paragraph shall continue to apply until the entry into force of the new provisions relating to the same fields, or until 31 July 1976, whichever is the earlier.

Done at Brussels, 22 July 1975.

*For the Council*  
*The President*  
M. RUMOR

<sup>(3)</sup> OJ No L 26, 31. 1. 1975, p. 8.

<sup>(4)</sup> OJ No L 201, 31.7.1975

30. 9. 75

Official Journal of the European Communities

No L 253/23

**REGULATION (EEC) No 2474/75 OF THE COMMISSION**  
**of 29 September 1975**

**fixing the amounts by which the import charges on beef and veal originating in the African, Caribbean and Pacific States or in the overseas countries and territories are to be reduced**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 1599/75 of 24 June 1975 on the arrangements applicable to agricultural products and to certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories, and in particular Article 2 (2) thereof ;

Whereas Article 2 (2) of Regulation (EEC) No 1599/75 provides for a 90 % reduction in the import charges on beef and veal ; whereas the amount of this reduction must be calculated in conformity with Article 1 of Regulation (EEC) No 1725/75 of 4 July 1975 on detailed rules for the application of the arrangements

governing the importation of beef and veal originating in the African, Caribbean and Pacific States or in the overseas countries and territories,

HAS ADOPTED THIS REGULATION :

*Article 1*

The amounts by which the import charges on beef and veal are to be reduced pursuant to Article 2 (2) of Regulation (EEC) No 1599/75 shall in respect of the period 1 October to 31 December 1975 be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 October 1975.

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

Done at Brussels, 29 September 1975.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

## ANNEXE — ANNEX — ANHANG — ALLEGATO — BIJLAGE — BILAG

N° du tarif douanier commun CCT heading No Nr des Gemeinsamen Zolltarifs Numero della tariffa doganale comune Nr van het gemeenschappelijk douanetarief Position i den fælles toldtarif	Ireland + United Kingdom  UA/100 kg	Autres États membres Other Member States Andere Mitgliedstaaten Altri Stati membri Andere Lid-Staten Andre medlemsstater UCRE/UA/100 kg
01.02 A II a)	24,858	39,438
01.02 A II b)	24,858	39,438
02.01 A II a) 1 aa) 11	48,352	74,932
02.01 A II a) 1 aa) 22	38,598	59,945
02.01 A II a) 1 aa) 33	58,107	89,919
02.01 A II a) 1 bb) 11	48,352	74,932
02.01 A II a) 1 bb) 22	38,598	59,945
02.01 A II a) 1 bb) 33	58,107	89,919
02.01 A II a) 1 cc) 11	88,050	112,398
02.01 A II a) 1 cc) 22	93,929	128,568
02.01 A II a) 2 aa)	53,526	78,569
02.01 A II a) 2 bb)	42,736	62,855
02.01 A II a) 2 cc)	67,010	98,212
02.01 A II a) 2 dd) 11	95,601	117,854
02.01 A II a) 2 dd) 22 aaa)	65,705	98,212
02.01 A II a) 2 dd) 22 bbb) (1)	65,705	98,212
02.01 A II a) 2 dd) 22 ccc)	102,713	135,139
02.06 C I a) 1	90,390	112,398
02.06 C I a) 2	86,576	128,568

(1) L'admission dans cette sous-position est subordonnée à la présentation d'un certificat délivré dans les conditions prévues par les autorités compétentes des Communautés européennes.

(1) Entry under this subheading is subject to the production of a certificate issued on conditions laid down by the competent authorities of the European Communities.

(1) Die Zulassung zu dieser Tarifstelle ist abhängig von der Vorlage einer Bescheinigung, die den von den zuständigen Stellen der Europäischen Gemeinschaften festgesetzten Voraussetzungen entspricht.

(1) L'ammissione in questa sottovoce è subordinata alla presentazione di un certificato conformemente alle condizioni stabilite dalle autorità competenti delle Comunità europee.

(1) Indeling onder deze onderverdeling is onderworpen aan de voorwaarde dat een certificaat wordt voorgelegd, hetwelk is afgegeven onder de voorwaarden en bepalingen, vastgesteld door de bevoegde autoriteiten van de Europese Gemeenschappen.

(1) Henførsel under denne underposition er betinget af, at der fremlægges et certifikat, der opfylder de betingelser der er fastsat af de kompetente myndigheder i De europæiske Fællesskaber.

## COUNCIL DECISION

on 25 February 1975

concerning the importation of cane sugar originating in the overseas countries and territories (OCT)

(75/614/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the recommendation from the Commission;

Whereas it is desirable to provide in respect of cane sugar originating in the overseas countries and territories arrangements analogous with those contained in interim Agreements with certain ACP states concerning sugar,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The European Economic Community shall, under the conditions laid down hereunder, ensure the purchase and import, at guaranteed prices, specific quantities of cane sugar, raw or white, originating in the overseas countries and territories (OCT) which the OCT deliver to it.

2. The implementation of this Decision shall be carried out within the framework of the management of the common organization of the sugar market.

*Article 2*

1. The quantities of cane sugar referred to in Article 1 expressed in metric tons of white sugar, hereinafter referred to as 'specified quantities', for delivery in each 12-month period referred to in Article 3 (1), shall be as follows:

Belize	39 400
St. Kitts — Nevis — Anguilla	14 800
Surinam	

2. Nevertheless, in respect of the period up to 30 June 1975 the specified quantities, expressed in metric tons of white sugar, shall be as follows:

Belize	14 800
St. Kitts — Nevis — Anguilla	7 900
Surinam	

*Article 3*

1. In each 12-month period from 1 July to 30 June inclusive, hereinafter referred to as the 'delivery period',

the OCT sugar exporters shall deliver the quantities referred to in Article 2 (1), subject always to any adjustments resulting from the application of Article 6. They shall also deliver the quantities referred to in Article 2 (2) in the period up to 30 June 1975, which shall also be regarded as a delivery period.

2. The quantities to be delivered up to 30 June 1975, referred to in Article 2 (2), shall include supply en route from port of shipment.

3. Deliveries of OCT cane sugar in the period up to 30 June 1975 shall benefit from the guaranteed prices applicable in the delivery period beginning 1 July 1975. Identical arrangements may be made for subsequent delivery periods.

*Article 4*

1. The white or raw cane sugar shall be marketed on the Community market at prices freely negotiated between buyers and sellers.

2. The Community shall not intervene if and when a Member State allows selling prices within its borders to exceed the Community's threshold price.

3. The Community shall purchase, at the guaranteed price, quantities of white or raw sugar, within specified quantities, which cannot be marketed in the Community at a price equivalent to or in excess of the guaranteed price.

4. The guaranteed price, expressed in units of account, shall refer to unpacked sugar, cif European ports of the Community, and shall be fixed in respect of standard quality sugar, as defined in Community Regulations.

5. For the period from 1 February 1975 to 30 June 1976 inclusive the guaranteed prices shall be as follows:

- (a) for raw sugar, 25.53 units of account per 100 kilograms;
- (b) for white sugar, 31.72 units of account per 100 kilograms.

*Article 5*

Purchase at the guaranteed price, referred to in Article 4 (3), shall be assured through the medium of the intervention agencies or of the other agents appointed by the Community.

*Article 6*

1. If, during any delivery periods, an OCT exporter of sugar fails to deliver its specified quantity in full for reasons of *force majeure*, the Commission, at the request of the Member State with which the OCT concerned has special relations, shall allow the necessary additional period for delivery.
2. If an OCT exporter of sugar informs the Commission during the course of a delivery period that it will be unable to deliver its specified quantity in full and that it does not wish to have the additional period referred to in paragraph 1 above, the shortfall shall be re-allocated by the Commission for delivery during the delivery period in question.
3. If during any delivery period, an OCT sugar exporter fails to deliver its specified quantity in full for reasons other than *force-majeure*, that quantity shall be reduced in respect of each subsequent delivery period by the undelivered quantity.
4. It may be decided by the Commission that in respect of subsequent delivery periods, the undeliv-

ered quantity shall be re-allocated between the other OCT referred to in Article 2.

*Article 7*

The provisions of this Decision shall enter into force on 28 February 1975. They shall continue to apply up to the date on which the future Decision of the Council enters into force concerning the Association of OCT with the European Economic Community, and not later than 30 June 1976. If the future Decision enters into force before 30 June 1976, appropriate measures shall be taken to ensure the application up to 30 June 1976 of the guaranteed price laid down in Article 4 (5).

Done at Brussels, 25 February 1975.

*For the Council*

*The President*

G. FITZGERALD

17. 10. 75

Official Journal of the European Communities

No L 268/45

**COUNCIL DECISION**

of 26 March 1975

**supplementing the Council Decision of 25 February 1975 concerning the import of cane sugar originating in the overseas countries and territories (OCT)**

(75/615/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof ;

Having regard to the recommendation from the Commission ;

Whereas when the Council Decision was taken regarding the import of cane sugar originating in the overseas countries and territories, it was agreed to add later the quantities of sugar for Surinam ;

Whereas the provisions of the aforementioned Decision should now be supplemented.

HAS DECIDED AS FOLLOWS :

*Article 1*

Article 2 of the Council Decision of 25 February 1975 concerning the import of cane sugar originating in the overseas countries and territories (OCT) is amended as follows :

- In the first paragraph the following is added : 'Surinam 4 000' ;
- In the second paragraph : the word 'Surinam' is deleted.

*Article 2*

This Decision shall enter into force on 1 April 1975.

Done at Brussels, 26 March 1975.

*For the Council**The President*

G. FITZGERALD

## REGULATION (EEC) No 2849/75 OF THE COMMISSION

of 31 October 1975

on measures relating to imports of rice and broken rice originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1599/75 of 24 June 1975 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories, and in particular Article 23 thereof;

Whereas, if Article 9 of Regulation (EEC) No 1599/75 is to be correctly applied, then, before the adjustments provided for in that Article are made the cif export prices for the various qualities of rice must be rendered comparable to the price for the standard quality for which the threshold price is fixed; whereas to this end the corrective amounts provided for in Commission Regulation (EEC) No 1613/71<sup>(1)</sup> of 26 July 1971 laying down detailed rules for fixing cif prices and levies on rice and broken rice, as last amended by Regulation (EEC) No 1057/73<sup>(2)</sup>, and the corrective amounts relating thereto should be applied; whereas, in order to facilitate import transactions for the Makalioka, Vary Lava, Surinam and Alicambo qualities of rice, which represent the major part of imports from the ACP States and the OCT, the amounts to be added to or subtracted from the cif export price should be fixed;

Whereas Article 11 of Regulation (EEC) No 1599/75 provides that where imports from the ACP States or the OCT exceed a certain quantity such imports may be partially or totally suspended; whereas to this end a procedure should be established for the rapid and frequent communication of information on imports by Member States to the Commission, so that the latter may decide, in full knowledge of the facts, on any measures to be proposed to the Council; whereas monthly communication should be sufficiently frequent to meet this requirement;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Cereals,

*Article 1*

For the purposes of Article 9 of Regulation (EEC) No 1599/75, the cif export price for a given lot of rice or broken rice shall be adjusted, before the levy is added, in accordance with the following rules:

1. If the cif export price is for a bagged product that price shall be reduced by five units of account per metric ton.
2. The cif export price for the qualities Makalioka, Vary Lava, Surinam and Alicambo shall be adjusted:

(a) for the qualities Makalioka and Vary Lava, by increasing it by:

- 3.20 units of account per metric ton in the case of paddy rice;
- 4.00 units of account per metric ton in the case of husked rice;
- 5.41 units of account per metric ton in the case of semi-milled rice;
- 5.80 units of account per metric ton in the case of wholly milled rice;

(b) for the qualities Surinam and Alicambo, by reducing it:

- in the case of paddy rice, by:
  - 8.80 units of account per metric ton of Surinam rice;
  - 16.80 units of account per metric ton of Alicambo rice;
- in the case of husked rice, by:
  - 11.00 units of account per metric ton of Surinam rice;
  - 21.00 units of account per metric ton of Alicambo rice;
- in the case of semi-milled rice, by:
  - 14.86 units of account per metric ton of Surinam rice;
  - 28.39 units of account per metric ton of Alicambo rice;
- in the case of wholly milled rice, by:
  - 15.94 units of account per metric ton of Surinam rice;
  - 30.43 units of account per metric ton of Alicambo rice;

<sup>(1)</sup> OJ No L 168, 27. 7. 1971, p. 28.

<sup>(2)</sup> OJ No L 105, 20. 4. 1973, p. 10.

3. For qualities of rice originating in the ACP States and the OCT other than those qualities referred to in paragraph 2, the cif export price shall be adjusted:

(a) for round grain rice, by applying:

- in the case of husked rice, the corrective amount shown in Annex I to Regulation (EEC) No 1613/71;
- in the case of rice in a form other than husked rice, the corrective amount shown in Annex I to Regulation (EEC) No 1613/71, this amount having first been multiplied by a coefficient of:
  - 0.8000 for paddy rice;
  - 1.2121 for semi-milled rice;
  - 1.2903 for wholly milled rice;

(b) for long grain rice:

- in the case of husked rice, by applying the corrective amount shown in Annex II to Regulation (EEC) No 1613/71 and allowing for the difference in value between the standard quality for which the threshold price is fixed and the variety of long grain rice representative of Community production referred to in Article 14 (2) (b) of Regulation No 359/67/EEC<sup>(1)</sup>;
- in the case of rice in a form other than husked rice, by applying the corrective amount shown in Annex II to Regulation (EEC) No 1613/71, this amount having first been multiplied by a coefficient of:
  - 0.8000 for paddy rice;
  - 1.3513 for semi-milled rice;
  - 1.4493 for wholly milled rice;
 and

allowing for the difference in value between the standard quality for which the threshold price is fixed and the variety of long grain rice representative of Community production referred to in Article 14 (2) (b) of Regulation No 359/67/EEC, that difference having first been multiplied by a coefficient of:

- 0.8000 for paddy rice;
- 1.3513 for semi-milled rice;
- 1.4493 for wholly milled rice;

(c) for broken rice, by applying the corrective amount shown in Annex III to Regulation (EEC) No 1613/71.

#### *Article 2*

For the purposes of Article 11 of Regulation (EEC) No 1599/75, Member States shall inform the Commission, before the tenth day of each month, of the quantities of rice and broken rice, broken down by country of export and country of origin, imported during the preceding month from the ACP States and from the overseas countries and territories.

#### *Article 3*

Commission Regulation (EEC) No 430/72<sup>(2)</sup> of 29 February 1972 on implementing measures in respect of imports of rice and broken rice originating in the Associated African States and Madagascar or in the overseas countries and territories is hereby repealed.

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 July 1975.

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

Done at Brussels, 31 October 1975.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

<sup>(1)</sup> OJ No 174, 31.7.1967, p. 1.

<sup>(2)</sup> OJ No L 52, 1.3.1972, p. 41.

**REGULATION (EEC) No 2864/75 OF THE COMMISSION**  
of 3 November 1975

**altering retrospectively the amounts as fixed by Regulation (EEC) No 1726/75 by which the import charges on beef and veal originating in the African, Caribbean and Pacific States or in the overseas countries and territories are to be reduced**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 475/75<sup>(1)</sup> of 27 February 1975 on the exchange rates to be applied in agriculture, as amended by Regulation (EEC) No 2638/75<sup>(2)</sup>, and in particular Article 4(1) thereof;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 1599/75 of 24 June 1975 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories, import charges on beef and veal originating in the third countries concerned shall be reduced by 90 %, as calculated by a standard method, on the basis of the amounts applicable during a reference period, in accordance with the rules laid down by Commission Regulation (EEC) No 1725/75 of 4 July 1975; whereas the amounts by which the charges are to be reduced were fixed by Commission Regulation (EEC) No 1726/75 of 4 July 1975;

Whereas the monetary compensatory amounts applicable pursuant to Council Regulation (EEC) No 974/71<sup>(3)</sup> of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States, as last amended by Regulation (EEC) No 475/75, must be taken into account when calculating the amounts by which the import charges are to be reduced; whereas, as regards imports into Ireland and the United Kingdom, the monetary compensatory amounts to be taken into account are those fixed in

respect of the latter country; whereas the representative rate for the pound sterling in force since 3 March 1975 has been altered with effect from 4 August 1975; whereas, with effect from the date of entry into force of the new rate, the amounts by which the import charges are reduced should consequently be altered pursuant to Article 4(1) of Regulation (EEC) No 475/75 and by way of derogation from the rules laid down in Regulations (EEC) No 1599/75 and (EEC) No 1725/75, the fixing of the new representative rate having had unforeseeable effects on the standard procedure for fixing the amounts in question;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. With effect from 4 August 1975, the amounts shown in the column headed 'Ireland + United Kingdom' in the Annex to Regulation (EEC) No 1726/75 are replaced by the amounts shown in the Annex to this Regulation.

2. Any reimbursement due as a result of this Regulation shall be made only at the request of the party concerned, such request to be submitted before 31 December 1975.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 3 November 1975.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

<sup>(1)</sup> OJ No L 52, 28. 2. 1975, p. 28.

<sup>(2)</sup> OJ No L 269, 18. 10. 1975, p. 1.

<sup>(3)</sup> OJ No L 106, 12. 5. 1971, p. 1.

## ANNEXE — ANNEX — ANHANG — ALLEGATO — BIJLAGE — BILAG

No du tarif douanier commun CCT heading No Nr. des Gemeinsamen Zolltarifs Numero della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief Position i den fælles toldtarif	Ireland + United Kingdom  <i>UC/100 kg</i>
01.02 A II a)	23,379
01.02 A II b)	23,379
02.01 A II a) 1 aa) 11	45,539
02.01 A II a) 1 aa) 22	36,349
02.01 A II a) 1 aa) 33	54,731
02.01 A II a) 1 bb) 11	45,539
02.01 A II a) 1 bb) 22	36,349
02.01 A II a) 1 bb) 33	54,731
02.01 A II a) 1 cc) 11	85,237
02.01 A II a) 1 cc) 22	90,718
02.01 A II a) 2 aa)	51,022
02.01 A II a) 2 bb)	40,734
02.01 A II a) 2 cc)	63,882
02.01 A II a) 2 dd) 11	93,097
02.01 A II a) 2 dd) 22 aaa)	62,577
02.01 A II a) 2 dd) 22 bbb) (1)	62,577
02.01 A II a) 2 dd) 22 ccc)	99,585
02.06 C I a) 1	87,577
02.06 C I a) 2	83,365

(1) L'admission dans cette sous-position est subordonnée à la présentation d'un certificat délivré dans les conditions prévues par les autorités compétentes des Communautés européennes.

(1) Entry under this subheading is subject to the production of a certificate issued on conditions laid down by the competent authorities of the European Communities.

(1) Die Zulassung zu dieser Tarifstelle ist abhängig von der Vorlage einer Bescheinigung, die den von den zuständigen Stellen der Europäischen Gemeinschaften festgesetzten Voraussetzungen entspricht.

(1) L'ammissione in questa sottovoce è subordinata alla presentazione di un certificato conformemente alle condizioni stabilite dalle autorità competenti delle Comunità europee.

(1) Indeling onder deze onderverdeling is onderworpen aan de voorwaarde dat een certificaat wordt voorgelegd, hetwelk is afgegeven onder de voorwaarden en bepalingen, vastgesteld door de bevoegde autoriteiten van de Europese Gemeenschappen.

(1) Hentførsel under denne underposition er betinget af, at der fremlægges et certifikat, der opfylder de betingelser, der er fastsat af de kompetente myndigheder i De europæiske Fællesskaber.

## REGULATION (EEC) No 3329/75 OF THE COUNCIL

of 18 December 1975

amending Regulation (EEC) No 1599/75 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas Article 19 of Council Regulation (EEC) No 1599/75 of 24 June 1975 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories, lays down that the products referred to in Regulation (EEC) No 234/68 are to be imported free of customs duties, with the exception of products falling within heading No 06.03 or 06.04 of the Common Customs Tariff;

Whereas the exemption of those products from customs duties was deferred until it was possible to settle the problems relating to the unification of the import arrangements applied by each Member State with regard to third countries in respect of live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage;

Whereas Regulation (EEC) No 3279/75 (1) has established common import arrangements; whereas, consequently, products falling within heading No 06.03 or 06.04 and originating in the African, Caribbean and Pacific States or the overseas countries and territories should be exempted from customs duties;

Whereas Regulation (EEC) No 1599/75 lays down, in respect of the products subject to levies or variable components, total or partial exemption from such charges; whereas deflections of trade should be prevented during the period of application of accession compensatory amounts in trade in those products

between the Community as originally constituted and the new Member States; whereas appropriate provision should be made to enable measures to be taken in cases where there is a danger of deflection of trade,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 19 of Regulation (EEC) No 1599/75 is amended to read as follows:

'The products referred to in Regulations (EEC) No 234/68, (EEC) No 827/68, (EEC) No 1308/70, (EEC) No 1696/71, (EEC) No 2358/71 and (EEC) No 1067/74 shall be imported free of customs duties.'

*Article 2*

Article 22 of Regulation (EEC) No 1599/75 is amended to read as follows:

'The reductions provided for by this Regulation shall be calculated by reference to:

- the variable components of levies where the levies contain such components,
- the levies in other cases,

applicable to imports from third countries into the Community as originally constituted.

However, during the period of application of accession compensatory amounts in trade between the Community as originally constituted and the new Member States, measures to prevent deflections of trade shall be taken in accordance with the procedure referred to in Article 23, if this proves necessary.'

*Article 3*

This Regulation shall enter into force on 1 January 1976.

(1) OJ No L 326, 18.12.1975

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

Done at Brussels, 18 December 1975.

*For the Council*

*The President*

M. TOROS

27. 1. 76

Official Journal of the European Communities

No L 18/3

**COUNCIL REGULATION (EEC) No 158/76**  
of 20 January 1976

**on the system for guaranteeing the stabilization of earnings from certain commodities exported by the ACP States and the overseas countries and territories associated with the Community**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 213 thereof,

Having regard to the proposal from the Commission,

Whereas the ACP-EEC Convention of Lomé was signed on 28 February 1975;

Whereas Article 17 of the Convention establishes the list of commodities covered by the system for stabilizing export earnings of the ACP States;

Whereas it is proposed to extend this system to the overseas countries and territories associated with the Community, hereinafter called the 'countries and territories';

Whereas it is necessary to institute a system of cross-checking of statistics between the Community and the ACP States and between the Community and the countries and territories in order to implement the system for stabilizing export earnings,

HAS ADOPTED THIS REGULATION:

*Article 1*

Before the end of each month, the Member States shall forward to the Commission a statement of imports during the previous month of the products listed in the Annex to this Regulation:

— from the ACP States listed in Annex I to Regulation (EEC) No 1598/75<sup>(1)</sup> until the Convention enters into force and thereafter from the ACP States to which the Convention applies;

— from the countries and territories listed in Annex I to Regulation (EEC) No 1957/75 and subsequently from those covered by the Decision to be adopted by the Council on the association of the countries and territories.

*Article 2*

The statement referred to in Article 1 shall give details of all products:

- which are released for home use in the Member State concerned,
- which are brought under the inward processing arrangements there in order to be processed.

*Article 3*

The statement referred to in Article 1 shall show the country of origin of the products, according to the common geographical code in force, the quantities imported and the cif values of these imports.

*Article 4*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1976.

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

Done at Brussels, 20 January 1976.

*For the Council*

*The President*

G. THORN

<sup>(1)</sup> OJ No L 166, 28. 6. 1975, p. 1.

## ANNEX

## List of products which are the subject of this Regulation

Nimex code	Tariff description
(a) <i>Ground-nut products</i> 12.01.31 to 12.01.35  15.07.74 and 15.07.87  23.04.10	Oil seeds and oleaginous fruit, whole or broken : Ground-nuts, in shell or shelled  Ground-nut oil for the manufacture of foodstuffs for human consumption, crude  Ground-nut oil for the manufacture of foodstuffs for human consumption, other  Oil-cake and other residues (except dregs) resulting from the extraction of vegetable oils : Other : Of ground-nuts
(b) <i>Cocoa products</i> 18.01.00 18.03.10 to 18.03.30  18.04.00	Cocoa beans, whole or broken, raw or roasted Cocoa paste (in bulk or in block), whether or not defatted : Not defatted Wholly or partly defatted Cocoa butter (fat or oil)
(c) <i>Coffee products</i> 09.01.11 to 09.01.17  21.02.10	Coffee, whether or not roasted or freed of caffeine ; coffee husks and skins ; containing coffee in any proportion Coffee, unroasted : Not freed of caffeine ; freed of caffeine Coffee, roasted : Not freed of caffeine ; freed of caffeine Extracts, essences or concentrates of coffee ; preparations with a basis of coffee extracts, essences or concentrates
(d) <i>Cotton products</i> 55.01.10 to 55.01.90 55.02.10 to 55.02.90	Cotton, not carded or combed Cotton linters, raw and other
(e) <i>Coconut products</i> 08.01.71 to 08.01.75  12.01.42  15.07.77 and 15.07.92	Coconuts : Desiccated coconut : Other Oil-seeds and oleaginous fruit, whole or broken : Copra Coconut or copra oil for the manufacture of foodstuffs for human consumption, crude Coconut or copra oil for the manufacture of foodstuffs for human consumption, other

Nimexe code	Tariff description
23.04.20	Oil-cake and other residues (except dregs) resulting from the extraction of vegetable oils : Other Of copra (= of coconut)
(f) <i>Palm, palm nut and kernel products</i> 15.07.19 and 15.07.61 and 15.07.63	Palm oil, for technical or industrial uses, crude Palm oil, for the manufacture of foodstuffs for human consumption, crude Palm oil, for the manufacture of foodstuffs for human consumption, other
15.07.31 and 15.07.78 and 15.07.93	Palm kernel oil, for technical or industrial uses, crude Palm kernel oil, for the manufacture of foodstuffs for human consumption, solid or fluid, other than in packings of 1 kg or less, crude Palm kernel oil, for the manufacture of foodstuffs for human consumption, solid or fluid, other than in packings of 1 kg or less, other
23.04.30	Oil-cake and other residues (except dregs) resulting from the extraction of vegetable oils : Other : Of palm nuts or kernels
12.01.44	Oil seeds and oleaginous fruit, whole or broken : Palm nuts and kernels
(g) <i>Raw hides, skins and leather</i> 41.01.11 to 41.01.95	Raw hides and skins (fresh, salted, dried, pickled or limed), whether or not split, including sheepskins in the wool
41.02.05 to 41.02.50	Bovine cattle leather (including buffalo leather) and equine leather, except leather falling within heading No 41.06, 41.07 or 41.08
41.03.10 to 41.03.99	Sheep and lamb skin leather, except leather falling within heading No 41.06, 41.07 or 41.08
41.04.10 to 41.04.99	Goat and kid skin leather, except leather falling within heading No 41.06, 41.07 or 41.08
(h) <i>Wood products</i> 44.03.20 to 44.03.99	Wood in the rough, whether or not stripped of its bark or merely roughed down
44.04.20 to 44.04.98	Wood, roughly squared or half-squared, but not further manufactured
44.05.10 to 44.05.79	Wood sawn lengthwise, sliced or peeled, but not further prepared, of a thickness exceeding 5 mm
(i) <i>Fresh bananas</i> 08.01.31	Bananas : Fresh

Nimex code	Tariff description
(j) <i>Tea</i> 09.02.10 to 09.02.90	Tea in immediate packings of a net capacity not exceeding 3 kg : Other
(k) <i>Raw sisal</i> 57.04.10	Sisal fibres and other fibres of the Agave family, including waste of such fibres and pulled or garnetted rags or ropes
(l) <i>Iron ore</i> 26.01.12 to 26.01.18	Metallic ores and concentrates and roasted iron pyrites : Iron ores and concentrates and roasted iron pyrites

## COUNCIL REGULATION (EEC) No 287/76

of 9 February 1976

on the opening, allocation and administration of a Community tariff quota for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to Council Decision 76/198/EEC of 9 February 1976 on import arrangements for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community,

Having regard to the proposal from the Commission,

Whereas Decision 76/198/EEC stipulates that rum, arrack and tafia shall be imported into the Community free of customs duties within the limits of a Community tariff quota; whereas the annual volume of the quota for the period from 1 July to 30 June is to be fixed on the basis of a basic annual quantity, calculated in hectolitres of pure alcohol, to which a rate of growth of 13 % is to be applied, equal to the amount of imports during the best of the last three years for which statistics are available; whereas this rate may be modified in the light of certain criteria; whereas the first quota period is to be run from 1 March 1976 to 30 June 1976; whereas, for that period, the basic annual quantity has been fixed by the said Decision as an agreed figure of 80 000 hectolitres of pure alcohol; whereas the *pro rata temporis* clause shall be applicable;

Whereas the amount of the quota for the period from 1 March 1976 to 30 June 1976 should therefore be fixed at 30 133 hectolitres of pure alcohol;

Whereas, owing to the special character of the products in question and their sensitivity on Community markets, exceptional provision should be made

for a method of use based on a single division amongst Member States;

Whereas, taking into account actual trends on the markets for the products in question; the needs of the Member States and the economic prospects for the period under consideration, the initial percentage shares in the quota volume will be as follows:

Benelux	6.50
Denmark	0.20
Germany	93.26
France	0.01
Ireland	0.01
Italy	0.01
United Kingdom	0.01

Whereas the development of imports into the Community of these products should be recorded and imports should accordingly be monitored;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are jointly represented by the Benelux Economic Union, any measure concerning the administration of the share allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 March 1976 until 30 June 1976 rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the countries and territories referred to in Article 1 of Decision 76/198/EEC shall be imported free of customs duty into the Community within the limits of a Community tariff quota of 30 133 hectolitres of pure alcohol.

2. The rules of origin applicable to the products referred to in paragraph 1 shall be those mentioned in Article 5 of Decision 76/198/EEC.

*Article 2*

The Community tariff quota referred to in Article 1 shall be allocated amongst the Member States as follows:

	<i>hectolitres of pure alcohol</i>
Benelux	1 960
Denmark	61
Germany	28 100
France	3
Ireland	3
Italy	3
United Kingdom	3

*Article 3*

1. Member States shall manage the shares allocated to them in accordance with their own arrangements.

2. The extent to which the Member States have used up their shares shall be determined on the basis of the imports of the products in question originating in the said countries and territories declared at customs for clearance for home use.

*Article 4*

1. In accordance with Article 6 of Decision 76/198/EEC, the Community shall monitor imports

of the products in question originating in the said countries and territories.

2. Member States shall forward to the Commission not later than the 15th day of each month statements of imports of the products in question effected during the preceding month; only products submitted to the customs authorities under cover of a declaration that they are to be made available for home use and accompanied by a movement certificate conforming to the rules referred to in Article 1 (2) shall be taken into consideration for this purpose.

3. The Commission shall regularly inform the Member States of the extent to which the tariff quota has been used up.

4. Where necessary, consultations may be held at the request of a Member State or on the initiative of the Commission.

*Article 5*

The Commission shall take all necessary measures to ensure the implementation of this Regulation in close co-operation with the Member States.

*Article 6*

This Regulation shall enter into force on 1 March 1976.

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

Done at Brussels, 9 February 1976.

*For the Council*

*The President*

G. THORN

## COUNCIL DECISION

of 9 February 1976

on import arrangements for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community

(76/198/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the recommendation from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Council has autonomously implemented Article 2 (1) and Protocol No 7 on rum of the ACP-EEC Convention of Lomé; whereas by Regulation (EEC) No 1600/75 (1) the Council opened a tariff quota free of customs duties for products falling within subheading 22.09 C I of the Common Customs Tariff originating in the ACP States; whereas by Regulation (EEC) No 1957/75 the Council laid down interim arrangements for trade with the overseas countries and territories associated with the European Economic Community, hereinafter called 'countries and territories'; whereas that Regulation provides for the adoption of special rules for the abovementioned products originating in these countries and territories;

Whereas under Regulation (EEC) No 1958/75 the Council agreed to adopt the measures laying down these import arrangements; whereas it has since approved the principles which should govern these

arrangements; whereas the import arrangements for the abovementioned products originating in the countries and territories should accordingly be adopted for the period from 1 March 1976 to 1 March 1980, without awaiting the entry into force of the Decision on the association of the countries and territories,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. Pending entry into force of a common organization of the markets in spirits, and at all events no later than 1 March 1980, rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the countries and territories listed in the Annex to this Decision and, as from the entry into force of the Council Decision on the association of the overseas countries and territories, originating in the countries and territories mentioned in the corresponding Annex of that Decision, shall be imported into the Community free of customs duties within the limits of a Community tariff quota fixed in accordance with the following provisions.

2. The grant of exemption from customs duties in the new Member States shall not, however, affect the application of Article 38 of the Act of Accession.

*Article 2*

1. The tariff quota provided for in Article 1 shall be fixed each year for a period running from 1 July to 30 June.

(1) OJ No L 166, 28. 6. 1975, p. 81.

2. However, a quota shall be fixed for March, April, May and June of 1976 which shall be equal to one-third of the annual quota.

*Article 3*

1. The annual tariff quota shall be fixed on the basis of a basic annual quantity, calculated in hectolitres of pure alcohol, equal to the amount of imports during the best of the last three years for which statistics are available. For the purposes of calculating the quota for 1 March to 30 June 1976 the volume of imports in 1975 shall be taken as an agreed figure as being 80 000 hectolitres of pure alcohol.

2. The annual tariff quota shall be equal to the basic annual quantity determined pursuant to paragraph 1 plus a growth rate of 13 %. The quota shall be fixed on that basis.

3. However, the Council, acting unanimously on a proposal from the Commission, may each year increase or reduce the rate laid down in paragraph 2 in the light of Community consumption and production and developments of the trade flow within the Community and between the Community, the countries and territories and the ACP States.

*Article 4*

When laying down the annual import quota, the Council, acting by a qualified majority on a proposal from the Commission, shall determine the allocation of the quota amongst the Member States, taking into account actual trends on the markets in question, the needs of the Member States and economic prospects for the period under consideration.

*Article 5*

For the purposes of implementing this Decision the concept of 'originating products' and the methods of

administrative cooperation relating thereto shall be those defined in Annex II to Regulation (EEC) No 1957/75 and, as from the entry into force of the Council Decision on the association of the countries and territories, those defined in the corresponding Annex to the said Decision

*Article 6*

The products referred to in Article 1 shall be placed under Community surveillance according to detailed arrangements to be laid down by the Council when it adopts the measures provided for in Article 3.

*Article 7*

Article 7 and Annex III of Regulation (EEC) No 1957/75 and, as from the entry into force of the Council Decision on the association of the countries and territories, the corresponding provisions of the said Decision, shall be applicable to the products referred to in Article 1.

*Article 8*

This Decision shall enter into force on 1 March 1976.

It shall apply until 29 February 1980.

*Article 9*

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 9 February 1976.

*For the Council*

*The President*

G. THORN

## ANNEX

## List of the countries and territories referred to in Article 1

(This list does not prejudice the status of these countries and territories now or in the future)

1. Overseas countries of the Kingdom of the Netherlands :
    - the Netherlands Antilles (Aruba, Bonaire, Curaçao ; St Martin, Saba, St Eustatius).
  2. Overseas territories of the French Republic :
    - Saint Pierre and Miquelon,
    - Mayotte,
    - Territory of the Afars and Issas,
    - New Caledonia and Dependencies,
    - Wallis and Futuna Islands,
    - French Polynesia,
    - French Southern and Antarctic Territories.
  3. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland :
    - Belize,
    - Brunei,
    - Associated States in the Caribbean (Antigua, Dominica, St Lucia, St Vincent, St Kitts, Nevis and Anguilla),
    - Cayman Islands,
    - Falkland Islands and Dependencies,
    - Gilbert Islands,
    - Solomon Islands,
    - Turks and Caicos Islands,
    - British Virgin Islands,
    - Montserrat,
    - Pitcairn,
    - St Helena and Dependencies,
    - Seychelles,
    - British Antarctic Territory,
    - British Indian Ocean Territory,
    - Tuvalu.
  4. Anglo-French Condominium of the New Hebrides.
  5. Countries provisionally covered by this Decision :
    - The Comores,
    - Surinam.
-

## COMMISSION REGULATION (EEC) No 345/76

of 18 February 1976

amending Regulation (EEC) No 2849/75 on measures relating to imports of rice and broken rice originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1599/75 of 24 June 1975 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories, as last amended by Regulation (EEC) No 3329/75, and in particular Article 23 thereof,

Whereas for the purposes of Article 9 of Council Regulation (EEC) No 1599/75, Article 1 (1) of Commission Regulation (EEC) No 2849/75 of 31 October 1975 on measures relating to imports of rice and broken rice originating in the African, Caribbean and Pacific States or in the overseas countries and territories, provides that, if the export price is for a bagged product, that price is reduced by five units of account per metric ton;

Whereas under Commission Regulation (EEC) No 1613/71 of 26 July 1971 laying down detailed rules for fixing cif prices and levies on rice and broken rice

and the corrective amounts relating thereto<sup>(1)</sup>, as last amended by Regulation (EEC) No 3320/75<sup>(2)</sup>, the value of the bags has been increased to six units of account per metric ton; whereas in the interests of uniformity within the rice sector, Regulation (EEC) No 2849/75 should be amended accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 (1) of Regulation (EEC) No 2849/75 the words 'five units of account per metric ton' shall be replaced by the words 'six units of account per metric ton'.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*. It shall apply, at the request of any party concerned, with effect from 23 December 1975.

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

Done at Brussels, 18 February 1976.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

<sup>(1)</sup> OJ No L 168, 27. 7. 1971, p. 28.  
<sup>(2)</sup> OJ No L 328, 20. 12. 1975, p. 32.

26. 2. 76

Official Journal of the European Communities

No L 50/1

**COUNCIL REGULATION (EEC) No 405/76  
of 23 February 1976**

**extending certain interim provisions concerning trade with the African, Caribbean and Pacific States and the overseas countries and territories associated with the European Economic Community**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43, 113 and 136 thereof,

Having regard to the proposal from the Commission,  
Having regard to the opinion of the European Parliament,

Whereas the ACP-EEC Convention of Lomé (1), hereinafter called the 'Convention', between the African, Caribbean and Pacific States, hereinafter called the 'ACP States', and the Community, was signed on 28 February 1975;

Whereas when the Convention was signed the Community and the ACP States agreed in an exchange of letters to apply autonomously certain provisions of the Convention from 1 July 1975 until the entry into force of the Convention or until 29 February 1976 at the latest;

Whereas in order to give effect to the abovementioned exchange of letters the Council adopted on 24 June 1975, *inter alia*, Regulation (EEC) No 1598/75 on the advance implementation of certain provisions of the ACP-EEC Convention of Lomé relating to trade in goods (2) and Regulation (EEC) No 1599/75 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

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

Done at Brussels, 23 February 1976.

Whereas the Community and the ACP States have decided to extend the application of that exchange of letters beyond 29 February 1976;

Whereas by its Regulation (EEC) No 1957/75 on the interim trade arrangements with the overseas countries and territories associated with the European Economic Community and its Regulation (EEC) No 1599/75, the Council established arrangements for the overseas countries and territories similar to those laid down for the ACP States;

Whereas the period of validity of Regulations (EEC) No 1598/75, (EEC) No 1599/75 and (EEC) No 1957/75 should therefore be extended beyond 29 February 1976,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the first paragraph of Article 9 of Regulation (EEC) No 1598/75, the second paragraph of Article 24 of Regulation (EEC) No 1599/75 and the first paragraph of Article 9 of Regulation (EEC) No 1957/75, the date '29 February 1976' shall be replaced by the date '31 July 1976'.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

*For the Council*

*The President*

G. THORN

(1) OJ No L 25, 30. 1. 1976, p. 2.

(2) OJ No L 166, 28. 6. 1975, p. 1.

**DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE  
MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY  
MEETING WITHIN THE COUNCIL**

of 23 February 1976

extending Decision 75/371/ECSC opening tariff preferences for products within the province of that Community originating in the African, Caribbean and Pacific States and in the overseas countries and territories associated with the Community

(76/250/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

Whereas the Member States have concluded among themselves the Treaty establishing the European Coal and Steel Community ;

Whereas the Agreement on products within the province of the European Coal and Steel Community<sup>(1)</sup>, hereinafter called the 'Agreement', between the Member States of that Community and the African, Caribbean and Pacific States, hereinafter called the 'ACP States', was signed on 28 February 1975 at the same time as the ACP-EEC Convention of Lomé and whereas that Agreement is subject to ratification ;

Whereas when the Agreement was signed the European Economic Community, its Member States and the ACP States agreed in an exchange of letters to apply autonomously, from 1 July 1975 and until the entry into force of the Convention or until 29 February 1976 at the latest certain provisions of the Convention relating to trade in goods ;

Whereas by virtue of Decision 75/371/ECSC of the representatives of the Governments of the Member States of the European Coal and Steel Community, meeting within the Council, of 24 June 1975 opening tariff preferences for products within the province of that Community originating in the African, Caribbean

and Pacific States and the overseas countries and territories associated with the Community<sup>(2)</sup>, the tariff suspensions contained in the Agreement have been applied autonomously ;

Whereas this Decision also applies to the overseas countries and territories ;

Whereas, since the Agreement will not enter into force on 1 March 1976, the Community and the ACP States have decided to continue autonomously to apply certain provisions thereof beyond 29 February 1976 ;

Whereas the tariff suspensions in favour of the overseas countries and territories should also continue to be applied autonomously ;

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS :

*Sole Article*

In the first paragraph of Article 4 of Decision 75/371/ECSC the date '29 February 1976' shall be replaced by the date '31 July 1976'.

Done at Brussels, 23 February 1976.

*The President*

G. THORN

<sup>(1)</sup> OJ No L 25, 30. 1. 1976, p. 144.

<sup>(2)</sup> OJ No L 166, 28. 6. 1975, p. 83.

**COUNCIL REGULATION (EEC) No 706/76**  
of 30 March 1976

**on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to Council Regulation (EEC) No 1059/69 of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, as last amended by Regulation (EEC) No 3058/75 <sup>(2)</sup>, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the ACP-EEC Convention of Lomé hereinafter called 'the Convention', between the African, Caribbean and Pacific States, hereinafter called 'the ACP States,' and the European Economic Community was signed on 28 February 1975;

Whereas Article 2 (2) (a) of that Convention lays down that: 'Products originating in the ACP States:

- listed in Annex II to the Treaty when they come under a common organization of the market within the meaning of Article 40 of the Treaty, or
- subject, on importation into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy,

shall be imported into the Community notwithstanding the general arrangements applied in respect of third countries, in accordance with the following provisions:

<sup>(1)</sup> OJ No L 141, 12. 6. 1969, p. 1.

<sup>(2)</sup> OJ No L 306, 26. 11. 1975, p. 3.

(i) those products shall be imported free of customs duties for which Community provisions in force at the time of importation do not provide, apart from customs duties, for the application of any other measure relating to their importation;

(ii) for products other than those referred to under (i), the Community shall take the necessary measures to ensure, as a general rule, more favourable treatment than the general treatment applicable to the same products originating in third countries to which the most-favoured-nation clause applies;

Whereas:

— Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(3)</sup>, as last amended by Regulation (EEC) No 568/76 <sup>(4)</sup>,

— Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products <sup>(5)</sup>,

— Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats <sup>(6)</sup>, as last amended by Regulation (EEC) No 1707/73 <sup>(7)</sup>,

— Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(8)</sup>, as last amended by Regulation (EEC) No 3058/75 <sup>(9)</sup>,

<sup>(3)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(4)</sup> OJ No L 67, 15. 3. 1976, p. 28.

<sup>(5)</sup> OJ No L 20, 28. 1. 1976, p. 1.

<sup>(6)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(7)</sup> OJ No L 175, 29. 6. 1973, p. 5.

<sup>(8)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(9)</sup> OJ No L 306, 26. 11. 1975, p. 3.

- Council Regulation No 359/67/EEC of 25 July 1967 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 668/75 <sup>(2)</sup>,
- Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables <sup>(3)</sup>, as last amended by Regulation (EEC) No 2482/75 <sup>(4)</sup>,
- Council Regulation (EEC) No 865/68 of 28 June 1968 on the common organization of the market in products processed from fruit and vegetables <sup>(5)</sup>, as last amended by Regulation (EEC) No 1420/75 <sup>(6)</sup>,
- Regulation (EEC) No 1059/69,
- Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco <sup>(7)</sup>, as last amended by the Act of Accession <sup>(8)</sup>,
- Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp <sup>(9)</sup>, as last amended by the Act of Accession,
- Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops <sup>(10)</sup>, as last amended by the Act of Accession,
- Council Regulation (EEC) No 234/68 of 27 February 1968 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage <sup>(11)</sup>, as last amended by the Act of Accession,
- Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds <sup>(12)</sup>, as last amended by Regulation (EEC) No 671/75 <sup>(13)</sup>,

- Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty <sup>(14)</sup>, as last amended by Regulation (EEC) No 1067/74 <sup>(15)</sup>, and
- Council Regulation (EEC) No 1067/74 of 30 April 1974 on the common organization of the market in dehydrated fodder, as last amended by Regulation (EEC) No 1420/75 <sup>(16)</sup>,

establish trade arrangements with third countries;

Whereas, on the one hand, these arrangements provide only for the application of customs duties on the importation of a number of products; whereas, on the other hand, these trade arrangements involve the application of customs duties and import levies on beef and veal and on products processed from fruit and vegetables, the charging of levies in respect of cereals, rice and products processed from cereals and rice, the charging of an *ad valorem* duty and a variable component on certain goods resulting from the processing of agricultural products, the application of customs duties and other measures in respect of imports of fishery products, certain fruit and vegetables, and oils and fats; whereas the obligations of the Community towards the ACP States arising from Article 2 (2) (a) of the Convention may be fulfilled by granting total or partial exemption from import charges for the products in question where they originate in the ACP States;

Whereas it should be specified that the advantages resulting from Article 2 (2) (a) of the Convention are accorded only to originating products within the meaning of Protocol 1 concerning the definition of the concept of originating products and methods of administrative cooperation, annexed to the Convention;

Whereas, furthermore, these advantages should, according to each case, be combined with certain conditions and limited to certain annual and multi-annual quantities;

Whereas it should be stipulated that the safeguard clauses provided for in the Regulations on the common organization of the agricultural markets and in the specific rules introduced as a result of the implementation of the common agricultural policy are applicable; whereas Council Regulation (EEC)

<sup>(1)</sup> OJ No 174, 31. 7. 1967, p. 1.

<sup>(2)</sup> OJ No L 72, 20. 3. 1975, p. 18.

<sup>(3)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(4)</sup> OJ No L 254, 21. 10. 1975, p. 3.

<sup>(5)</sup> OJ No L 153, 1. 7. 1968, p. 8.

<sup>(6)</sup> OJ No L 141, 3. 6. 1975, p. 1.

<sup>(7)</sup> OJ No L 94, 28. 4. 1970, p. 1.

<sup>(8)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(9)</sup> OJ No L 146, 4. 7. 1970, p. 1.

<sup>(10)</sup> OJ No L 175, 4. 8. 1971, p. 1.

<sup>(11)</sup> OJ No L 55, 2. 3. 1968, p. 1.

<sup>(12)</sup> OJ No L 246, 5. 11. 1971, p. 1.

<sup>(13)</sup> OJ No L 72, 20. 3. 1975, p. 21.

<sup>(14)</sup> OJ No L 151, 30. 6. 1968, p. 16.

<sup>(15)</sup> OJ No L 120, 1. 5. 1974, p. 2.

<sup>(16)</sup> OJ No L 141, 3. 6. 1975, p. 1.

No 157/76 of 20 January 1976 on the safeguard measures provided for in the ACP-EEC Convention of Lomé <sup>(1)</sup> applies as a complementary measure;

Whereas a Council Decision on the association of the overseas countries and territories listed in Annex I (hereinafter called 'the countries and territories') with the European Economic Community is envisaged; whereas it will include special rules concerning safeguard measures; whereas pending the entry into force of that Decision it is necessary to lay down such rules for the purposes of applying this Regulation; whereas from the entry into force of the Decision to be taken the safeguard clauses which it contains will apply as complementary measures;

Whereas there have traditionally been trade flows from the ACP States towards the French overseas departments; whereas provision should therefore be made for measures favouring imports of certain products originating in the ACP States into these French overseas departments to meet their supply requirements;

Whereas for agricultural products and certain goods resulting from the processing of agricultural products originating in the countries and territories, the rules of origin laid down in Council Regulation (EEC) No 1957/75 of 30 July 1975 on the interim trade arrangements with the overseas countries and territories associated with the European Economic Community, and in particular in Annex II thereof, will remain applicable until the entry into force of the Decision to be taken on the association of the countries and territories, which will lay down provisions on origin similar to those for products originating in the ACP States,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. This Regulation shall apply to products originating in the ACP States or in the countries and territories listed in Annex I.

2. The rules of origin applicable to such of these products as are imported from the ACP States or the countries and territories shall be respectively those set out in Protocol 1 concerning the definition of the concept of originating products and methods of administrative cooperation, annexed to the

<sup>(1)</sup> OJ No L 18, 27. 1. 1976, p. 1.

Convention, and those of Annex II to Regulation (EEC) No 1957/75. The latter rules shall cease to apply as from the entry into force of the similar rules contained in the Decision to be taken on the association of the countries and territories.

### TITLE I

#### **Beef and veal**

##### *Article 2*

The beef and veal products referred to in Article 1 of Regulation (EEC) No 805/68 shall be imported free of customs duties.

##### *Article 3*

Where, in the course of a year, imports into the Community of beef and veal falling within subheading 02.01 A II a) of the Common Customs Tariff and originating in an ACP State or country or territory exceed a quantity equivalent to that of imports into the Community during the year between 1969 and 1974 inclusive, in which the greatest quantity of Community imports of the origin in question was recorded, plus an annual growth rate of 7%, exemption from customs duties on the products of that origin shall be partially or totally suspended in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68.

In such a case, the Commission shall report to the Council, which, acting by a qualified majority on a proposal from the Commission, shall decide on the treatment to be applied to the imports concerned.

### TITLE II

#### **Fishery products**

##### *Article 4*

The fishery products referred to in Article 1 of Regulation (EEC) No 100/76 shall be imported free of customs duties.

### TITLE III

#### **Oils and fats**

##### *Article 5*

The oil and fat products referred to in Article 1 (2) (a) and (b) of Regulation No 136/66/EEC shall be imported free of customs duties.

##### *Article 6*

Should the volume of imports of any of the oil seeds falling within subheading ex 12.01 B of the Common

Customs Tariff, referred to in Article 1 (2) (a) of Regulation No 136/66/EEC, undergo appreciable changes in relation to the present situation, the Council, acting by a qualified majority on a proposal from the Commission, shall adopt special measures.

## TITLE IV

## Cereals

## Article 7

1. The levy applicable to imports of maize falling within subheading 10.05 B of the Common Customs Tariff shall be that fixed in accordance with Article 13 of Regulation (EEC) No 2727/75, reduced by 1.50 units of account per metric ton.

2. The levy applicable to imports of millet falling within subheading 10.07 B of the Common Customs Tariff and of grain sorghum falling within subheading 10.07 C of the Common Customs Tariff shall be that fixed in accordance with Article 13 of Regulation (EEC) No 2727/75, reduced by 50 %.

## TITLE V

## Rice

## Article 8

The levy applicable to imports of rice falling within heading No 10.06 of the Common Customs Tariff shall be equal, per 100 kg of product, to the levy applicable to imports of rice from third countries, reduced as follows;

- (a) for paddy rice falling within subheading 10.06 A I of the Common Customs Tariff:
- by 50%, and
  - by 0.30 unit of account;
- (b) for husked rice falling within subheading 10.06 A II of the Common Customs Tariff:
- by 50%, and
  - by 0.30 unit of account;
- (c) for semi-milled rice falling within subheading 10.06 B I of the Common Customs Tariff:
- by the amount for the protection of the industry referred to in Article 14 (3) of Regulation No 359/67/EEC, converted by reference to the conversion rate between

milled rice and semi-milled rice referred to in the third indent of Article 19 (a) of that Regulation,

- by 50% of the levy thus reduced, and
  - by 0.45 unit of account;
- (d) for milled rice falling within subheading 10.06 B II of the Common Customs Tariff:
- by the amount for the protection of the industry referred to in Article 14 (3) of Regulation No 359/67/EEC,
  - by 50% of the levy thus reduced, and
  - by 0.45 unit of account;
- (e) for broken rice falling within subheading 10.06 C of the Common Customs Tariff:
- by 50%, and
  - by 0.25 unit of account.

## Article 9

1. The provisions of Article 8 shall apply only if the cif export price of a given quantity, increased by the levy applicable to imports of rice originating in the ACP States or in the countries and territories is, at the time of exportation, for that quantity, equal to or more than:

- for husked rice, milled rice and broken rice, the threshold price of each of these products, reduced by amounts of 0.30, 0.45 and 0.25 unit of account respectively;
- for paddy rice, the threshold price of husked rice adjusted by reference to the conversion rate, processing costs and the value of the by-products to be taken for conversion from the husked state to the paddy state, reduced by an amount of 0.30 unit of account;
- for semi-milled rice, the threshold price of milled rice adjusted by reference to the conversion rate, processing costs and the value of the by-products to be taken for conversion from the round grain milled state to the round grain semi-milled state, reduced by an amount of 0.45 unit of account.

2. In order to permit the necessary checks, the documents accompanying the goods must show the cif price at which the product is sold and the date of exportation, together with all details regarding quality enabling the product to be defined. These documents must be stamped by the competent authorities of the exporting ACP States, countries or territories.

## Article 10

1. Article 13 (2) of Regulation No 359/67/EEC shall not apply to the levies to be charged on imports of rice originating in the ACP States or in the countries and territories.

2. As regards such imports, however, the levy applicable on the day of exportation shall be applied, if the applicant so requests when applying for the licence referred to in Article 10 (1) of Regulation No 359/67/EEC, to an importation to be effected during the period of validity of the licence.

## Article 11

Where, in the course of a year, imports into the Community of rice originating in an ACP State or in a country or territory exceed a quantity equivalent to the average quantity of annual imports into the Community of the origin in question over the last three years for which statistics are available, plus 5%, the provisions of Article 8 shall be totally or partially suspended in respect of the products of the origin in question in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC.

In such a case, the Commission shall report to the Council which, acting by a qualified majority on a proposal from the Commission, shall decide on the treatment to be applied to the imports concerned.

## TITLE VI

## Products processed from cereals and rice

## Article 12

1. The levy applicable to imports of the products listed in Annex A to Regulation (EEC) No 2727/75 and of the products listed in Article 1 (1) (c) of Regulation No 359/67/EEC shall be equal to the levy applicable to imports of those products from third countries reduced by the fixed component specified for each of the products in question.

2. The variable component of the levy shall be reduced:

- by 0.15 unit of account per 100 kg for the products falling within subheading 07.06 A of the Common Customs Tariff;
- 0.30 unit of account per 100 kg for the products falling within heading No 11.06 of the Common Customs Tariff;
- by 50% for the products falling within subheading 11.08 A V of the Common Customs Tariff.

3. The variable component of the levy shall not be charged in respect of the following products originating in the countries and territories:

CCT heading No	Description of goods
07.06	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and other similar roots and tubers with high starch or inulin content, fresh or dried, whole or sliced; sago pith: ex A. Manioc, arrowroot, salep and other similar roots and tubers with high starch content, excluding sweet potatoes: — Arrowroot
11.06	Flours and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06: ex A. Denatured: — Flours and meal of arrowroot B. Other: ex I. For the manufacture of starches: — Flours and meal of arrowroot ex II. Other: Flours and meal of arrowroot
11.08	Starches; inulin: A. Starches: ex V. Other: — Arrowroot starch

TITLE VII

Fruit and vegetables

Article 13

1. The products listed below shall be imported free of customs duties:

CCT heading No	Description of goods
07.01	Vegetables, fresh or chilled: F. Leguminous vegetables, shelled or unshelled G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots: ex IV. Other: — Radishes ( <i>Raphanus sativus</i> ), known as 'Mooli' S. Sweet peppers T. Other
08.02	Citrus fruit, fresh or dried: D. Grapefruit E. Other
08.08	Berries, fresh: E. Papaws ex F. Other: — Passion fruit
08.09	Other fruit, fresh

2. The products listed below shall be imported subject to customs duties equal to 20 % of the Common Customs Tariff duties:

CCT heading No	Description of goods
08.02	Citrus fruit, fresh or dried: A. Oranges B. Mandarins including tangerines and satsumas; clementines, wilkings and other similar citrus hybrids

## TITLE VIII

## Products processed from fruit and vegetables

## Article 14

1. The products listed in Article 1 of Regulation (EEC) No 865/68 shall be imported free of customs duties.

2. Levies shall not be charged on imports of the products listed below:

CCT heading No	Description of goods
20.06	<p>Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit:</p> <p>B. Other:</p> <p>I. Containing added spirit:</p> <p>b) Pineapples, in immediate packings of a net capacity:</p> <p>1. Of more than 1 kg:</p> <p>aa) With a sugar content exceeding 17% by weight</p> <p>2. Of 1 kg or less:</p> <p>aa) With a sugar content exceeding 19% by weight</p> <p>e) Other fruits:</p> <p>ex 1. With a sugar content exceeding 9% by weight:</p> <p>— Grapefruit segments</p> <p>II. Not containing added spirit:</p> <p>a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg:</p> <p>2. Grapefruit segments</p> <p>5. Pineapples:</p> <p>aa) With a sugar content exceeding 17% by weight</p> <p>9. Mixtures of fruit:</p> <p>ex aa) Mixtures in which no single fruit exceeds 50% of the total weight of the fruits:</p> <p>— Mixtures of pineapples, papaws and pomegranate</p> <p>ex bb) Other:</p> <p>— Mixtures of pineapples, papaws and pomegranate</p> <p>b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less:</p> <p>2. Grapefruit segments</p> <p>5. Pineapples:</p> <p>aa) With a sugar content exceeding 19% by weight</p> <p>9. Mixtures of fruit:</p> <p>ex aa) Mixtures in which no single fruit exceeds 50% of the total weight of the fruits:</p> <p>— Mixtures of pineapples, papaws and pomegranate</p> <p>ex bb) Other:</p> <p>— Mixtures of pineapples, papaws and pomegranate</p>

CCT heading No	Description of goods
20.07	<p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:</p> <p>B. Of a specific gravity of 1.33 or less at 15 °C:</p> <p>II. Other:</p> <p>b) Of a value of 30 u.a. or less per 100 kg net weight:</p> <p>5. Pineapple juice:</p> <p>aa) With an added sugar content exceeding 30% by weight</p> <p>8. Mixtures:</p> <p>bb) Other:</p> <p>ex 11. With an added sugar content exceeding 30% by weight:</p> <p>— Pineapple, papaw and pomegranate juice</p>

## TITLE IX

## Unmanufactured tobacco

*Article 15*

The tobacco products listed in Article 1 of Regulation (EEC) No 727/70 shall be imported free of customs duties.

*Article 16*

If serious disruptions occur as a result of a large increase in duty-free imports of the products falling within heading No 24.01 of the Common Customs Tariff, originating in the ACP States or in the countries and territories, or if these imports create difficulties which bring about a deterioration in the economic situation of a region of the Community, the Community may, without prejudice to Article 24, take measures intended to offset any deflection of trade.

## TITLE X

## Goods to which Regulation (EEC) No 1059/69 applies

*Article 17*

1. No fixed component shall be charged on imports of goods to which Regulation (EEC) No 1059/69 applies.

2. The variable component shall not be charged on imports of the goods listed below:

CCT heading No	Description of goods
17.04	Sugar confectionery, not containing cocoa: C. White chocolate
18.06	Chocolate and other food preparations containing cocoa: C. Chocolate and chocolate goods, whether or not filled; sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa
19.02	Preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50 % by weight of cocoa: B. Other: I. Containing no milk fats or containing less than 1.5 % by weight of such fats: d) Containing 45 % or more but less than 65 % by weight of starch
19.04	Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit: D. Other, containing by weight of starch: ex II. 50 % or more, excluding ships' biscuits
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion: B. Other: IV. Containing 50 % or more but less than 65 % by weight of starch: a) Containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose): ex 1. Containing no milk fats or containing less than 1.5 % by weight of such fats: — Biscuits V. Containing 65 % or more by weight of starch: ex a) Containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose): — Biscuits ex b) Other: — Biscuits

## TITLE XI

## Other markets subject to common organization

## Article 18

The products referred to in Regulations (EEC) No 234/68, (EEC) No 827/68, (EEC) No 1308/70, (EEC) No 1696/71, (EEC) No 2358/71 and (EEC) No 1067/74 shall be imported free of customs duties.

## TITLE XII

## Provisions relating to the French overseas departments

## Article 19

The levies shall not be applied to imports into the French overseas departments of the products listed below originating in the ACP States or in the countries and territories:

CCT heading No	Description of goods
01.02	Live animals of the bovine species: A. Domestic species: II. Other
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen: A. Meat: II. Of bovine animals: a) Of domestic bovine animals
10.06	Rice

## Article 20

1. The levy applicable to imports into the French overseas departments of maize falling within subheading 10.05 B of the Common Customs Tariff originating in the ACP States or in the countries and territories shall be that fixed in accordance with Article 13 of Regulation (EEC) No 2727/75 reduced by six units of account per metric ton.

2. If imports into the French overseas departments of maize originating in the ACP States or in the countries and territories have exceeded 4 500 metric tons in a year, and if such imports are causing or are likely to cause serious disturbances in the market, the Commission shall take the necessary measures, at the request of a Member State or on its own initiative.

3. Any Member State may, within three working days of notification of the measure taken by the Commission, refer that measure to the Council. The Council shall meet forthwith. It may amend or declare void the measure in question, acting by a qualified majority.

## TITLE XIII

## General and final provisions

## Article 21

The reductions provided for by this Regulation shall be calculated by reference to:

- the variable components of levies where the levies contain such components,
- in other cases, the levies,

applicable to imports from third countries into the Community as originally constituted.

However, during the period of application of accession compensatory amounts in trade between the Community as originally constituted and the new Member States, measures to prevent deflections of trade shall be taken in accordance with the procedure laid down in Article 22, if this proves necessary.

#### *Article 22*

If necessary, detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 or, as the case may be, in the corresponding Articles of the other Regulations on the common organization of the agricultural markets.

#### *Article 23*

This Regulation shall not prejudice the application of Article 38 of the Act of Accession.

#### *Article 24*

1. The safeguard clauses provided for in the Regulations on the common organization of the agricultural markets and in the specific rules introduced as a result of the implementation of the common agricultural policy shall be applicable to the products covered by this Regulation.

2. As regards relations with the ACP States, Regulation (EEC) No 157/76 shall apply as a complementary measure.

3. As regards the countries and territories, the provisions of paragraph 4 and of Annex II and the similar provisions which replace them in the Decision to be taken on the association of the countries and territories shall also apply as complementary measures.

4. If, as a result of applying the provisions of this Regulation to originating products imported from the countries and territories, serious disturbances occur in a sector of the economy of the Community or of one or more of its Member States, or their external financial stability is jeopardized, or if difficulties arise which may result in a deterioration in a sector of the economy of a region of the Community, the Commission may, in accordance with the procedure specified in Annex II, take, or authorize the Member States concerned to take, the necessary safeguard measures.

For the purpose of implementing the first subparagraph, priority shall be given to such measures as would least disturb the functioning of the association and the Community. These measures shall not exceed the limits of what is strictly necessary to remedy the difficulties that have arisen.

This paragraph and Annex II shall cease to apply as from the entry into force of the Decision to be taken on the association of the countries and territories.

#### *Article 25*

This Regulation shall enter into force on 1 April 1976.

It shall apply until 29 February 1980.

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

Done at Brussels, 30 March 1976.

*For the Council*

*The President*

G. THORN

## ANNEX I

**List of the countries and territories referred to in Article 1**

(This list does not prejudice the status of these countries and territories now or in the future.)

1. Overseas countries of the Kingdom of the Netherlands:
    - the Netherlands Antilles (Aruba, Bonaire, Curaçao; St Martin, Saba, St Eustatius).
  
  2. Overseas territories of the French Republic:
    - Saint Pierre and Miquelon,
    - Mayotte,
    - Territory of the Afars and Issas,
    - New Caledonia and Dependencies,
    - Wallis and Futuna Islands,
    - French Polynesia,
    - French Southern and Antarctic Territories.
  
  3. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland:
    - Belize,
    - Brunei,
    - Associated States in the Caribbean (Antigua, Dominica, St Lucia, St Vincent, St Kitts, Nevis and Anguilla),
    - Cayman Islands,
    - Falkland Islands and Dependencies,
    - Gilbert Islands,
    - Solomon Islands,
    - Turks and Caicos Islands,
    - British Virgin Islands,
    - Montserrat,
    - Pitcairn,
    - St Helena and Dependencies,
    - Seychelles,
    - British Antarctic Territory,
    - British Indian Ocean Territory,
    - Tuvalu.
  
  4. Anglo-French Condominium of the New Hebrides.
  
  5. Countries provisionally covered by this Regulation:
    - The Comoros,
    - Surinam.
-

## ANNEX II

## on the application of Article 24 (3) and (4)

*Article 1*

1. At the request of a Member State or on its own initiative the Commission may decide to apply to products originating in the countries and territories the safeguard measures which the Community may take pursuant to Article 24 (3) and (4) of the Regulation, in particular a temporary, total or partial suspension of the tariff and other measures provided for by the Decision for the benefit of the countries and territories.

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.

Member States shall be notified of the safeguard measures which shall apply immediately.

2. Any Member State may refer the measures taken by the Commission to the Council within 10 working days following the date of notification of such a measure. The Council shall meet without delay. Acting by a qualified majority, it may amend or rescind the measure in question.

*Article 2*

1. Without prejudice to the application of Article 1, the Commission may, in order to enable a Member State to face up to the disturbances or difficulties referred to in Article 24 (3) and (4) of the Regulation, authorize that Member State to take safeguard measures.

If the Commission has received a request from the Member State concerned, 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.

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.

*Article 3*

1. Without prejudice to the application of Article 2, the Member State or States concerned may, in an emergency, introduce safeguard measures. They shall notify the other Member States and the Commission of such measures forthwith.

Using an emergency procedure, 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 safeguard measures, the Commission's decision shall be suspended. The 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.

3. For the purposes of applying this Article, priority must be given to such measures as will least disturb the functioning of the common market.

*Article 4*

This Annex shall not preclude application of the Regulations establishing a common organization of agricultural markets or of Community or national administrative provisions resulting therefrom, or of the specific Regulations adopted pursuant to Article 235 of the Treaty for processed agricultural products. It shall be implemented as a complement to these instruments.

**COUNCIL REGULATION (EEC) No 1465/76  
of 21 June 1976**

**on the opening, allocation and administration of a Community tariff quota for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community (1976/77)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to Council Decision 76/198/EEC of 9 February 1976 on import arrangements for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community,

Having regard to the proposal from the Commission,

Whereas Decision 76/198/EEC stipulates that rum, arrack and tafia shall be imported into the Community free of customs duties within the limits of a Community tariff quota; whereas the annual size of the quota for the period 1 July to 30 June is to be fixed on the basis of a basic annual quantity, calculated in hectolitres of pure alcohol, to which a rate of growth of 13 % is to be applied, equal to the amount of imports during the best of the last three years for which statistics are available; whereas this rate may be modified in the light of certain criteria;

Whereas Community statistics for the years 1973 to 1975 show that the highest volume of imports into the Community of the products in question originating in the said countries and territories occurred in 1975, namely 71 437 hectolitres of pure alcohol; whereas in the light of consumption and production within the Community and of the development of trade both within the Community and between the Community, the said countries and territories and the ACP States, the rate of growth for the quota period in question should be 13 %;

Whereas the size of the quota for the period 1 July 1976 to 30 June 1977 should therefore be fixed at 80 724 hectolitres of pure alcohol;

Whereas, owing to the special character of the products in question and their sensitivity on Commu-

nity markets, exceptional provision should be made for a method of use based on a single division among Member States;

Whereas, taking into account actual trends on the markets for the products in question, the needs of the Member States and the economic prospects for the period under consideration, the initial percentage shares in the quota volume could be as follows:

Benelux	5.30,
Denmark	0.20,
Germany	94.36,
France	0.01,
Ireland	0.01,
Italy	0.01,
United Kingdom	0.11;

Whereas the development of imports into the Community of these products should be recorded and imports should accordingly be monitored;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are jointly represented by the Benelux Economic Union, any measure concerning the administration of the share allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 July 1976 until 30 June 1977 rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the countries and territories referred to in Article 1 of Decision 76/198/EEC shall be imported free of customs duty into the Community within the limits of a Community tariff quota of 80 724 hectolitres of pure alcohol.

2. The rules of origin applicable to the products referred to in paragraph 1 shall be those mentioned in Article 5 of Decision 76/198/EEC.

*Article 2*

The Community tariff quota referred to in Article 1 shall be allocated amongst the Member States as follows :

	<i>(butolitus of pure alcohol)</i>
Benelux	4 270,
Denmark	160,
Germany	76 170,
France	8,
Ireland	8,
Italy	8,
United Kingdom	100.

*Article 3*

1. Member States shall manage the shares allocated to them in accordance with their own arrangements.
2. The extent to which the Member States have used up their shares shall be determined on the basis of the imports of the products in question, originating in the said countries and territories, declared at customs for clearance for home use.

*Article 4*

1. In accordance with Article 6 of Decision 76/198/EEC, the Community shall monitor imports

of the products in question originating in the said countries and territories.

2. Member States shall forward to the Commission not later than the 15th day of each month statements of imports of the products in question effected during the preceding month ; only products submitted to the customs authorities under cover of a declaration that they are to be made available for home use and accompanied by a movement certificate conforming to the rules referred to in Article 1 (2) shall be taken into consideration for this purpose.

3. The Commission shall regularly inform the Member States of the extent to which the tariff quota has been used up.

4. Where necessary, consultations may be held at the request of a Member State or on the initiative of the Commission.

*Article 5*

The Commission shall take all necessary measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

*Article 6*

This Regulation shall enter into force on 1 July 1976.

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

Done at Luxembourg, 21 June 1976.

*For the Council*

*The President*

J. HAMILIUS

26. 6. 76

Official Journal of the European Communities

No L 167/9

## COUNCIL REGULATION (EEC) No 1487/76

of 22 June 1976

amending Regulation (EEC) No 3330/74 on the common organization of the market in sugar

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé, as also Council Decision 75/614/EEC of 25 February 1975 concerning the importation of cane sugar originating in the overseas countries and territories (OCT), supplemented by Decision 75/615/EEC (1), and the Agreement between the European Economic Community and the Republic of India on cane sugar (2), affirm two basic principles whereby on the one hand the Community undertakes to purchase and import the sugar at negotiated prices and to provide intervention guarantees, and on the other these undertakings are to be implemented within the framework of the common organization of the market in sugar; whereas the incorporation of Title V concerning the system of preferential imports into Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar (3), as last amended by Regulation (EEC) No 832/76 (4), establishes the latter principle on a permanent footing; whereas, therefore, save as otherwise provided, the relevant provisions of the other titles of the said Regulation are applicable to preferential sugar referred to in Article 43 of the said Regulation;

Whereas, however, since Article 8 of Regulation (EEC) No 3330/74 provides that storage costs for white sugar, raw sugar and certain syrups produced prior to the crystallizing stage, manufactured from beet or cane harvested in the Community, shall be reimbursed at a flat rate by the Member States, preferential sugar is not entitled to such reimbursement;

Whereas the system of reimbursement for storage costs is to be regarded as a means of ensuring that supplies are spread as evenly as possible over the entire marketing year; whereas preferential sugar

should be used in attaining this objective, in particular by enabling Community refineries to maintain a steady rhythm of work irrespective of the pattern of supplies which is dependent to a large extent on geographical factors;

Whereas since 1 January 1976 Member States have been able to authorize within the framework of inward processing traffic *inter alia* operations which consist in exporting white sugar then in compensating for such exportation, within a certain period, by a later importation of raw sugar; whereas such operations can have a determining influence on supplies to the Community market, in particular during the period of transition from one harvest to the next; whereas, therefore, the possibility of excluding the use of the inward processing traffic system in the case of the refining of raw sugar should be extended;

Whereas the abovementioned undertakings have the effect of conferring the same rights on preferential sugar as those of Community sugar produced under the quota system; whereas, therefore, preferential sugar should contribute to ensuring normal supplies to the Community which is the main purpose of Article 18 of Regulation (EEC) No 3330/74; whereas, therefore, preferential sugar should be subject to the minimum stock system;

Whereas with regard in particular to the foreseeable beet and sugar production situation in Italy in the 1976/77 sugar marketing year, provision should be made, exceptionally, for Italy to grant adaptation aid during the said marketing year in excess of that currently authorized,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 8 (1) of Regulation (EEC) No 3330/74 shall be replaced by the following:

'1. Subject to Article 31 (2), storage costs for white sugar, raw sugar and certain syrups produced prior to the crystallizing stage, manufactured from beet or cane harvested in the Community shall be reimbursed at a flat rate by the Member States.

(1) OJ No L 268, 17. 10. 1975, p. 45.  
 (2) OJ No L 190, 23. 7. 1975, p. 36.  
 (3) OJ No L 359, 31. 12. 1974, p. 1.  
 (4) OJ No L 100, 14. 4. 1976, p. 1.

The storage costs for preferential sugar referred to in Article 43 shall also be reimbursed at a flat rate by the Member States.

Member States shall charge a levy :

- (a) on each sugar manufacturer :
- per unit of weight of sugar produced, or
  - per unit of weight of the syrups referred to in the preceding subparagraph and produced and marketed in the natural state ;
- (b) on each importer of preferential sugar per unit of weight of sugar imported and marketed in the natural state ;
- (c) on each sugar refiner of preferential sugar per unit of weight of refined sugar.

The amount of the reimbursement shall be the same for the entire Community. The same rule shall apply to the levy.

However, as regards the 1976/77 sugar marketing year, this Article shall not apply to preferential sugar.'

#### *Article 2*

The second subparagraph of Article 18 (1) of Regulation (EEC) No 3330/74 shall be replaced by the following :

'This minimum stock shall, in principle, be equal to 10 % of the basic quota of each undertaking or to 10 % of an undertaking's production, where its production is smaller than its basic quota. As regards the preferential sugar referred to in Article 43 this minimum stock shall in principle be equal to 10 % of the quantity of preferential sugar which an undertaking refines during a period to be determined.'

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

Done at Luxembourg, 22 June 1976.

#### *Article 3*

The first indent of Article 20 of Regulation (EEC) No 3330/74 shall be replaced by the following :

'— the products listed in Article 1 (1) which are intended for the manufacture of the products listed in the same paragraph under (a) and (d).'

#### *Article 4*

The following paragraph shall be inserted into Article 38 of Regulation (EEC) No 3330/74 :

'2a. Notwithstanding paragraphs 1 and 2, during the 1976/77 sugar marketing year, the amount referred to in the first subparagraph of paragraph 1 shall be 9.9 units of account, a portion of which may be granted to the processing industry. This amount shall apply to the quantity of white sugar referred to in the second subparagraph of paragraph 1 increased by 100 000 metric tons of white sugar.

Moreover, during the 1976/77 sugar marketing year, the Italian Republic may grant additional aid of an amount equal to the production levy laid down for the said marketing year. This aid shall apply to the quantity of white sugar produced during the said marketing year in excess of the basic quota, without however exceeding the maximum quota, up to a limit of 100 000 metric tons.'

#### *Article 5*

This Regulation shall enter into force on 1 July 1976.

*For the Council*

*The President*

J. HAMILIUS

## COUNCIL REGULATION (EEC) No 1488/76

of 22 June 1976

## laying down provisions for the introduction of a system of minimum stocks in the sugar sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar<sup>(1)</sup>, as last amended by Regulation (EEC) No 1487/76, and in particular Article 18(3) thereof,

Having regard to the proposal from the Commission,

Whereas in view of the aims of the common agricultural policy, in particular the stabilization of markets, the maintenance of reasonable prices for the supplies to consumers and the safeguarding of normal supplies for the entire Community and each of its regions, Article 18 of Regulation (EEC) No 3330/74 provides for the establishment of a system of minimum stocks; whereas the said Article lays down that the minimum stock shall in principle be equal to 10% of the basic quota for each undertaking or to 10% of an undertaking's production where its production is smaller than its basic quota; whereas as regards preferential sugar, the said Article provides that the minimum stock must in principle be equal to 10% of the quantity of preferential sugar refined by an undertaking during a period to be determined; whereas, therefore, the stock must be held under certain conditions by the manufacturer and the refiner of the sugar in question; whereas it is necessary to apply this system in such a way as to take account of the existing structures in the sugar sector; whereas the criteria for proper utilization of the minimum stock need to be laid down;

Whereas in order to ensure effective administration of this system, provision should be made for the adoption of implementing provisions in accordance with the procedure laid down in Article 36 of Regulation (EEC) No 3330/74,

HAS ADOPTED THIS REGULATION:

*Article 1*

Without prejudice to the other provisions of this Regulation and in so far as the goods concerned are those

(1) OJ No L 359, 31. 12. 1974, p. 1

to which Article 8 of Regulation (EEC) No 3330/74 applies:

- (a) each sugar manufacturer shall, each month of the calendar year, hold in stock a quantity of sugar which may not be less than 10% of his actual production, within the limits of the basic quota of his undertaking, during the 12 months immediately preceding the month in question;
- (b) each refiner of preferential sugar shall, each month of the calendar year, hold in stock a quantity of sugar which may not be less than 10% of the preferential sugar refined in his undertaking during the 12 months immediately preceding the month in question.

*Article 2*

Without prejudice to Article 3 the minimum stock may only be the property of the manufacturer or refiner in question and must be unencumbered by any commitments that might impede the aims of Article 18 of Regulation (EEC) No 3330/74.

*Article 3*

Raw sugar or syrups produced prior to the crystallizing stage by an undertaking which has a basic quota as part of its minimum stock and which are intended for processing into white sugar by another undertaking:

- (a) may be sold to the processor, on condition that the latter undertakes, with respect to the quantity of the product in question, to meet the obligations specified in Articles 1 (a) and 2;
- or
- (b) at the request of the manufacturer who produced them they shall not be subject to the obligation referred to in Article 1 (a), in return for the reimbursement by the manufacturer on a flat-rate basis of the profit resulting from taking account of storage costs for the minimum stock in fixing sugar prices.

*Article 4*

Where the supplies of sugar required by the Community can no longer be ensured under normal condi-

tions, provision may be made for the owner of the minimum stock to be released in whole or in part from the obligation to stock the sugar in question.

*Article 5*

Where the market position so requires or where action to release sugar taken in accordance with Article 4 is ineffective, the Council, acting by a qualified majority on a proposal from the Commission, shall adopt appropriate measures to ensure that the necessary quantities are taken out of stock to supply the Community or one or more Community regions under normal conditions.

*Article 6*

When sugar from the minimum stock is marketed under conditions other than those provided for by the rules of the minimum stock system, a charge shall be levied in respect of the quantity of sugar marketed.

This amount shall be calculated on the basis of:

- (a) a sum representing the profit resulting from taking account of the costs involved in maintaining the minimum stock in fixing sugar prices;

and

- (b) the difference between the threshold price and the intervention price fixed for white sugar for the sugar marketing year in question, plus a fixed amount of two units of account per 100 kilogrammes.

*Article 7*

Detailed rules for the application of this Regulation, in particular the amount laid down in Article 6, and any derogations from Article 2 shall be adopted in accordance with the procedure laid down in Article 36 of Regulation (EEC) No 3330/74.

*Article 8*

1. This Regulation shall enter into force on 1 July 1976.

2. This Regulation shall apply from the 1976/77 sugar marketing year:

- to the French departments of Guadeloupe and Martinique, as from 1 June 1977,
- to the other regions of the Community, as from 1 February 1977.

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

Done at Luxembourg, 22 June 1976.

*For the Council*

*The President*

J. HAMILIUS

26. 6. 76

Official Journal of the European Communities

No L 167/13

## COUNCIL REGULATION (EEC) No 1489/76

of 22 June 1976

## amending Regulation (EEC) No 766/68 as regards the granting of export refunds on sugars imported into the Community under preferential systems

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar<sup>(1)</sup>, as last amended by Regulation (EEC) No 1487/76<sup>2</sup>, and in particular Article 19 (2) and (3) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 3330/74 lays down special arrangements to ensure the application of the preferential systems referred to in Title V thereof;

Whereas the provisions of Article 19 of Regulation (EEC) No 3330/74 on the system of refunds are therefore applicable to the said preferential sugar;

Whereas Article 15 of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar<sup>(3)</sup>, as last amended by Regulation (EEC) No 1102/75<sup>(4)</sup>, lays down firstly that no export refund shall be granted for the products listed in Article 1 (1) (a) and (c) of Regulation (EEC) No 3330/74, unless they have been produced from sugar beet or sugar cane harvested within the Community, and secondly that no export refund shall be granted for the products listed in the said Article 1 (1) (d) which are not of Community origin;

Whereas under paragraph 4 of Protocol 17 to the Act of Accession<sup>(5)</sup> and notwithstanding Article 15(1) of Regulation (EEC) No 766/68, the export refund applicable in the United Kingdom may be granted for white sugar produced from raw sugar imported under the terms of the Protocol;

Whereas preferential import systems applying to sugar combined with an undertaking to purchase and

import were subsequently introduced by Protocol 3 on sugar annexed to the ACP-EEC Convention of Lomé<sup>(6)</sup>, by Council Decision 75/614/EEC of 25 February 1975 concerning the importation of cane sugar originating in the overseas countries and territories (OCT)<sup>7</sup>, and by the Agreement between the EEC and the Republic of India on cane sugar<sup>(8)</sup>; whereas the implementation of these preferential systems and in particular of the undertakings referred to calls for an extension of the system of export refunds to sugars imported under preferential systems,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 15 of Regulation (EEC) No 766/68 shall be replaced by the following:

*Article 15*

1. No export refund shall be granted on the products listed in Article 1 (1) (a) of Regulation (EEC) No 3330/74 unless they have been:
  - (a) produced from sugar beet or sugar cane harvested within the Community;
  - (b) imported into the Community by virtue:
    - of Protocol 3 on sugar annexed to the ACP-EEC Convention of Lomé,
    - of Decision 75/614/EEC,
    - of the Agreement between the EEC and the Republic of India on cane sugar;
  - (c) produced from one of the products imported by virtue of the provisions referred to under (b).
2. No export refund shall be granted for the products listed in Article 1 (1) (c) and (d) of Regula-

<sup>(1)</sup> OJ No L 359, 31. 12. 1974, p. 1.

<sup>(2)</sup> OJ No L 143, 25. 6. 1968, p. 6.

<sup>(3)</sup> OJ No L 110, 30. 4. 1975, p. 1.

<sup>(4)</sup> OJ No L 73, 27. 3. 1972, p. 14

<sup>(5)</sup> OJ No L 25, 30. 1. 1976, p. 1.

<sup>(6)</sup> OJ No L 190, 23. 7. 1975, p. 36.

tion (EEC) No 3330/74 which are not of Community origin or have not been produced from sugars imported into the Community by virtue of the provisions referred to in paragraph 1 (b) or from products specified in paragraph 1 (c).'

*Article 2*

This Regulation shall enter into force on 1 July 1976.

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

Done at Luxembourg, 22 June 1976.

*For the Council*

*The President*

J. HAMILIUS

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1. 7. 76

Official Journal of the European Communities

No L 176/1

## COUNCIL REGULATION (EEC) No 1653/76

of 29 June 1976

fixing the guaranteed prices applicable for cane sugar originating in the overseas countries and territories (OCT) for 1976/77

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the recommendation from the Commission,

Whereas, in accordance with the terms of Annex XXI to the Final Act of the ACP-EEC Convention of Lomé of 28 February 1975 <sup>(1)</sup>, the Community guarantees, for cane sugar originating in the overseas countries and territories mentioned in the said Annex, an identical treatment to that provided for in Protocol 3 on ACP sugar annexed to the said Convention;

Whereas Council Decision 76/568/EEC of 29 June 1976 on the association of the overseas countries and territories within the European Economic Community <sup>(2)</sup>, involves the application of this principle; whereas in accordance with Article 4 (4) of Annex IV to that Decision the guaranteed prices are laid down each year;

Whereas the guaranteed prices valid for 1976/77 for cane sugar originating in the ACP States have been agreed by exchanges of letters with the relevant ACP States; whereas it is now necessary for the Council to lay down the same guaranteed prices for sugar originating in the overseas countries and territories concerned,

*Article 1*

For the period 1 April 1976 to 30 June 1977 the guaranteed prices referred to in Article 4 (4) of Annex IV to Decision 76/568/EEC shall be as follows:

- (a) for raw sugar, 26.70 units of account per 100 kilogrammes;
- (b) for white sugar, 34.14 units of account per 100 kilogrammes.

These prices shall refer to sugar of standard quality as defined in Community rules, unpacked and cif European ports of the Community.

The guaranteed price for raw sugar for 1976/77 includes a premium of 0.48 unit of account per 100 kilogrammes of white sugar which will be recoverable from the competent authorities of the exporting countries and territories concerned to the extent that the price realized on sale from intervention is less than the guaranteed price for raw sugar.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall be applicable from 1 April 1976.

<sup>(1)</sup> OJ No L 25, 30. 1. 1976, p. 1.

<sup>(2)</sup> cf. OCT/EEC O 103

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

Done at Luxembourg, 29 June 1976.

*For the Council*

*The President*

G. THORN

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## DECISION

## OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL

of 20 January 1976

on the opening of tariff preferences for products within the province of that Community originating in the overseas countries and territories associated with the Community

(76/570/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

Whereas the Member States have concluded among themselves the Treaty establishing the European Coal and Steel Community;

Whereas Title I of Council Decision 76/568/EEC of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community <sup>(1)</sup>, does not apply to products within the province of the European Coal and Steel Community;

Whereas, however, trade in such products between the Member States and the countries and territories should be maintained and intensified;

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

*Article 1*

The duties applicable in the Community to imports of products within the province of the European Coal and Steel Community originating in the countries and territories listed in Annex I to Decision 76/568/EEC, the charges having an effect equivalent to such duties and the collection of such duties and charges shall be suspended; however, the treatment applied to these products shall not be more favourable than that applied by the Member States among themselves.

For the purposes of the first paragraph, no account shall be taken of residual customs duties and charges having equivalent effect resulting from the application of Articles 32, 36 and 59 of the Act of Accession.

*Article 2*

The products referred to above originating in the Member States shall be admitted for import into the countries and territories on conditions similar to those laid down in Chapter 1 of Title I of Decision 76/568/EEC.

*Article 3*

Consultations shall take place between the Member States concerned in all cases where, in the opinion of one of them, the implementation of the above provisions calls for such consultations.

*Article 4*

The provisions laying down the rules of origin for the application of Decision 76/568/EEC shall also apply to this Decision.

*Article 5*

The Member States shall decide by mutual agreement on any safeguard measures suggested by one or more Member States or the Commission.

*Article 6*

This Decision shall apply until 1 March 1980.

<sup>(1)</sup> cf. OCT/EEC O 103

*Article 7*

Member States shall take all the necessary measures to implement this Decision.

*Article 8*

This Decision shall be published in the *Official Journal of the European Communities* at the same

time as the Council Decision on the association of the overseas countries and territories to the European Economic Community.

It shall enter into force at the same time as the Decision referred to in the first paragraph.

Done at Brussels, 20 January 1976.

*The President*

G. THORN

## COUNCIL REGULATION (EEC) No 3019/76

of 13 December 1976

opening, allocating and providing for the administration of Community tariff quotas  
for certain products originating in developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on finished and semi-finished products coming from developing countries; whereas the preferential treatment proposed in that offer covers, generally speaking, all finished and semi-finished industrial products covered by Chapters 25 to 99 of the Common Customs Tariff which originate in developing countries; whereas the preference consists in the granting of exemption from customs duties; whereas preferential imports are effected up to the level of ceilings calculated by value in respect of each product on the basis of factors which are uniform for all the products; whereas, in order that the preferences granted to the most competitive developing country or countries should be restricted and that a substantial share should be reserved for the least competitive, preferential imports from any one developing country in respect of a given product should not, as a general rule, exceed 50% of the ceiling fixed for that product;

Whereas, in the offer made by the Community, the annual ceilings should normally be calculated on the basis of the total value for 1968 of cif imports from the countries benefiting from this scheme, excluding those already enjoying various preferential tariff arrangements granted by the Community (basic amount), plus 5% of the value of cif imports from the other countries and from the countries already enjoying such arrangements (additional amount); whereas such additional amount is variable and is

calculated each year on the basis of the latest figures available, provided that this entails no reduction in the ceiling;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas, moreover, the conference of Heads of State or of Government of the Member States and the States acceding to the European Communities held in Paris on 19 to 21 October 1972 invited the Community institutions and the Member States progressively to adopt an overall policy of development cooperation on a world-wide scale comprising in particular the improvement of generalized preferences with the aim of achieving a steady increase in imports of manufactures from the developing countries;

Whereas tariff preferences have been applied from the second half of 1971 under the conditions set out above; whereas these preferences should continue to be applied throughout 1977; whereas having regard to the terms of the offer concerned and to the need to improve the generalized preferences, the abovementioned basic amount should normally refer to 1974, as should generally the additional amount; whereas however, the application of this method of calculation should remain compatible with the progressive nature of the preference scheme in such a way as to provide a period of adaptation for the industrial sectors affected in the Community; whereas for this purpose it would appear adequate to limit

For each product the considerable improvement resulting from the said method to a level which does not exceed 150% of each of the preferential amounts open in 1976;

Whereas in practice the latest complete statistics available are those relating to the year 1974; whereas however since that year the statistics in question and particularly those relating to the value of the Community's external trade have been expressed in a statistical unit (EUR) which is no longer defined in the same way as the unit of account (u.a.) prescribed for the Common Customs Tariff; whereas therefore it is necessary to define a conversion rate between these two units; whereas in 1974 one EUR unit was equivalent in practice to one European unit of account and the practice has been to ascribe to the latter the same value as for the unit of account (u.a.); whereas it seems appropriate therefore in these circumstances, and for the particular ends of the calculations required under this Regulation, to consider the statistics expressed in EUR in this Regulation as if expressed in the units of account of the Common Customs Tariff; whereas the unit of account should remain the only unit to be used within the preference system, along with its conversion rates into national currencies based on gold parities;

Whereas, taking into account the interests of the ACP States, for plywood, blockboard, laminboard, battenboard and similar laminated products, falling within heading No 44.15, the quota amount should be limited to 282 610 m<sup>3</sup>; whereas in the same way as regards footwear falling within heading Nos 64.01 and 64.02, the situation of the Community sector concerned leaves no alternative but to repeat for 1977 the quota amounts laid down for the preference year 1976;

Whereas, in accordance with Protocol 23 to the Act of Accession <sup>(1)</sup>, the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas it is expedient, therefore, in respect of the products referred to in Annexes A and B which originate in the countries and territories listed in Annex C, that the Community should open for 1977 duty-free Community tariff quotas within the limits of the amounts, in units of account, shown against each of these products;

Whereas charges against each of these tariff quotas must, in respect of the products originating in any of the abovementioned countries or territories, come

within a specified percentage of the amount of the quota; whereas the benefit of such tariff quotas should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods <sup>(2)</sup>;

Whereas it is necessary in particular to ensure equal and continuous access for all Community importers to the abovementioned quotas and the uninterrupted application of the rate laid down for those quotas to all imports of the products concerned into all Member States until those quotas are used up; whereas, having regard to the principles set out above, the Community nature of the quotas can be respected by allocating the quota among Member States; whereas, moreover, to this end and in the context of the utilization system, the actual charges against the quotas may relate only to products which have been entered for home use and which are accompanied by a certificate of origin;

Whereas the application of the generally accepted principles in respect of the allocation of the Community tariff quotas which have been opened hitherto entails under these circumstances, and in view of the variety of the products concerned and the fact that the benefiting countries and territories are specified, calculations which are all the more problematic in that the statistical data required sometimes prove to be incomplete or not sufficiently accurate or representative; whereas the time required for these calculations cannot be reconciled with the continuity necessary for the application of the tariff preferences concerned; whereas, under these conditions, it would be advisable still at this stage to adopt a fixed scale for allocating the Community tariff quotas concerned among the Member States; whereas, using as a basis general economic criteria relating to external trade, the gross national product and population, the percentages for the initial shares of the Member States in the quota amounts are as follows for the quota year under consideration:

Germany	27.5%
Benelux	10.5%
France	19.0%
Italy	15.0%
Denmark	5.0%
Ireland	1.0%
United Kingdom	22.0%

<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 1.

Whereas, however, taking into account the more precise information already available concerning trade in plywood, blockboard, laminboard, battenboard and similar laminated products, falling within heading No 44.15 of the Common Custom Tariff, these percentages should be replaced by 4.78, 2.76, 0.35, 1.05, 4.58, 1.98 and 84.5% respectively;

Whereas in connection with the Member States' participation in the Community tariff quota for the abovementioned products falling within heading No 44.15, it should be borne in mind that United Kingdom imports in recent years from developing countries, in particular from Malaysia and Singapore, have been increasing substantially; whereas the introduction of customs duties on these imports might alter traditional trade flows to the detriment of the developing countries which hitherto benefited from duty-free entry; whereas this situation is a special reason for a portion of the said Member State's share being accessible without limitation to the countries covered by the generalized preference scheme;

Whereas, without affecting the Community nature of the tariff quotas for the products listed in Annex A, it appears possible to provide temporarily for a utilization scheme based on a single allocation among the Member States; whereas, moreover, the allocation set out by this Regulation in no way prejudices the possibility of adopting the general method of allocation of Community tariff quotas comprising the setting up of a reserve share; whereas at the present juncture it appears feasible that such allocation could be made according to the percentages set out above;

Whereas the percentage for the shares of the Member States in the Community tariff quotas referred to above, in view of the duration and amounts thereof, does not appear in this instance to compromise the equal access for Community importers to Community tariff quotas; whereas for this same reason it would appear expedient to allow each Member State to choose the system for administering its share;

Whereas, to take account of future import trends for the products listed in Annex B in the various Member States, the quotas should be divided into two tranches, the first being allocated among Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial shares; whereas, moreover, the reserve constituted in the manner described above tends to avoid making the system of utilization of the quota excessively rigid, to the

detriment of the developing countries concerned and will contribute to achieving the aim already mentioned of improving the generalized preferences system; whereas to give importers in each Member State some degree of certainty, the first tranche of the Community quota should be fixed at a relatively high level which in the event could be about 80% of the quota volumes;

Whereas Member States may exhaust their initial shares for the products listed in Annex B at different rates; whereas to avoid disruption of supplies on this account it should be provided that each Member State which has almost used up one of its initial shares, should proceed to draw an additional share from the corresponding reserve; whereas this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as each of these reserves allows; whereas each of these initial and additional shares must be available for use until the end of the quota period; whereas, however, it seems advisable to permit the Member States to limit the exercise of their total obligation to draw on the reserve amount to a level not exceeding 40% of their initial share; whereas this method of administration calls for close cooperation between Member States and the Commission which must, in particular, be able to observe the extent to which the tariff quotas are used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one of the initial shares of one or other Member State, it is essential that that Member State pays a large amount of it back into the corresponding reserve in order to avoid a part of the Community quota remaining unused in one Member State when it could in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. From 1 January to 31 December 1977, the Common Customs Tariff duties and, until 30 June 1977, the customs duties of the new Member States on

the products listed in Annex A and B shall be totally suspended within the framework of Community tariff quotas of amounts which shall be expressed in units of account and which shall be indicated against each product in column 3 of those Annexes.

2. These tariff quotas shall be enjoyed solely by products originating in the countries and territories listed in Annex C. However, those imports which already enjoy exemption from customs duties under other preferential tariff arrangements granted by the Community may not be charged against these tariff quotas. For the purposes of this Regulation, the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

3. The amount to be charged in respect of each country or territory referred to in paragraph 2 against each of the tariff quota amounts mentioned above shall be limited to the maximum amount given in column 4 of Annexes A and B against each category of products.

4. Any amendment to Annex C, in particular by the addition of new countries or territories enjoying tariff preferences, may entail a corresponding adjustment to the amounts of the quotas and to the maximum amounts appearing in columns 3 and 4 of Annexes A and B.

#### *Article 2*

For the products listed in Annex A the Community tariff quotas referred to in Article 1 shall be allocated in shares which shall be for each Member State the amounts given in column 5 of Annex A against each category of products.

#### *Article 3*

1. A first tranche of 80% of each of the Community tariff quotas listed in Annex B, expressed in units of account in column 5 of Annex B, shall be allocated among the Member States; the shares which, subject to Article 6 shall be valid until 31 December 1977, shall for each Member State be as indicated in column 6 of Annex B against each of the products listed therein.

2. The second tranche of 20% of each of the tariff quotas shall constitute the reserve specified in each case in column 7 of Annex B.

#### *Article 4*

1. If a Member State has used 90% or more of one of its initial shares as fixed in Annex B, or of that share minus any portion returned to the reserve pursuant to Article 6, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share, rounded up should the occasion arise to the nearest unit above.

2. If a Member State, after exhausting one of its initial shares, has used 90% or more of the second share drawn by it, that Member State shall draw a third share, under the conditions laid down in paragraph 1, to the extent that the reserve so permits, equal to 5% of its initial share.

3. If a Member State, after exhausting its second share, has used 90% or more of the third share drawn by it, that Member State shall draw a fourth share under the same conditions equal to the third.

This process shall continue until the reserve has been exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Member States applying this paragraph shall inform the Commission of its grounds for so doing.

5. Any Member State may limit the sum total of its additional shares to 40% of its initial share, informing the Commission that it is so doing.

#### *Article 5*

Additional shares drawn pursuant to Article 4 shall be valid until 31 December 1977.

#### *Article 6*

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of their initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the product concerned effected up to and including 15 September 1977 and charged against the Community quota and, where appropriate, the proportion of their initial share that is being returned to the reserve.

#### *Article 7*

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 3 and 4 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 15 October 1977, inform the Member State of the amount still in reserve following any return of shares pursuant to Article 6.

It shall ensure that when an amount exhausting the reserve is drawn the amount so drawn does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 4 are opened in such a way that importations may be charged without interruption against their cumulative shares of the Community quota.

#### *Article 8*

1. The Member States shall ensure free access to the shares which have been allocated to them for importers of the said goods who are established in their territory.

2. The extent to which a Member State has used up its share shall be determined on the basis of imports of the said goods which have been entered for home use, on the basis of the customs value of

the said goods, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).

3. Goods shall qualify for a tariff quota only if the certificate of origin referred to in paragraph 2 is submitted before the date on which the levying of duties is re-introduced.

#### *Article 9*

The Commission shall take all necessary measures to ensure that the maximum amount referred to in Article 1 (3) is observed. When the charges, at Community level, of products originating in each of the countries and territories listed in Annex C, against any one of the Community tariff quotas reach the maximum amount laid down in column 4 of Annexes A and B, the Commission shall immediately notify the Member States of the date on which, as a result of this fact, the normal tariff is to be re-introduced in respect of the country or territory in question. This notification shall be published in the *Official Journal of the European Communities*.

#### *Article 10*

Member States shall inform the Commission on request or at least monthly of imports of the products in question charged against their shares.

#### *Article 11*

Member States and the Commission shall cooperate closely to ensure that the provisions of the above Articles are observed.

#### *Article 12*

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

*For the Council*

*The President*

M. van der STOEL

## ANNEX A

List of products referred to in Article 2 subject to zero-duty Community tariff quotas under the generalized tariff preferences granted to developing countries and territories

Order No	CCT heading No (1)	Description (2)	Quota amount in u.a. (a) (3)	Maximum amount per country or territory (4)		Share of quota amounts allocated to Member States in u.a. (a) (5)
				%	u.a. (a)	
1	41.02	Bovine cattle leather (including buffalo leather) and equine leather, except leather falling within heading No 41.06, 41.07 or 41.08:  ex B. Other, but not including leather not further prepared than tanned	19 286 000	30	5 785 800	Germany 5 303 650 Benelux 2 025 030 France 3 664 340 Italy 2 892 900 Denmark 964 300 Ireland 192 860 United Kingdom 4 242 920
2	42.02	Travel goods (for example, trunks, suitcases, hat-boxes, travelling-bags, rucksacks), shopping-bags, handbags, satchels, briefcases, wallets, purses, toilet-cases, tool-cases, tobacco-pouches, sheaths, cases, boxes (for example, for arms, musical instruments, binoculars, jewellery, bottles, collars, footwear, brushes) and similar containers, of leather or of composition leather, of vulcanized fibre, of artificial plastic sheeting, of paperboard or of textile fabric.  B. Of other materials	13 022 600	30	3 906 780	Germany 3 581 215 Benelux 1 367 375 France 2 474 295 Italy 1 953 390 Denmark 651 130 Ireland 130 225 United Kingdom 2 864 970
3	42.03	Articles of apparel and clothing accessories, of leather or of composition leather: A. Articles of apparel B. Gloves, including mittens and mitts: II. Special, for sports III. Other C. Other clothing accessories	13 381 400	30	4 014 420	Germany 3 679 885 Benelux 1 405 045 France 2 542 465 Italy 2 007 210 Denmark 669 070 Ireland 133 815 United Kingdom 2 943 910
4	44.15	Plywood, block-board, laminboard, battenboard and similar laminated wood products (including veneered panels and sheets); inlaid wood and wood marquetry	282 610 m <sup>3</sup>	30	84 783 m <sup>3</sup> ( <sup>1</sup> )	Germany 13 515 m <sup>3</sup> Benelux 7 800 m <sup>3</sup> France 1 000 m <sup>3</sup> Italy 2 970 m <sup>3</sup> Denmark 12 930 m <sup>3</sup> Ireland 5 595 m <sup>3</sup> United Kingdom 238 800 m <sup>3</sup> ( <sup>1</sup> )

(a) Unless otherwise indicated

(<sup>1</sup>) The provisions of Article 1 (3) do not apply up to a proportion limited to 141 305 m<sup>3</sup> of the share allocated to the United Kingdom.

Order No	CCT heading No (1)	Description (2)	Quota amount in u.a. (a) (3)	Maximum amount per country or territory (4)		Share of quota amounts allocated to Member States in u.a. (a) (5)
				%	u.a. (a)	
5	64.01	Footwear with outer soles and uppers of rubber or artificial plastic material	2 422 350	20	484 470	Germany 654 034 Benelux 242 235 France 448 135 Italy 339 129 Denmark 121 117 Ireland 12 112 United Kingdom 605 588
6	(*) 64.02	Footwear with outer soles of leather or composition leather; footwear (other than footwear falling within heading No 64.01) with outer soles of rubber or artificial plastic material: A. Footwear with uppers of leather	19 796 700	15	2 969 505	Germany 5 345 110 Benelux 1 979 670 France 3 662 390 Italy 2 771 535 Denmark 989 835 Ireland 98 985 United Kingdom 4 949 175
7	64.02	Footwear with outer soles of leather or composition leather; footwear (other than footwear falling within heading No 64.01) with outer soles of rubber or artificial plastic material: B. Other	10 991 400	15	1 648 710	Germany 2 967 680 Benelux 1 099 140 France 2 033 410 Italy 1 538 795 Denmark 549 570 Ireland 54 955 United Kingdom 2 747 850

(a) Unless otherwise indicated.

(\*) Products falling within subheading 64.02 A, originating in the countries and territories listed in Section II of Annex C, are excluded from the benefit of this tariff quota.

## ANNEX B

## List of products referred to in Article 3 subject to zero-duty Community tariff quotas under the generalized tariff preferences granted to developing countries and territories

Order No	CCT heading No (1)	Description (2)	Quota amount in u.a. (3)	Maximum amount per country or territory (4)		u.a. (5)	Share of quota amounts allocated to Member States in u.a. (6)	u.a. (7)
				%	u.a.			
1	29.23 (a)	Single or complex oxygen-function amino-compounds: D. Amino-acids: III. Glutamic acid and its salts	209 000	50	104 500	167 200	Germany 45 980 Benelux 17 555 France 31 770 Italy 25 080 Denmark 8 360 Ireland 1 670 United Kingdom 36 785	41 800
2	42.02	Travel goods (for example, trunks, suitcases, hat-boxes, travelling-bags, rucksacks), shopping-bags, handbags, satchels, briefcases, wallets, purses, toilet-cases, tool-cases, tobacco-pouches, sheaths, cases, boxes (for example, for arms, musical instruments, binoculars, jewellery, bottles, collars, footwear, brushes) and similar containers, of leather or of composition leather, of vulcanized fibre, of artificial plastic sheeting, of paperboard or of textile fabric: A. Of artificial plastic sheeting	6 032 000	30	1 809 600	4 825 600	Germany 1 327 040 Benelux 506 690 France 916 865 Italy 723 840 Denmark 241 280 Ireland 48 255 United Kingdom 1 061 630	1 206 400

(a) Products originating in Romania and which fall within this tariff heading are also eligible for Community preferential tariff arrangements.

Order No	CCCT heading No (1)	Description (2)	Quota amount in u.a. (3)		Maximum amount per country or territory (4)		u.a. (5)	Share of quota amounts allocated to Member States in u.a. (6)	u.a. (7)
			%	u.a.	%	u.a.			
3	85.15	<p>Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus:</p> <p>A. Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; and television cameras:</p> <p>III. Receivers, whether or not combined with a sound recorder or reproducer</p> <p>C. Parts of the goods of subheadings A and B above:</p> <p>III. Other</p>	22 230 000	15	3 334 500	17 784 000	<p>Germany 4 890 600</p> <p>Belgium 1 867 320</p> <p>France 3 378 960</p> <p>Italy 2 667 600</p> <p>Denmark 889 200</p> <p>Ireland 177 840</p> <p>United Kingdom 3 912 480</p>	4 446 000	
4	85.21	<p>Thermionic, cold cathode and photo-cathode valves and tubes (including vapour or gas-filled valves and tubes, cathode-ray tubes, television camera tubes and mercury arc rectifying valves and tubes); photocells; mounted piezo-electric crystals; diodes, transistors and similar semiconductor devices; electronic micro-circuits:</p> <p>D. Diodes, transistors and similar semiconductor devices; electronic micro-circuits</p> <p>E. Parts</p>	7 278 000	20	1 455 600	5 822 400	<p>Germany 1 601 160</p> <p>Belgium 611 350</p> <p>France 1 106 255</p> <p>Italy 873 360</p> <p>Denmark 291 120</p> <p>Ireland 58 225</p> <p>United Kingdom 1 280 930</p>	1 455 600	

Order No	CCT heading No (1)	Description (2)	Quota amount in u.a. (3)	Maximum amount per country or territory (4)		u.a. (5)	Share of quota amounts allocated to Member States in u.a. (6)	u.a. (7)
				%	u.a.			
5	94.01	Chairs and other seats (other than those falling within heading No 94.02), whether or not convertible into beds, and parts thereof: B. Other	21 172 000	20	4 234 400	16 937 600	Germany 4 657 840 Benelux 1 778 450 France 3 218 145 Italy 2 540 640 Denmark 846 880 Ireland 169 375 United Kingdom 3 726 270	4 234 400
6	94.03	Other furniture and parts thereof	15 888 000	20	3 177 600	12 710 400	Germany 3 495 360 Benelux 1 334 590 France 2 414 975 Italy 1 906 560 Denmark 635 520 Ireland 127 105 United Kingdom 2 796 290	3 177 600

## ANNEX C

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan	Guyana	Philippines
Algeria	Haiti	Qatar
Angola	Honduras	Rwanda
Argentina	India	Sao Tome and Principe
Bahamas	Indonesia	Saudi Arabia
Bahrain	Iran	Senegal
Bangladesh	Iraq	Seychelles
Barbados	Ivory Coast	Sierra Leone
Bénin	Jamaica	Singapore
Bhutan	Jordan	Somalia
Bolivia	Kenya	Sri Lanka
Botswana	Khmer Republic	Sudan
Brazil	Korea (South)	Surinam
Burma	Kuwait	Swaziland
Burundi	Laos	Syria
Cameroon	Lebanon	Tanzania
Cape Verde Islands	Lesotho	Thailand
Central African Republic	Liberia	Togo
Chad	Libya	Tonga
Chile	Malagasy Republic	Trinidad and Tobago
Colombia	Malawi	Tunisia
Comoros	Malaysia	Uganda
Congo, People's Republic of	Maldives Islands	United Arab Emirates:
Costa Rica	Mali	Abu Dhabi
Cuba	Mauritania	Dubai
Cyprus	Mauritius	Ras al Khaimah
Dominican Republic	Mexico	Fujairah
Ecuador	Morocco	Ajman
Egypt, Arab Republic of	Mozambique	Sharjah
El Salvador	Nauru	Ummal Qaiwain
Equatorial Guinea	Nepal	Upper Volta
Ethiopia	Nicaragua	Uruguay
Fiji	Niger	Venezuela
Gabon	Nigeria	Vietnam
Gambia	Oman	Western Samoa
Ghana	Pakistan	Yemen, People's Democratic Republic of
Grenada	Panama	Yemen Arab Republic
Guatemala	Papua New Guinea	Yugoslavia
Guinea	Paraguay	Zaire
Guinea Bissau	Peru	Zambia

## II. COUNTRIES AND TERRITORIES

dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean <sup>(1)</sup>  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands <sup>(2)</sup>  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship <sup>(3)</sup>  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands <sup>(4)</sup>

*Note:* The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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<sup>(1)</sup> Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

<sup>(2)</sup> Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

<sup>(3)</sup> The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

<sup>(4)</sup> Dominica, St Lucia, St Vincent.

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## COUNCIL REGULATION (EEC) No 3020/76

of 13 December 1976

opening and providing for the administration of preferential Community tariff ceilings  
for certain products originating in developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on finished and semi-finished products coming from developing countries; whereas the preferential treatment proposed in that offer covers, generally speaking, all finished and semi-finished industrial products covered by Chapters 25 to 99 of the Common Customs Tariff which originate in developing countries; whereas the preference consists in the granting of exemption from customs duties; whereas preferential imports are effected up to the level of ceilings calculated by value in respect of each product on the basis of factors which are uniform for all the products; whereas in order that the preferences granted to the most competitive developing country or countries should be restricted and that a substantial share should be reserved for the least competitive, preferential imports from any one developing country in respect of a given product should not, as a general rule, exceed 50% of the ceiling fixed for that product;

Whereas, in the offer made by the Community, the annual ceilings should normally be calculated on the basis of the total value for 1968 cif imports from the countries benefiting from this scheme, excluding those already enjoying various preferential tariff arrangements granted by the Community (basic amount), plus 5% of the value of cif imports from the other countries and from the countries already enjoying such arrangements (additional amount);

whereas such additional amount is variable and is calculated each year on the basis of the latest figures available, provided that this entails no reduction in the ceiling;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas, moreover, the conference of the Heads of State or of Government of the Member States and the States acceding to the European Communities held in Paris from 19 to 21 October 1972 invited the Community institutions and the Member States progressively to adopt an overall policy of development cooperation on a world-wide scale comprising in particular the improvement of generalized preferences with the aim of achieving a steady increase in imports of manufactures from the developing countries;

Whereas tariff preferences have been applied from the second half of 1971 under the conditions set out above; whereas these preferences should continue to be applied throughout 1977; whereas, having regard to the terms of the offer concerned and to the need to improve the generalized preferences, the abovementioned basic amount should normally refer to 1974, as should generally the additional amount; whereas however, the application of this method of calculation should remain compatible with the progressive nature of the preference scheme in such a way as to provide a period of adaptation for the industrial sectors affected in the Community; whereas for this purpose it would appear adequate to limit for each product

the considerable improvement resulting from the said method to a level which does not exceed 150% of each of the preferential amounts open in 1976;

Whereas in practice the latest complete statistics available are those relating to the year 1974; whereas however since that year the statistics in question and particularly those relating to the value of the Community's external trade have been expressed in a statistical unit (EUR) which is no longer defined in the same way as the unit of account (u.a.) prescribed for the Common Customs Tariff; whereas therefore it is necessary to define a conversion rate between these two units: whereas in 1974 one EUR unit was equivalent in practice to one European unit of account and the practice has been to ascribe to the latter the same value as for the unit of account (u.a.); whereas it seems appropriate therefore in these circumstances, and for the particular ends of the calculations required under this Regulation, to consider the statistics expressed in EUR in this Regulation as if expressed in the units of account of the Common Customs Tariff; whereas the unit of account should remain the only unit to be used within the preference system, along with its conversion rates into national currencies based on gold parities;

Whereas, in accordance with Protocol 23 to the Act of Accession<sup>(1)</sup>, the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas it is expedient, therefore, in respect of the products referred to in Annex A which originate in the countries and territories listed in Annex B, that the Community should allow, for each category of these products and throughout 1977, duty-free imports within the limits of the Community ceilings calculated in the manner set out above; whereas the benefit of such tariff exemption should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods<sup>(2)</sup>; whereas charges against each of these ceilings must, as a general rule, come within a maximum Community amount of 50% in respect of the products originating in any of the abovementioned

countries; whereas, however, in order to ensure that all the countries and territories in question are able to benefit from this preferential system, the Community maximum amount should, for certain products, be reduced to 20, 30 or 40%;

Whereas preferential Community tariff quotas were previously granted for all the products listed in Annex A; whereas experience in recent years has shown that this improvement in the Community preferences scheme can only be achieved if an effort is made to ensure a more balanced distribution of the advantages granted to all the beneficiary countries and territories; whereas for this reason and in order to afford each of them equal opportunity to benefit from the preferential ceilings, it seems adequate to limit to 15% the maximum amount for each of the beneficiary countries and territories which have either reached the maximum amount for a given product during two consecutive years since 1972 or which, according to the most up-to-date statistics available, supply the Community with at least 40% of its imports of the product in question from the beneficiary countries and territories as a whole; whereas, however, in order to avoid damaging the interests of the less favoured of these beneficiary countries and territories the 15% limit will not be applied in the case of those which have a very low *per capita* national product, or which for a given product have charged against the preferences an amount representing at least 10% of their deliveries to the Community of industrial manufactured products eligible for the Community preferences scheme; whereas, in addition, in order to ensure that the new maximum amounts are not less than those fixed hitherto, the abovementioned maximum amount of 15% shall in general only apply or shall only become applicable where, in absolute value, it is higher than the level since the 1974 preferences;

Whereas, furthermore, for some of the products affected by the fixing of the maximum amount at 15%, this improvement is conditional upon the introduction of measures calculated to encourage the principal suppliers benefiting from the system to ensure a balanced distribution of their deliveries throughout the Community instead of concentrating them in specific areas, or even in one single area of the Community; whereas to this end general provision should be made for the levying of the normal customs duties to be re-introduced in a Member State when preferential imports originating in a single beneficiary country or territory reach 50% of the maximum amount envisaged above; whereas this measure does not interfere with the immediate re-introduction of the levying of the normal customs duties at Community level when preferential imports reach the Community maximum amounts; whereas, as regards the Community ceilings, there is nothing to prevent provisions being made only for the possibility of the Community's re-introducing the levying of the normal customs

<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 1.

duties when the said ceilings are reached at Community level;

Whereas, under these circumstances, these objectives may be reached by applying a method of administration based on the charging, at Community level, against the abovementioned ceilings and maximum amounts, of imports of the products concerned as and when these products are entered for home use and are accompanied by a certificate of origin; whereas this method of administration must make provision for the re-introduction of the levying of customs duties as soon as the said ceilings or maximum amounts are reached at Community level;

Whereas such method of administration calls for very close and particularly rapid cooperation between Member States and the Commission, which must, in particular, be able to observe every 10 days the extent to which charges are made against the ceilings and maximum amounts and inform Member States thereof; whereas such cooperation should be particularly close in view of the need for the Commission to be able to take appropriate measures to re-introduce the levying of customs duties either generally or individually when any of the ceilings or maximum amounts are reached;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. From 1 January to 31 December 1977, the Common Customs Tariff duties and, until 30 June 1977, the customs duties of the new Member States on the products listed in Annex A shall be totally suspended, subject to the provisions of Articles 2 and 4 (2) of this Regulation.

2. This suspension shall be enjoyed solely by products originating in the countries and territories listed in Annex B. However, imports already enjoying exemption from customs duties under other preferential tariff arrangements granted by the Community shall not be charged against the ceilings specified in paragraph 3. For the purposes of the application of this Regulation, the concept of originating

products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

3. Subject to the provisions of Articles 2 and 4 (2), and with the exception of certain products the value of the ceilings for which is given in Annex A, this suspension shall be granted, in respect of each category of products, within a Community ceiling which shall be expressed in units of account and which shall be equal to the amount obtained by adding together the values of cif imports in 1974 of the products concerned to the Community from the countries and territories enjoying these arrangements, excluding those already enjoying various preferential tariff arrangements granted by the Community, and 5% of the value of cif imports in 1974 from other countries and from countries and territories already enjoying such arrangements. However the ceiling resulting from the sum of this addition may in no case exceed 172.5% of that resulting from the substitution of the year 1971 for the year 1974 in the first term of the addition and of the year 1972 for the year 1974 in the second term of the addition:

For the particular purpose of the abovementioned calculations, the statistics referring to the year 1974, expressed in EUR, are to be considered as being expressed in units of account of the Common Customs Tariff.

4. Subject to the provisions of Articles 2 and 4 (2), within each ceiling thus calculated, charges of products originating in any one of the countries or territories listed in Annex B should not exceed a Community maximum amount expressed as a percentage or in units of account against each of the products in column 3 of Annex A.

5. However, in the case of the products originating in the beneficiary countries or territories indicated by an asterisk in column 3 of Annex A, the amount charged against the preferences in a single Member State shall be limited to 50% of the maximum laid down in paragraph 4. The normal customs duties shall again be levied as soon as this level is reached, unless the Member State concerned previously notifies the Commission that it does not intend to avail itself of this limitation for all or some of the products concerned. The Commission shall inform the Member States of this fact without delay.

6. Any amendment to Annex B, in particular by the addition of new countries enjoying tariff preferences, may entail a corresponding adjustment to the Community ceilings and the maximum amounts referred to in paragraphs 3 and 4.

*Article 2*

1. As soon as the ceilings fixed or calculated in accordance with the provisions of Article 1 (3), which are laid down for Community imports of products originating in all of the countries referred to in Article 1 (2), are reached at Community level, the levying of customs duties on imports of the products in question from all the countries and territories concerned may at any time be re-introduced until the end of the period referred to in the first subparagraph of Article 1 (1).

2. As soon as the maximum amounts determined in accordance with Article 1 (4) for imports into the Community of products originating in each of the countries or territories referred to in Article 1 (2) are reached at Community level for one of these countries or territories, the Commission shall without delay inform the Member States of the date on which the normal tariff must be restored in respect of the countries or territories concerned. This information shall be published in the *Official Journal of the European Communities*.

However, when the amounts of products originating in one or other of the countries or territories indicated by two asterisks in column 3 of Annex A charged against the preferences reach the Community maximum amount in one Member State, that Member State shall without delay re-introduce the levying of the normal customs duty. It shall notify the Commission, which shall inform the other Member States of this fact, at the same time fixing the earliest date on which the levying of the normal tariff must be re-introduced in these States also. This information shall be published in the *Official Journal of the European Communities*.

3. Without prejudice to the foregoing provisions, where the levying of the normal customs duty is re-introduced under the conditions described in Article 1 (5) the Member State concerned shall immediately notify the Commission, which shall without delay inform the other Member States.

*Article 3*

1. Imports of the products in question shall be charged against the Community ceilings and

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

Done at Brussels, 13 December 1976.

maximum amounts as and when the products are entered for home use, and provided that they are accompanied by a certificate of origin pursuant to the rules laid down in Article 1 (2).

2. Goods may be charged against a ceiling or maximum amount only if the certificate of origin referred to in paragraph 1 is submitted before the date on which the levying of duties is re-introduced.

3. The extent to which the ceilings and maximum amounts have been actually used up shall be determined at Community level and in the Member States on the basis of the imports charged in accordance with paragraphs 1 and 2.

*Article 4*

1. The Commission, in close cooperation with the Member States, shall take all necessary measures to ensure that the above provisions are applied,

2. The Commission shall issue Regulations to re-introduce the levying of the normal customs duties within the context of the ceilings established in respect of all the countries and territories referred to in Article 1 (2).

*Article 5*

Member States shall when requested inform the Commission of imports of the products in question charged against the Community ceilings and maximum amounts laid down in Article 1 (3) and (4).

Until the levying of the normal customs duties is re-introduced the information shall cover, in particular, and automatically, the returns relating to the amounts charged against the preferences during the previous 10 days, which must be forwarded within five full days of the end of each 10-day period.

*Article 6*

This Regulation shall enter into force on 1 January 1977.

*For the Council*  
*The President*  
M. van der STOEL

## ANNEX A

List of products originating in developing countries and territories, enjoying generalized tariff preferences, in respect of which duties under the Common Customs Tariff are totally suspended within the limit of Community ceilings and maximum amounts per beneficiary country or territory (a)

Order No	CCT heading No (1)	Description (2)	Level of the maximum amounts (3)
1	28.27	Lead oxides; red lead and orange lead	20 % of a ceiling of 6 474 000 u.a., reduced to 15 %, or 971 100 u.a. for Mexico (*) (**)
2	28.56	Carbides (for example, silicon carbide, boron carbide, metal carbides): C. Of calcium	50 % of a ceiling of 773 000 u.a., reduced to 195 000 u.a. for Yugoslavia (*) (**)
3	31.05	Other fertilizers; goods of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg: A. Other fertilizers: I. Containing the three fertilizing substances: nitrogen, phosphorus and potassium II. Containing the two fertilizing substances: nitrogen and phosphorus III. Containing the two fertilizing substances: nitrogen and potassium: b) Other IV. Other B. Goods of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg	50 % of a ceiling of 3 724 000 u.a., reduced to 15 %, or 558 600 u.a. for Yugoslavia (*) (**)
4	39.03	Regenerated cellulose; cellulose nitrate, cellulose acetate and other cellulose esters, cellulose ethers and other chemical derivatives of cellulose, plasticized or not (for example, collodions, celluloid); vulcanized fibre: B. Other: I. Regenerated cellulose	50 %, reduced to 418000 u.a. for Yugoslavia (*) (**)

(a) Manufactured and semi-finished industrial products qualifying under the ordinary arrangements for exemption or total temporary suspension of the Common Customs Tariff duty are only token entries as regards the Member States of the Community as originally constituted, whereas the exemption or suspension is directly and fully applicable by the new Member States under the present arrangements until 30 June 1977. As from 1 July 1977, the said products also are only token entries as regards the new Member States.

Order No	CCT heading No (1)	Description (2)	Level of the maximum amounts (3)
5	39.03	Regenerated cellulose; cellulose nitrate, cellulose acetate and other cellulose esters, cellulose ethers and other chemical derivatives of cellulose, plasticized or not (for example, collodions, celluloid); vulcanized fibre:  B. Other: II. Cellulose nitrates	50% of a ceiling of 577 000 u.a., reduced to 92 000 u.a. for Yugoslavia (*) (**)
6	48.01	Paper and paperboard (including cellulose wadding), machine-made, in rolls or sheets:  C. Kraft paper and kraft board: II. Other	50% of a ceiling of 31 258 000 u.a., reduced to 15%, or 4 688 700 u.a. for Yugoslavia (*) (**)
7	67.04 (a)	Wigs, false beards, eyebrows and eye lashes, switches and the like, of human or animal hair or of textiles; other articles of human hair (including hair nets)	30% of a ceiling of 35 346 000 u.a., reduced to 6 147 000 u.a. for South Korea (*) (**)
8	69.02 (a)	Refractory bricks, blocks, tiles and similar refractory constructional goods, other than goods falling within heading No 69.01	50% of a ceiling of 9 736 000 u.a., reduced to 1 693 000 u.a. for Yugoslavia (**)
9	70.05	Unworked drawn or blown glass (including flashed glass), in rectangles	50% of a ceiling of 2 366 000 u.a., reduced to 411 000 u.a. for Yugoslavia (*) (**)
10	70.13	Glassware (other than articles falling within heading No 70.19) of a kind commonly used for table, kitchen, toilet or office purposes, for indoor decoration, or for similar uses	30%, reduced to 15%, or 814 950 u.a. for Yugoslavia (**)
11	71.16	Imitation jewellery	50%, reduced to 2 154 000 u.a., for Hong Kong (*) (**)
12	73.18	Tubes and pipes and blanks therefor, of iron (other than of cast iron) or steel, excluding high-pressure hydro-electric conduits	50% of a ceiling of 13 039 000 u.a., reduced to 2 289 000 u.a. for Yugoslavia (*) (**)
13	74.03	Wrought bars, rods, angles, shapes and sections, of copper; copper wire	50% of a ceiling of 6 294 000 u.a., reduced to 1 095 000 u.a. for Yugoslavia (**)
14	79.03	Wrought plates, sheets and strip, of zinc; zinc foil; zinc powders and flakes:  A. Plates, sheets, strip and foil	50%, reduced to 743 000 u.a., for Yugoslavia (**)

(a) Products originating in Romania and which fall within this tariff heading are also eligible for Community preferential tariff arrangements.

Order No	CCT heading No (1)	Description (2)	Level of the maximum amounts (3)
15	84.41 (a)	Sewing machines; furniture specially designed for sewing machines; sewing machine needles: A. Sewing machines; furniture specially designed for sewing machines: III. Parts, including furniture specially designed for sewing machines	50%, reduced to 243 000 u.a. for Yugoslavia (**)
16	85.01	Electrical goods of the following descriptions: generators, motors, converters (rotary or static), transformers, rectifiers and rectifying apparatus, inductors: A. Generators, motors (whether or not equipped with speed reducing, changing or step-up gear) and rotary converters: II. Other	40% of a ceiling of 17 166 000 u.a., reduced to 15%, or 2 574 900 u.a. for Yugoslavia (*) (**)
17	85.10	Portable electric battery and magneto lamps, other than lamps falling within heading No 85.09: B. Other	50% of a ceiling of 4 409 000 u.a., reduced to 944 000 u.a. for Hong Kong (*) (**)
18	85.23	Insulated (including enamelled or anodized) electric wire, cable, bars, strip and the like (including co-axial cable), whether or not fitted with connectors	20% of a ceiling of 11 118 000 u.a., reduced to 15%, or 1 667 700 u.a. for Yugoslavia (*) (**)
19	87.14	Other vehicles (including trailers), not mechanically propelled, and parts thereof: B. Trailers and semi-trailers: II. Other	50%, reduced to 15%, or 2 068 050 u.a., for Yugoslavia (*) (**)
20	90.05 (a)	Refracting telescopes (monocular and binocular), prismatic or not	30%, reduced to 15%, or 687 600 u.a. for South Korea (**), and Hong Kong (**)
21	92.11 (a)	Gramophones, dictating machines and other sound recorders and reproducers, including record players and tape decks, with or without sound heads; television image and sound recorders and reproducers, magnetic: A. Sound recorders and reproducers	20% of a ceiling of 19 911 000 u.a., reduced to 15%, or 2 986 650 u.a. for Hong Kong (**)

(a) Products originating in Romania and which fall within this tariff heading are also eligible for Community preferential tariff arrangements.

Order No	CCT heading No (1)	Description (2)	Level of the maximum amounts (3)
22	97.02 (a)	Dolls	20% of a ceiling of 18 616 000 u.a., reduced to 15%, or 2 792 400 u.a. for Hong Kong (*) (**)
23	97.03	Other toys; working models of a kind used for recreational purposes	20% of a ceiling of 54 762 000 u.a., reduced to 15%, or 8 214 300 u.a. for Hong Kong (*) (**)
24	97.05 (b)	Carnival articles; entertainment articles (for example, conjuring tricks and novelty jokes); Christmas tree decorations and similar articles for Christmas festivities (for example, artificial Christmas trees, Christmas stockings, imitation Yule-logs, Nativity scenes and figures therefor)	20%, reduced to 15%, or 1 065 000 u.a., for Hong Kong (**)
25	98.15	Vacuum flasks and other vacuum vessels, complete with cases; parts thereof, other than glass inners	50%, reduced to 199 000 u.a. for Hong Kong (**)

(a) Products originating in Romania and which fall within this tariff heading are also eligible for Community preferential tariff arrangements

(b) Products originating in Romania and which fall within this tariff heading (excluding Christmas tree decorations and similar articles for Christmas festivities (for example, artificial Christmas trees, Christmas stockings, imitation Yule-logs, Nativity scenes and figures therefor), of glass) are also eligible for Community preferential tariff arrangements.

## ANNEX B

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan	Guyana	Philippines
Algeria	Haiti	Qatar
Angola	Honduras	Rwanda
Argentina	India	Sao Tome and Principe
Bahamas	Indonesia	Saudi Arabia
Bahrain	Iran	Senegal
Bangladesh	Iraq	Seychelles
Barbados	Ivory Coast	Sierra Leone
India	Jamaica	Singapore
Bhutan	Jordan	Somalia
Bolivia	Kenya	Sri Lanka
Botswana	Khmer Republic	Sudan
Brazil	Korea (South)	Surinam
Burma	Kuwait	Swaziland
Burundi	Laos	Syria
Cameroon	Lebanon	Tanzania
Cape Verde Islands	Lesotho	Thailand
Central African Republic	Liberia	Togo
Chad	Libya	Tonga
Chile	Malagasy Republic	Trinidad and Tobago
Colombia	Malawi	Tunisia
Comoros	Malaysia	Uganda
Congo, People's Republic of	Maldive Islands	United Arab Emirates:
Costa Rica	Mali	Abu Dhabi
Cuba	Mauritania	Dubai
Cyprus	Mauritius	Ras al Khaimah
Dominican Republic	Mexico	Fujairah
Ecuador	Morocco	Ajman
Egypt, Arab Republic of	Mozambique	Sharjah
El Salvador	Nauru	Ummal Qaiwain
Equatorial Guinea	Nepal	Upper Volta
Ethiopia	Nicaragua	Uruguay
Fiji	Niger	Venezuela
Gabon	Nigeria	Vietnam
Gambia	Oman	Western Samoa
Ghana	Pakistan	Yemen, People's Democratic Republic of
Grenada	Panama	Yemen Arab Republic
Guatemala	Papua New Guinea	Yugoslavia
Guinea	Paraguay	Zaire
Guinea Bissau	Peru	Zambia

## II. COUNTRIES AND TERRITORIES

**dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible**

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean <sup>(1)</sup>  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands <sup>(2)</sup>  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship <sup>(3)</sup>  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands <sup>(4)</sup>

**Note:** The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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<sup>(1)</sup> Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

<sup>(2)</sup> Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

<sup>(3)</sup> The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

<sup>(4)</sup> Dominica, St Lucia, St Vincent.

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## COUNCIL REGULATION (EEC) No 3021/76

of 13 December 1976

## opening preferential tariffs for certain products originating in developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on finished and semi-finished products coming from developing countries; whereas the preferential treatment proposed in that offer covers, generally speaking, all finished and semi-finished industrial products covered by Chapters 25 to 99 of the Common Customs Tariff which originate in developing countries; whereas the preference consists in the granting of exemption from customs duties; whereas preferential imports are effected up to the level of ceilings calculated by value in respect of each product on the basis of factors which are uniform for all the products; whereas in order that the preferences granted to the most competitive developing country or countries should be restricted and that a substantial share should be reserved for the least competitive, preferential imports from any one developing country in respect of a given product should not, as a general rule, exceed 50% of the ceiling fixed for that product;

Whereas, in the offer made by the Community, the annual ceilings should normally be calculated on the basis of the total value for 1968 cif imports from the countries benefiting from this scheme, excluding those already enjoying various preferential tariff arrangements granted by the Community (basic amount), plus 5% of the value of cif imports from the other countries and from the countries already enjoying such arrangements (additional amount);

whereas such additional amount is variable and is calculated each year on the basis of the latest figures available, provided that this entails no reduction in the ceiling;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas, moreover, the conference of the Heads of State or of Government of the Member States and the States acceding to the European Communities held in Paris from 19 to 21 October 1972 invited the Community institutions and the Member States progressively to adopt an overall policy of development cooperation on a world-wide scale comprising in particular the improvement of generalized preferences with the aim of achieving a steady increase in imports of manufactures from the developing countries;

Whereas tariff preferences have been applied from the second half of 1971 under the conditions set out above; whereas these preferences should continue to be applied throughout 1977; whereas, having regard to the terms of the offer concerned and to the need to improve the generalized preferences, the abovementioned basic amount should normally refer to 1974, as should generally the additional amount; whereas however, the application of this method of calculation should remain compatible with the progressive nature of the preference scheme in such a way as to provide a period of adaptation for the industrial sectors affected in the Community; whereas for this purpose it would appear adequate

to limit for each product the considerable improvement resulting from the said method to a level which does not exceed 150% of each of the preferential amounts open in 1976;

Whereas in practice the latest complete statistics available are those relating to the year 1974; whereas however since that year the statistics in question and particularly those relating to the value of the Community's external trade have been expressed in a statistical unit (EUR) which is no longer defined in the same way as the unit of account (u.a.) prescribed for the Common Customs Tariff; whereas therefore it is necessary to define a conversion rate between these two units; whereas in 1974 one EUR unit was equivalent in practice to one European unit of account and the practice has been to ascribe to the latter the same value as for the unit of account (u.a.); whereas it seems appropriate therefore in these circumstances and for the particular ends of the calculations required under this Regulation, to consider the statistics expressed in EUR in this Regulation as if expressed in the unit of account of the Common Customs Tariff; whereas the unit of account should remain the only unit to be used within the preference system, along with its conversion rates into national currencies based on gold parities;

Whereas, in accordance with Protocol 23 to the Act of Accession<sup>(1)</sup>, the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas it is expedient, therefore, in respect of the products referred to in Annex A which originate in the countries and territories listed in Annex B, that the Community should allow, for each category of these products and throughout 1977, duty-free imports within the limits of the Community ceilings calculated in the manner set out above; whereas the benefit of such tariff exemption should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods<sup>(2)</sup>; whereas charges against each of these ceilings must, as a general rule, come within a maximum Community amount of 50% in respect of the products originating in any of the abovementioned countries; whereas, however, in order in particular to safeguard access by all the

abovementioned countries and territories to this preferential scheme, the maximum Community amount for certain products should be reduced to a lower percentage;

Whereas, however, in the multilateral trade negotiations, in accordance with paragraph 6 of the Tokyo declaration, the Community reaffirmed that special treatment should be granted to the least developed among the developing countries whenever this is possible; whereas, therefore, charges of products originating in the least developed developing countries appearing on the list drawn up under United Nations resolution 3487 (XXX) of 12 December 1975 should not be subject to the maximum Community amount;

Whereas, under these circumstances, these objectives may be reached by applying a method of administration based on the charging, at Community level, against the abovementioned ceilings and maximum amounts, of imports of the products concerned as and when these products are entered for home use and are accompanied by a certificate of origin; whereas this method of administration must make provision for the re-introduction of the levying of customs duties as soon as the said ceilings or maximum amounts are reached at Community level;

Whereas such method of administration calls for very close and particularly rapid cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which charges are made against the ceilings and maximum amounts and inform Member States thereof; whereas such cooperation should be particularly close in view of the need for the Commission to be able to take appropriate measures to re-introduce the levying of customs duties either generally or individually when any of the ceilings or maximum amounts are reached,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. From 1 January to 31 December 1977, the Common Customs Tariff duties and, until 30 June 1977, the customs duties of the new Member States on the products listed in Annex A shall be totally suspended, subject to the provisions of Articles 2 and 4 (2) of this Regulation.

2. This suspension shall be enjoyed solely by products originating in the countries and territories listed in Annex B. However, imports already enjoying exemption from customs duties under other preferen-

<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 1.

tial tariff arrangements shall not be charged against the ceilings specified in paragraph 3. For the purposes of the application of this Regulation, the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

3. Subject to the provisions of Articles 2 and 4 (2) and with the exception of certain products the value of the ceilings for which is given in Annex A, this suspension shall be granted, in respect of each category of products within a Community ceiling which shall be expressed in units of account and which shall be equal to the amount obtained by adding together the value of cif imports in 1974 of the products concerned, to the Community from the countries and territories enjoying these arrangements, excluding those already enjoying various preferential tariff arrangements granted by the Community, and 5% of the value of cif imports in 1974 from other countries and from countries and territories already enjoying such arrangements. However the ceiling resulting from the sum of this addition may in no case exceed 172.5% of that resulting from the substitution of the year 1971 for the year 1974 in the first term of the addition and of the year 1972 for the year 1974 in the second term of the addition.

For the particular purpose of the abovementioned calculations, the statistics referring to the year 1974 expressed in EUR, are to be considered as being expressed in units of account of the Common Customs Tariff.

4. Subject to the provisions of Articles 2 and 4 (2), within each ceiling thus calculated, charges of products originating in any one of the countries listed in Annex B should not exceed a Community maximum amount equivalent to 50% of this ceiling with the exception of certain products for which the maximum amount shall be reduced to the percentage or value shown in Annex A.

5. Any amendment to Annex B, in particular by the addition of new countries enjoying tariff preferences, may entail corresponding adjustments to the Community ceilings and the maximum amounts referred to in paragraphs 3 and 4.

#### *Article 2*

1. As soon as the ceilings fixed or calculated in accordance with the provisions of Article 1 (3), which are laid down for Community imports of products originating in all of the countries referred to in Article 1 (2), are reached at Community level, the

levying of customs duties on imports of the products in question from all the countries concerned may at any time be re-introduced until the end of the period referred to in Article 1 (1).

2. As soon as the maximum amounts calculated in accordance with the provisions of Article 1 (4), which are laid down for Community imports of products originating in each of the countries referred to in Article 1 (2), are reached for any one of these countries at Community level, the levying of customs duties on imports of the products in question from the country concerned may at any time be re-introduced until the end of the period referred to in Article 1 (1).

However, the first subparagraph shall not apply to the imports in question originating in the countries listed in Annex C.

#### *Article 3*

1. Imports of the products in question shall be charged against the Community ceilings and maximum amounts as and when the products are entered for home use, and provided that they are accompanied by a certificate of origin pursuant to the rules laid down in Article 1 (2).

2. Goods may be charged against a ceiling or maximum amount only if the certificate of origin referred to in paragraph 1 is submitted before the date on which the levying of duties is re-introduced.

3. The extent to which the ceilings and maximum amounts have been filled shall be determined at Community level on the basis of the imports charged in accordance with paragraphs 1 and 2.

#### *Article 4*

1. The Commission, in close cooperation with the Member States, shall take all necessary measures to ensure that the above provisions are applied.

2. The Commission shall re-introduce the levying of customs duties in respect of all the countries referred to in Article 1 (2) or in respect of any one of them by means of a Regulation in accordance with the conditions laid down in Article 2 (1) and (2).

#### *Article 5*

Member States shall inform the Commission, on request or at least monthly, of imports of the prod-

ucts in question actually charged against the Community ceilings and maximum amounts laid down in Article 1 (3) and (4).

*Article 6*

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 13 December 1976.

*For the Council*  
*The President*  
M. van der STOEL

## ANNEX A

List of products originating in developing countries and territories, enjoying generalized tariff preferences, in respect of which duties under the Common Customs Tariff are totally suspended (a) (b)

## CHAPTER 25

- 25.22 Quicklime, slaked lime and hydraulic lime, other than calcium oxide and hydroxide
- 25.23 Portland cement, ciment fondu, slag cement, supersulphate cement and similar hydraulic cements, whether or not coloured or in the form of clinker<sup>(1)</sup>
- 25.31 A Fluorspar

## CHAPTER 27

- 27.03 B Agglomerated peat
- 27.04 Coke and semi-coke of coal, of lignite or of peat:
  - A. Of coal:
    - I. For the manufacture of electrodes
    - C. Other
- 27.05 Retort carbon
- 27.06 Tar distilled from coal, from lignite or from peat, and other mineral tars, including partially distilled tars and blends of pitch with creosote oils or with other coal tar distillation products
- 27.07 Oils and other products of the distillation of high temperature coal tar; similar products as defined in Note 2 to this Chapter.
- 27.08 Pitch and pitch coke, obtained from coal tar or from other mineral tars
- 27.10 Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70% by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations<sup>(2)</sup>:
  - A. Light oils:
    - III. For other purposes
  - B. Medium oils:
    - III. For other purposes
  - C. Heavy oils:
    - I. Gas oil:
      - c) For other purposes
    - II. Fuel oil:
      - c) For other purposes

(a) Manufactured and semi-finished industrial products qualifying under the ordinary arrangements for exemption or total temporary suspension of the Common Customs Tariff duty are only token entries as regards the Member States of the Community as originally constituted, whereas the exemption or suspension is directly and fully applicable by the new Member States under the present arrangements until 30 June 1977. As from 1 July 1977, the said products are only token entries as regards also the new Member States.

(b) Preferences are not to be granted in respect of the products, marked with an asterisk, originating in Romania.

<sup>(1)</sup> For products falling within this heading, the Community ceiling referred to in Article 1 (3) is set at 687 000 u.a.

<sup>(2)</sup> The Community ceiling as defined in Article 1 (3) is set at 703 500, 275 000 and 1 700 000 metric tons for products falling within subheadings 27.10 A III, B III, C I c), C II c) and C III c) and d) respectively; the maximum Community amount referred to in Article 1 (4) is reduced to 20% for these products.

- 27.10 III. Lubricating oils; other oils:  
(*cont'd*) c) To be mixed in accordance with the terms of Additional Note 7 to Chapter 27  
d) For other purposes
- 27.11 Petroleum gases and other gaseous hydrocarbons
- 27.12 Petroleum jelly
- 27.13 Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured
- 27.14 Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals
- 27.16 Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs)

## CHAPTER 28

- ex 28.01 Halogens (fluorine, chlorine, bromine and iodine), excluding crude iodine
- 28.02 Sulphur, sublimed or precipitated; colloidal sulphur
- 28.03 Carbon (including carbon black)
- ex 28.04 Hydrogen, rare gases and other non-metals, but not including selenium and silicon
- 28.06 Hydrochloric acid and chlorosulphuric acid
- 28.07 Sulphur dioxide
- 28.08 Sulphuric acid; oleum
- 28.09 Nitric acid; sulphonitric acids
- 28.10 Phosphorus pentoxide and phosphoric acids (meta-, ortho- and pyro-) <sup>(1)</sup>
- 28.11 Arsenic trioxide, arsenic pentoxide and acids of arsenic
- 28.12 Boric oxide and boric acid
- 28.13 Other inorganic acids and oxygen compounds of non-metals (excluding water)
- 28.14 Halides, oxyhalides and other halogen compounds of non-metals
- 28.15 Sulphides of non-metals; phosphorus trisulphide
- 28.16 Ammonia, anhydrous or in aqueous solution (\*)
- 28.17 Sodium hydroxide (caustic soda); potassium hydroxide (caustic potash); peroxides of sodium or potassium
- 28.18 Oxides, hydroxides and peroxides of strontium, barium or magnesium
- 28.19 Zinc oxide and zinc peroxide
- 28.20 B Artificial corundum
- 28.21 Chromium oxides and hydroxides
- 28.22 Manganese oxides

<sup>(1)</sup> For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 6 213 000 u.a. and 30 % respectively.

- 28.23 Iron oxides and hydroxides; earth colours containing 70% or more by weight of combined iron evaluated as  $\text{Fe}_2\text{O}_3$
- 28.24 Cobalt oxides and hydroxides
- 28.25 Titanium oxides
- 28.26 Tin oxides (stannous oxide and stannic oxide)
- 28.28 Hydrazine and hydroxylamine and their inorganic salts; other inorganic bases and metallic oxides, hydroxides and peroxides
- 28.29 Fluorides; fluorosilicates, fluoroborates and other complex fluorine salts
- 28.30 Chlorides and oxychlorides
- 28.31 Chlorites and hypochlorites
- 28.32 Chlorates and perchlorates
- 28.33 Bromides, oxybromides, bromates and perbromates, and hypobromites
- 28.34 Iodides, oxyiodides, iodates and periodates
- 28.35 Sulphides; polysulphides
- 28.36 Dithionites, including those stabilized with organic substances; sulphonylates
- 28.37 Sulphites and thiosulphates
- 28.38 Sulphates (including alums) and persulphates
- 28.39 Nitrites and nitrates
- 28.40 Phosphites, hypophosphites and phosphates
- 28.41 Arsenites and arsenates
- 28.42 Carbonates and percarbonates; commercial ammonium carbonate containing ammonium carbamate
- 28.43 Cyanides and complex cyanides
- 28.44 Fulminates, cyanates and thiocyanates
- 28.45 Silicates; commercial sodium and potassium silicates
- 28.46 Borates and perborates
- 28.47 Salts of metallic acids (for example, chromates, permanganates, stannates)
- 28.48 Other salts and peroxy salts of inorganic acids, but not including azides
- 28.49 Colloidal precious metals; amalgams of precious metals; salts and other compounds, inorganic or organic, of precious metals including albuminates, proteinates, tannates and similar compounds, whether or not chemically defined
- 28.50 Fissile chemical elements and isotopes; other radio-active chemical elements and radio-active isotopes; compounds, inorganic or organic, of such elements or isotopes, whether or not chemically defined; alloys, dispersions and cermets, containing any of these elements, isotopes or compounds:
  - B. Other (a)

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(a) Ex B: Artificial radio-active isotopes and their compounds (EURATOM).

- 28.51 Isotopes and their compounds, inorganic or organic, whether or not chemically defined, other than isotopes and compounds falling within heading No 28.50:
  - B. Other
- 28.52 Compounds, inorganic or organic, of thorium, of uranium depleted in U 235, of rare earth metals, of yttrium or of scandium, whether or not mixed together
- 28.53 Liquid air (whether or not rare gases have been removed); compressed air
- 28.54 Hydrogen peroxide (including solid hydrogen peroxide)
- 28.55 Phosphides
- 28.56 Carbides (for example, silicon carbide, boron carbide, metal carbides):
  - A. Of silicon
  - B. Of boron
  - D. Of aluminium; of chromium; of molybdenum; of tungsten; of vanadium; of tantalum; of titanium
  - E. Other
- 28.57 Hydrides, nitrides and azides, silicides and borides
- 28.58 Other inorganic compounds (including distilled and conductivity water and water of similar purity); amalgams, except amalgams of precious metals

## CHAPTER 29

- 29.01 Hydrocarbons
- 29.02 Halogenated derivatives of hydrocarbons
- 29.03 Sulphonated, nitrated or nitrosated derivatives of hydrocarbons
- 29.04 Acyclic alcohols and their halogenated, sulphonated, nitrated and nitrosated derivatives:
  - A. Saturated monohydric alcohols (\*) (a)
  - B. Unsaturated monohydric alcohols
  - C. Polyhydric alcohols:
    - I. Diols, triols and tetraols
    - IV. Other polyhydric alcohols
    - V. Halogenated, sulphonated, nitrated or nitrosated derivatives of polyhydric alcohols
- 29.05 Cyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives
- 29.06 Phenols and phenol-alcohols (\*) (b)
- 29.07 Halogenated, sulphonated, nitrated or nitrosated derivatives of phenols or phenol-alcohols
- 29.08 Ethers, ether-alcohols, ether-phenols, ether-alcohol-phenols, alcohol peroxides and ether peroxides and their halogenated, sulphonated, nitrated or nitrosated derivatives
- 29.09 Epoxides, epoxyalcohols, epoxyphenols and epoxyethers, with a three or four member ring, and their halogenated, sulphonated, nitrated or nitrosated derivatives
- 29.10 Acetals and hemiacetals and single or complex oxygen-function acetals and hemiacetals, and their halogenated, sulphonated, nitrated or nitrosated derivatives

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(a) The asterisk covers only subheadings 29.04 A I and 29.04 A ex V (2-ethylhexanol).

(b) The asterisk covers only subheading 29.06 A I.

- 29.11 Aldehydes, aldehyde-alcohols, aldehyde-ethers, aldehyde-phenols and other single or complex oxygen-function aldehydes; cyclic polymers of aldehydes; paraformaldehyde (\*) (a)
- 29.12 Halogenated, sulphonated, nitrated or nitrosated derivatives of products falling within heading No 29.11
- 29.13 Ketones, ketone-alcohols, ketone-phenols, ketone-aldehydes, quinones, quinone-alcohols, quinone-phenols, quinone-aldehydes and other single or complex oxygen-function ketones and quinones, and their halogenated, sulphonated, nitrated or nitrosated derivatives (\*) (b)
- 29.14 Monocarboxylic acids and their anhydrides, halides, peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives (\*) (c)
- 29.15 Polycarboxylic acids and their anhydrides, halides, peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives (\*) (d)
- 29.16 Carboxylic acids with alcohol, phenol, aldehyde or ketone function and other single or complex oxygen-function carboxylic acids and their anhydrides, halides, peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives (1)
- 29.17 Sulphuric esters and their salts, and their halogenated, sulphonated, nitrated or nitrosated derivatives
- 29.18 Nitrous and nitric esters, and their halogenated, sulphonated, nitrated or nitrosated derivatives
- 29.19 Phosphoric esters and their salts, including lactophosphates, and their halogenated, sulphonated, nitrated or nitrosated derivatives
- 29.20 Carbonic esters and their salts, and their halogenated, sulphonated, nitrated or nitrosated derivatives
- 29.21 Other esters of mineral acids (excluding halides) and their salts, and their halogenated, sulphonated, nitrated or nitrosated derivatives
- 29.22 Amine-function compounds
- ex 29.23 Single or complex oxygen-function amino-compounds, excluding glutamic acid and its salts
- 29.24 Quaternary ammonium salts and hydroxides; lecithins and other phosphoaminolipins
- 29.25 Carboxamide-function compounds; amide-function compounds of carbonic acid
- 29.26 Carboxyimide-function compounds (including ortho-benzoic sulphimide and its salts) and imine-function compounds (including hexamethylenetetramine and trimethylenetrinitramine)
- 29.27 Nitrile-function compounds (\*) (e)
- 29.28 Diazo-, azo- and azoxy-compounds
- 29.29 Organic derivatives of hydrazine or of hydroxylamine
- 29.30 Compounds with other nitrogen-functions
- 29.31 Organo-sulphur compounds
- 29.32 Organo-arsenic compounds
- 29.33 Organo-mercury compounds
- 29.34 Other organo-inorganic compounds
- 29.35 Heterocyclic compounds; nucleic acids (2)
- 29.36 Sulphonamides
- 29.37 Sultones and sultams

(a) The asterisk covers only subheading 29.11 E ex I (4-hydroxy-3-methoxybenzo-3-hydro) (vanillin).

(b) The asterisk covers only subheading 29.13 A ex I (acetone).

(c) The asterisk covers only subheading 29.14 D I.

(d) The asterisk covers only subheading 29.15 C I.

(e) The asterisk covers only heading No ex 29.17 (acrylonitrile).

(1) For citric acid falling within subheading 29.16 A IV a), the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 376 000 u.a. and 30% respectively.

(2) For melamine falling within subheading 29.35 ex Q, the Community ceiling referred to in Article 1 (3) is 486 000 u.a.

- 29.38 Provitamins and vitamins, natural or reproduced by synthesis (including natural concentrates), derivatives thereof used primarily as vitamins, and intermixtures of the foregoing, whether or not in any solvent (\*) (a)
- 29.39 Hormones, natural or reproduced by synthesis; derivatives thereof, used primarily as hormones; other steroids used primarily as hormones
- 29.40 Enzymes
- 29.41 Glycosides, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives
- 29.42 Vegetable alkaloids, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives
- 29.43 Sugars, chemically pure, other than sucrose, glucose and lactose; sugar ethers and sugar esters, and their salts, other than products of heading Nos 29.39, 29.41 and 29.42
- 29.44 Antibiotics (\*) (b)
- 29.45 Other organic compounds

## CHAPTER 30

- 30.01 Organo-therapeutic glands or other organs, dried, whether or not powdered; organo-therapeutic extracts of glands or other organs or of their secretions; other animal substances prepared for therapeutic or prophylactic uses, not elsewhere specified or included
- 30.02 Antisera; microbial vaccines, toxins, microbial cultures (including ferments but excluding yeasts) and similar products
- 30.03 Medicaments (including veterinary medicaments)
- 30.04 Wadding, gauze, bandages and similar articles (for example, dressings, adhesive plasters, poultices), impregnated or coated with pharmaceutical substances or put up in retail packings for medical or surgical purposes, other than goods specified in Note 3 of this Chapter
- 30.05 Other pharmaceutical goods

## CHAPTER 31

- 31.02 Mineral or chemical fertilizers, nitrogenous:
  - B. Urea, containing more than 45% by weight of nitrogen on the dry anhydrous product <sup>(1)</sup> (\*)
  - C. Other <sup>(1)</sup> (\*)
- 31.03 Mineral or chemical fertilizers, phosphatic (\*)
- 31.04 B Mineral or chemical fertilizers, potassic, mentioned in Note 3(B) to this Chapter
- 31.05 Other fertilizers; goods of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg:
  - A. Other fertilizers:
    - III. Containing the two fertilizing substances: nitrogen and potassium:
      - a) Natural potassic sodium nitrate, consisting of a natural mixture of sodium nitrate and potassium nitrate (the proportion of the latter element may be as high as 44%), of a total nitrogen content not exceeding 16.3% by weight

(a) The asterisk covers only subheading 29.38 B ex II (vitamins B 12).

(b) The asterisk covers only subheading 29.44 A (penicillins) and ex C (tetracycline).

<sup>(1)</sup> For products falling within these subheadings, the maximum Community amount referred to in Article 1 (4) is reduced to 20%.

## CHAPTER 32

- 32.02 Tannins (tannic acids), including water-extracted gall-nut tannin, and their salts, ethers, esters and other derivatives
- 32.03 Synthetic organic tanning substances and inorganic tanning substances, tanning preparations, whether or not containing natural tanning materials; enzymatic preparations for pre-tanning (for example, of enzymatic, pancreatic or bacterial origin)
- 32.04 Colouring matter of vegetable origin (including dyewood extract and other vegetable dyeing extracts, but excluding indigo) or of animal origin
- 32.05 Synthetic organic dyestuffs (including pigment dyestuffs); synthetic organic products of a kind used as luminophores; products of the kind known as optical bleaching agents, substantive to the fibre; natural indigo
- 32.06 Colour lakes
- 32.07 Other colouring matter; inorganic products of a kind used as luminophores
- 32.08 Prepared pigments, prepared opacifiers and prepared colours, vitrifiable enamels and glazes, liquid lustres and similar products, of the kind used in the ceramic, enamelling and glass industries; engobes (slips); glass frit and other glass, in the form of powder, granules or flakes
- 32.09 Varnishes and lacquers; distempers; prepared water pigments of the kind used for finishing leather; paints and enamels; pigments in linseed oil, white spirit, spirits of turpentine, varnish or other paint or enamel media; stamping foils; dyes or other colouring matter in forms or packings of a kind sold by retail
- 32.10 Artists', students' and signboard painters' colours, modifying tints, amusement colours and the like, in tables, tubes, jars, bottles, pans or in similar forms or packings, including such colours in sets or outfits, with or without brushes, palettes or other accessories
- 32.11 Prepared driers
- 32.12 Glaziers' putty; grafting putty; painters' fillings; non-refractory surfacing preparations; stopping, sealing and similar mastics, including resin mastics and cements
- 32.13 Writing ink, printing ink and other inks

## CHAPTER 33 ESSENTIAL OILS AND RESINOIDS; PERFUMERY, COSMETICS AND TOILET PREPARATIONS

## CHAPTER 34 SOAP, ORGANIC SURFACE-ACTIVE AGENTS, WASHING PREPARATIONS, LUBRICATING PREPARATIONS, ARTIFICIAL WAXES, PREPARED WAXES, POLISHING AND SCOURING PREPARATIONS, CANDLES AND SIMILAR ARTICLES, MODELLING PASTES AND 'DENTAL WAXES'

## CHAPTER 35

- 35.02 B Albuminates and other albumin derivatives
- 35.03 Gelatin (including gelatin in rectangles, whether or not coloured or surface-worked) and gelatin derivatives; glues derived from bones, hides, nerves, tendons or from similar products, and fish glues; isinglass <sup>(1)</sup>
- 35.04 Peptones and other protein substances and their derivatives; hide powder, whether or not chromed
- 35.06 Prepared glues not elsewhere specified or included; products suitable for use as glues put up for sale by retail as glues in packages not exceeding a net weight of 1 kg

<sup>(1)</sup> For gelatin and gelatin derivatives falling within subheading 35.03 ex B, the maximum Community amount referred to in Article 1 (4) is reduced to 30%.

## CHAPTER 36 EXPLOSIVES; PYROTECHNIC PRODUCTS; MATCHES; PYROPHORIC ALLOYS; CERTAIN COMBUSTIBLE PREPARATIONS (\*) (a)

## CHAPTER 37 PHOTOGRAPHIC AND CINEMATOGRAPHIC GOODS

## CHAPTER 38

- 38.01 Artificial graphite; colloidal graphite, other than suspensions in oil
- 38.02 Animal black (for example, bone black and ivory black), including spent animal black
- 38.03 Activated carbon (decolourizing, depolarizing or adsorbent); activated diatomite, activated clay, activated bauxite and other activated natural mineral products
- 38.04 Ammoniacal gas liquors and spent oxide produced in coal gas purification
- 38.05 Tall oil
- 38.06 Concentrated sulphite lye
- 38.07 Spirits of turpentine (gum, wood and sulphate) and other terpenic solvents produced by the distillation or other treatment of coniferous woods; crude dipentene; sulphite turpentine; pine oil (excluding 'pine oils' not rich in terpineol)
- 38.08 Rosin and resin acids, and derivatives thereof other than ester gums included in heading No 39.05; rosin spirit and rosin oils
- 38.09 Wood tar; wood tar oils (other than the composite solvents and thinners falling within heading No 38.18); wood creosote; wood naphtha; acetone oil
- 38.10 Vegetable pitch of all kinds; brewers' pitch and similar compounds based on rosin or on vegetable pitch; foundry core binders based on natural resinous products
- 38.11 Disinfectants, insecticides, fungicides, weed-killers, anti-sprouting products, rat poisons and similar products, put up in forms or packings for sale by retail or as preparations or as articles (for example, sulphur-treated bands, wicks and candles, fly-papers)
- 38.12 Prepared glazings, prepared dressings and prepared mordants, of a kind used in the textile, paper, leather or like industries:
  - A. Prepared glazings and prepared dressings:
  - II. Other
  - B. Prepared mordants
- 38.13 Pickling preparations for metal surfaces; fluxes and other auxiliary preparations for soldering, brazing or welding; soldering, brazing or welding powders and pastes consisting of metal and other materials; preparations of a kind used as cores or coatings for welding rods and electrodes
- 38.14 Anti-knock preparations, oxidation inhibitors, gum inhibitors, viscosity improvers, anti-corrosive preparations and similar prepared additives for mineral oils
- 38.15 Prepared rubber accelerators
- 38.16 Prepared culture media for development of micro-organisms
- 38.17 Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades
- 38.18 Composite solvents and thinners for varnishes and similar products
- ex 38.19 Chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included, excluding sorbitol, other than that falling within subheading 29.04 C III

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(a) The asterisk covers only heading No 36.06.

## CHAPTER 39

- 39.01 Condensation, polycondensation and polyaddition products, whether or not modified or polymerized, and whether or not linear (for example, phenoplasts, aminoplasts, alkyds, polyallyl esters, and other unsaturated polyesters, silicones)
- 39.02 Polymerization and copolymerization products (for example, polyethylene, polytetrahaloethylenes, polyisobutylene, polystyrene, polyvinyl chloride, polyvinyl acetate, polyvinyl chloroacetate and other polyvinyl derivatives, polyacrylic and polymethacrylic derivatives, coumarone-indene resins) (\*) (a)
- 39.03 Regenerated cellulose; cellulose nitrate, cellulose acetate and other cellulose esters, cellulose ethers and other chemical derivatives of cellulose, plasticized or not (for example, collodions, celluloid); vulcanized fibre (\*):
- A. Adhesive strips of a width not exceeding 10 cm, the coating of which consists of unvulcanized natural or synthetic rubber
- B. Other:
- III. Cellulose acetates
- IV. Other cellulose esters
- V. Cellulose ethers and other chemical derivatives of cellulose
- VI. Vulcanized fibre
- 39.04. Hardened proteins (for example, hardened casein and hardened gelatin)
- 39.05 Natural resins modified by fusion (run gums); artificial resins obtained by esterification of natural resins or of resinic acids (ester gums); chemical derivatives of natural rubber (for example, chlorinated rubber, rubber hydrochloride, oxidized rubber, cyclized rubber)
- 39.06 Other high polymers, artificial resins and artificial plastic materials, including alginic acid, its salts and esters; linnoxyn
- 39.07 Articles of materials of the kinds described in heading Nos 39.01 to 39.06 (\*)

## CHAPTER 40

- 40.02 Synthetic rubber latex; pre-vulcanized synthetic rubber latex; synthetic rubber: factice derived from oils
- 40.03 Reclaimed rubber
- 40.05 Plates, sheets and strip, of unvulcanized natural or synthetic rubber, other than smoked sheets and crepe sheets of heading No 40.01 or 40.02; granules of unvulcanized natural or synthetic rubber compounded ready for vulcanization; unvulcanized natural or synthetic rubber, compounded before or after coagulation either with carbon black (with or without the addition of mineral oil) or with silica (with or without the addition of mineral oil), in any form, of a kind known as masterbatch
- 40.06 Unvulcanized natural or synthetic rubber, including rubber latex, in other forms or states (for example, rods, tubes and profile shapes, solutions and dispersions); articles of unvulcanized natural or synthetic rubber (for example, coated or impregnated textile thread; rings and discs)
- 40.07 Vulcanized rubber thread and cord, whether or not textile covered, and textile thread covered or impregnated with vulcanized rubber
- 40.08 Plates, sheets, strip, rods and profile shapes, of unhardened vulcanized rubber
- 40.09 Piping and tubing, of unhardened vulcanized rubber
- 40.10 Transmission, conveyor or elevator belts or belting, of vulcanized rubber
- 40.11 Rubber tyres, tyre cases, interchangeable tyre treads, inner tubes and tyre flaps, for wheels of all kinds (1) (\*)

(a) The asterisk covers only subheadings 39.02 C I, C IV and C VII a).

(1) For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 14 457 000 u.s. and 15 % respectively.

- 40.12 Hygienic and pharmaceutical articles (including teats), of unhardened vulcanized rubber, with or without fittings of hardened rubber
- 40.13 Articles of apparel and clothing accessories (including gloves), for all purposes, of unhardened vulcanized rubber
- 40.14 Other articles of unhardened vulcanized rubber
- 40.15 Hardened rubber (ebonite and vulcanite), in bulk, plates, sheets, strip, rods, profile shapes or tubes; scrap, waste and powder, of hardened rubber
- 40.16 Articles of hardened rubber (ebonite and vulcanite)

## CHAPTER 41

- 41.02 Bovine cattle leather (including buffalo leather) and equine leather, except leather falling within heading No 41.06, 41.07 or 41.08:
  - A. East India kip, whole, whether or not the heads and legs have been removed, weighing each not more than 4.5 kg net, not further prepared than vegetable tanned, whether or not having undergone further preservative treatment with oil, but obviously unsuitable for immediate use in the manufacture of leather articles
- 41.03 Sheep and lambskin leather, except leather falling within heading No 41.06, 41.07 or 41.08:
  - A. Of Indian hair sheep, not further prepared than vegetable tanned, whether or not having undergone further preservative treatment with oil, but obviously unsuitable for immediate use in the manufacture of leather articles
  - B. Other:
    - II. Other <sup>(1)</sup>
- 41.04 Goat and kidskin leather, except leather falling within heading No 41.06, 41.07 or 41.08:
  - A. Of Indian goat or kid, not further prepared than vegetable tanned, whether or not having undergone further preservative treatment with oil, but obviously unsuitable for immediate use in the manufacture of leather articles
  - B. Other:
    - II. Other <sup>(2)</sup>
- 41.05 Other kinds of leather, except leather falling within heading No 41.06, 41.07 or 41.08:
  - A. Of reptiles, not further prepared than vegetable tanned, whether or not having undergone further preservative treatment with oil, but obviously unsuitable for immediate use in the manufacture of leather articles
  - B. Other:
    - II. Other <sup>(3)</sup>
- 41.06 Chamois-dressed leather
- 41.07 Parchment-dressed leather
- 41.08 Patent leather and imitation patent leather; metallized leather
- 41.10 Composition leather with a basis of leather or leather fibre, in slabs, in sheets or in rolls

<sup>(1)</sup> For products falling within this subheading, the Community ceiling referred to in Article 1 (3) is set at 2 558 000 u.a.

<sup>(2)</sup> For products falling within this subheading, the Community ceiling referred to in Article 1 (3) is set at 3 953 000 u.a.

<sup>(3)</sup> For products falling within this subheading the ceiling and the maximum Community amount referred to in Article 1 (3) and (3) are set respectively at 9 540 000 u.a. and 20%.

## CHAPTER 42

- 42.01 Saddlery and harness, of any material (for example, saddles, harness, collars, traces, knee-pads and boots), for any kind of animal
- 42.03 Articles of apparel and clothing accessories, of leather or of composition leather:
  - B. Gloves, including mittens and mitts:
    - I. Protective, for all trades <sup>(1)</sup> <sup>(\*)</sup>
- 42.04 Articles of leather or of composition leather of a kind used in machinery or mechanical appliances or for industrial purposes
- 42.05 Other articles of leather or of composition leather
- 42.06 Articles made from gut (other than silk-worm gut), from goldbeater's skin, from bladders or from tendons

## CHAPTER 43

- 43.02 Furskins, tanned or dressed, including furskins assembled in plates, crosses and similar forms; pieces or cuttings, of furskin, tanned or dressed, including heads, paws, tails and the like (not being fabricated)
- 43.03 Articles of furskin <sup>(\*)</sup> (a)
- 43.04 Artificial fur and articles made thereof

## CHAPTER 44

- ex 44.02 Coconut charcoal
- 44.05 Wood sawn lengthwise, sliced or peeled, but not further prepared, of a thickness exceeding 5 mm
- 44.06 Wood paving blocks
- 44.07 Railway or tramway sleepers of wood
- 44.08 Riven staves of wood, not further prepared than sawn on one principal surface; sawn staves of wood, of which at least one principal surface has been cylindrically sawn, not further prepared than sawn
- 44.09 Hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; chipwood; pulpwood in chips or particles; wood shavings of a kind suitable for use in the manufacture of vinegar or for the clarification of liquids
- 44.10 Wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking-sticks, whips, golf-club shafts, umbrella handles, tool handles or the like
- 44.11 Drawn wood; match splints; wooden pegs or pins for footwear
- 44.12 Wood wool and wood flour
- 44.13 Wood (including blocks, strips and friezes for parquet or wood block flooring, not assembled), planed, tongued, grooved, rebated, chamfered, V-jointed, centre V-jointed, beaded, centre-beaded or the like, but not further manufactured <sup>(\*)</sup>
- 44.14 Wood sawn lengthwise, sliced or peeled but not further prepared, of a thickness not exceeding 5 mm; veneer sheets and sheets for plywood, of a thickness not exceeding 5 mm:
  - A. Small boards for the manufacture of pencils
  - B. Other <sup>(\*)</sup> <sup>(\*)</sup>

(a) The asterisk covers only subheading 43.03 ex B (gloves).

<sup>(1)</sup> For products falling within this subheading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 15 790 000 u.a. and 20% respectively.

<sup>(\*)</sup> For products falling within this heading, the Community ceiling referred to in Article 1 (3) is set at 6 547 500 u.a.

<sup>(\*)</sup> For products falling within this subheading, the maximum Community amount referred to in Article 1 (4) is reduced to 40%.

- 44.16 Cellular wood panels, whether or not faced with base metal
- 44.17 'Improved' wood, in sheets, blocks or the like
- 44.18 Reconstituted wood, being wood shavings, wood chips, sawdust, wood flour or other ligneous waste agglomerated with natural or artificial resins or other organic binding substances, in sheets, blocks or the like (\*)
- 44.19 Wooden beadings and mouldings, including moulded skirting and other moulded boards
- 44.20 Wooden picture frames, photograph frames, mirror frames and the like
- 44.21 Complete wooden packing cases, boxes, crates, drums and similar packings
- 44.22 Casks, barrels, vats, tubs, buckets and other coopers' products and parts thereof, of wood, other than staves falling within heading No 44.08
- 44.23 Builders' carpentry and joinery (including prefabricated and sectional buildings and assembled parquet flooring panels) (1)
- 44.24 Household utensils of wood (\*) (a)
- 44.25 Wooden tools, tool bodies, tool handles, broom and brush bodies and handles; boot and shoe lasts and trees, of wood (2)
- 44.26 Spools, cops, bobbins, sewing thread reel and the like, of turned wood
- 44.27 Standard lamps, table lamps and other lighting fittings, of wood; articles of furniture, of wood, not falling within Chapter 94; caskets, cigarette boxes, trays, fruit bowls, ornaments and other fancy articles, of wood; cases for cutlery, for drawing instruments or for violins, and similar receptacles, of wood; articles of wood for personal use or adornment, of a kind normally carried in the pocket, in the handbag or on the person; parts of the foregoing articles, of wood
- 44.28 Other articles of wood

## CHAPTER 45

- 45.02 Natural cork in blocks, plates, sheets or strips (including cubes or square slabs, cut to size for corks or stoppers)
- 45.03 Articles of natural cork (3)
- 45.04 Agglomerated cork (being cork agglomerated with or without a binding substance) and articles of agglomerated cork (4)

## CHAPTER 46

- 46.01 Plaits and similar products of plaiting materials, for all uses, whether or not assembled into strips
- 46.02 Plaiting materials (other than products falling within heading No 46.01) bound together in parallel strands or woven in sheet form, including matting, mats and screens; straw envelopes for bottles (5)
- 46.03 Basketwork, wickerwork and other articles of plaiting materials, made directly to shape; articles made up from goods falling within heading No 46.01 or 46.02; articles of loofah (6) (\*)

## CHAPTER 47

- 47.01 Pulp derived by mechanical or chemical means from any fibrous vegetable material
- 47.02 Waste paper and paperboard; scrap articles of paper or of paperboard, fit only for use in paper-making:
  - A. Waste paper and paperboard

(a) The asterisk covers only heading No 44.24 (clothes-pegs).

(1) For products falling within this heading, the Community ceiling referred to in Article 1 (3) is set at 10 147 000 u.a.

(2) For products falling within this heading, the maximum Community amount referred to in Article 1 (4) is reduced to 30 %.

(3) For products falling within this heading, the Community ceiling referred to in Article 1 (3) is set at 2 094 000 u.a.

(4) For products falling within this heading, the Community ceiling referred to in Article 1 (3) is set at 1 651 000 u.a.

(5) For products falling within this heading, the maximum Community amount referred to in Article 1 (4) is reduced to 30 %.

(6) For products falling within this heading, the maximum Community amount referred to in Article 1 (4) is reduced to 20 %.

## CHAPTER 48

- 48.01 Paper and paperboard (including cellulose wadding), machine-made, in rolls or sheets:
- A. Newsprint
  - B. Cigarette paper
  - C. Kraft paper and kraft board:
    - I. For the manufacture of paper yarn of heading No 57.08 or of paper yarn reinforced with metal of heading No 59.04
  - D. Paper weighing not more than 15 g/m<sup>2</sup> for use in stencil making
  - E. Other
- 48.02 Hand-made paper and paperboard
- 48.03 Parchment or greaseproof paper and paperboard, and imitations thereof, and glazed transparent paper, in rolls or sheets
- 48.04 Composite paper or paperboard (made by sticking flat layers together with an adhesive), not surface-coated or impregnated, whether or not internally reinforced, in rolls or sheets
- 48.05 Paper and paperboard, corrugated (with or without flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets
- 48.06 Paper and paperboard, ruled, lined or squared, but not otherwise printed, in rolls or sheets
- 48.07 Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not being merely ruled, lined or squared and not constituting printed matter within Chapter 49), in rolls or sheets
- 48.08 Filter blocks, slabs and plates, of paper pulp
- 48.09 Building board of wood pulp or of vegetable fibre, whether or not bonded with natural or artificial resins or with similar binders (\*)<sup>(1)</sup>
- 48.10 Cigarette paper, cut to size, whether or not in the form of booklets or tubes
- 48.11 Wallpaper and lincrusta; window transparencies of paper
- 48.12 Floor coverings prepared on a base of paper or of paperboard, whether or not cut to size, with or without a coating of linoleum compound
- 48.13 Carbon and other copying papers (including duplicator stencils) and transfer papers, cut to size, whether or not put up in boxes
- 48.14 Writing blocks, envelopes, letter cards, plain postcards, correspondence cards; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing only an assortment of paper stationery
- 48.15 Other paper and paperboard, cut to size or shape
- 48.16 Boxes, bags and other packing containers, of paper or paperboard
- 48.17 Box files, letter trays, storage boxes and similar articles, of paper or paperboard, of a kind commonly used in offices, shops and the like

(<sup>1</sup>) For products falling within this heading, the ceiling and the maximum Community amount referred in to Article 1 (3) and (4) are set at 9 870 000 u.a. and 30% respectively.

- 48.18 Registers, exercise books, note books, memorandum blocks, order books, receipt books, diaries, blotting-pads, binders (loose-leaf or other), file covers and other stationery of paper or paperboard; sample and other albums and book covers, of paper or paperboard
- 48.19 Paper or paperboard labels, whether or not printed or gummed
- 48.20 Bobbins, spools, cops and similar supports of paper pulp, paper or paperboard (whether or not perforated or hardened)
- 48.21 Other articles of paper pulp, paper, paperboard or cellulose wadding

CHAPTER 49 PRINTED BOOKS, NEWSPAPERS, PICTURES AND OTHER PRODUCTS OF THE PRINTING INDUSTRY; MANUSCRIPTS, TYPESCRIPTS AND PLANS

CHAPTER 64

- 64.03 Footwear with outer soles of wood or cork (\*)
- 64.04 Footwear with outer soles of other materials (\*)
- 64.05 Parts of footwear, removable in-soles, hose protectors and heel cushions, of any material except metal (\*)
- 64.06 Gaiters, spats, leggings, puttees, cricket pads, shin-guards and similar articles, and parts thereof (\*)

CHAPTER 65 HEADGEAR AND PARTS THEREOF

CHAPTER 66

- 66.01 Umbrellas and sunshades (including walking-stick umbrellas, umbrella tents, and garden and similar umbrellas) (1) (\*)
- 66.02 Walking-sticks (including climbing-sticks and seat-sticks), canes, whips, riding-crops and the like
- 66.03 Parts, fittings, trimmings and accessories of articles falling within heading No 66.01 or 66.02

CHAPTER 67

- 67.01 Skins and other parts of birds with their feathers or down, feathers, parts of feathers, down, and articles thereof (other than goods falling within heading No 05.07 and worked quills and scapes)
- 67.02 Artificial flowers, foliage or fruit and parts thereof; articles made of artificial flowers, foliage or fruit
- 67.03 Human hair, dressed, thinned, bleached or otherwise worked; wool or other animal hair prepared for use in making wigs and the like
- 67.05 Fans and hand screens, non-mechanical, of any material; frames and handles therefor and parts of such frames and handles, of any material

CHAPTER 68 ARTICLES OF STONE, OF PLASTER, OF CEMENT, OF ASBESTOS, OF MICA AND OF SIMILAR MATERIALS (\*) (a) (2) (3)

(a) The asterisk covers only heading No 68.01.

(1) For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 9 027 000 u.a. and 15 % respectively.

(2) For products falling within subheading 68.13 B I the maximum Community amount referred to in Article 1 (4) is reduced to 40 %.

(3) For products falling within subheadings 68.13 B II and III, the maximum Community amount referred to in Article 1 (4) is reduced to 40 %.

## CHAPTER 69

- 69.01 Heat-insulating bricks, blocks, tiles and other heat-insulating goods of siliceous fossil meals or of similar siliceous earths (for example, kieselguhr, tripolite or diatomite)
- 69.03 Other refractory goods (for example, retorts, crucibles, muffles, nozzles, plugs, supports, cupels, tubes, pipes, sheaths and rods), other than goods falling within heading No 69.01
- 69.04 Building bricks (including flooring blocks, support or filler tiles and the like)
- 69.05 Roofing tiles; chimney-pots, cowls, chimney-liners, cornices and other constructional goods, including architectural ornaments
- 69.06 Piping, conduits and guttering (including angles, bends and similar fittings)
- 69.07 Unglazed setts, flags and paving, hearth and wall tiles <sup>(1)</sup>
- 69.08 Glazed setts, flags and paving, hearth and wall tiles <sup>(1)</sup> <sup>(\*)</sup>
- 69.09 Laboratory, chemical or industrial wares; troughs, tubs and similar receptacles of a kind used in agriculture; pots, jars and similar articles of a kind commonly used for the conveyance or packing of goods
- 69.10 Sinks, washbasins, bidets, water closet pans, urinals, baths and like sanitary fixtures
- 69.11 Tableware and other articles of a kind commonly used for domestic or toilet purposes <sup>(2)</sup> <sup>(\*)</sup>
- 69.12 Tableware and other articles of a kind commonly used for domestic or toilet purposes, of other kinds of pottery <sup>(\*)</sup> (a)
- 69.13 Statuettes and other ornaments, and articles of personal adornment; articles of furniture
- 69.14 Other articles

## CHAPTER 70

- 70.01 Waste glass (cullet); glass in the mass (excluding optical glass)
- 70.02 Glass of the variety known as 'enamel' glass, in the mass, rods and tubes
- 70.03 Glass in balls, rods and tubes, unworked (not being optical glass)
- 70.04 Unworked cast or rolled glass (including flashed or wired glass), whether figured or not, in rectangles
- 70.06 Cast, rolled, drawn or blown glass (including flashed or wired glass), in rectangles, surface ground or polished, but not further worked

(a) The asterisk covers only subheading 69.12 C.

(1) For products falling within this heading, the maximum Community amount referred to in Article 1 (4) is reduced to 20%.

(2) For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 1 291 000 u.a. and 30% respectively.

- 70.07 Cast, rolled, drawn or blown glass (including flashed or wired glass) cut to shape other than rectangular shape, or bent or otherwise worked (for example, edge worked or engraved), whether or not surface ground or polished; multiple-walled insulating glass; leaded lights and the like
- 70.08 Safety glass consisting of toughened or laminated glass, shaped or not
- 70.09 Glass mirrors (including rear-view mirrors), unframed, framed or backed
- 70.10 Carboys, bottles, jars, pots, tubular containers and similar containers, of glass, of a kind commonly used for the conveyance or packing of goods; stoppers and other closures, of glass (\*) (a)
- 70.11 Glass envelopes (including bulbs and tubes) for electric lamps, electronic valves or the like
- 70.12 Glass inners for vacuum flasks or for other vacuum vessels <sup>(1)</sup>
- 70.14 Illuminating glassware, signalling glassware and optical elements of glass, not optically worked nor of optical glass:
- A. Articles for electrical lighting fittings:
- I. Facetted glass, plates, balls, pear-shaped drops, flower-shaped pieces, pendants and similar articles for trimming chandeliers
- II. Other (for example, diffusers, ceiling lights, bowls, cups, lampshades, globes, tulip-shaped pieces) <sup>(2)</sup>
- B. Other <sup>(3)</sup>
- 70.15 Clock and watch glasses and similar glasses (including glass of a kind used for sunglasses but excluding glass suitable for corrective lenses), curved, bent, hollowed and the like; glass spheres and segments of spheres, of a kind used for the manufacture of clock and watch glasses and the like
- 70.16 Bricks, tiles, slabs, paving blocks, squares and other articles of pressed or moulded glass, of a kind commonly used in buildings; multi-cellular glass in blocks, slabs, plates, panels and similar forms
- 70.17 Laboratory, hygienic and pharmaceutical glassware, whether or not graduated or calibrated; glass ampoules
- 70.18 Optical glass and elements of optical glass, other than optically worked elements; blanks for corrective spectacle lenses
- 70.19 Glass beads, imitation pearls, imitation precious and semi-precious stones, fragments and chippings, and similar fancy or decorative glass smallwares, and articles of glassware made therefrom; glass cubes and small glass plates, whether or not on a backing, for mosaics and similar decorative purposes; artificial eyes of glass, including those for toys but excluding those for wear by humans; ornaments and other fancy articles of lamp-worked glass; glass grains (ballotini)
- 70.20 Glass fibre (including wool), yarns, fabrics, and articles made therefrom
- 70.21 Other articles of glass

(a) The asterisk covers only heading No ex 70.10 (carboys, bottles and jars, of unworked glass of a capacity exceeding 0.25 litre but not exceeding 2.5 litres).

<sup>(1)</sup> For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 289 000 u.a. and 40% respectively.

<sup>(2)</sup> For products falling within this subheading, the maximum Community amount referred to in Article 1 (4) is reduced to 20%.

<sup>(3)</sup> For products falling within this subheading, the maximum Community amount referred to in Article 1 (4) is reduced to 30%.

## CHAPTER 71

- 71.01 Pearls, unworked or worked, but not mounted, set or strung (except ungraded pearls temporarily strung for convenience of transport)
- 71.02 Precious and semi-precious stones, unworked, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)
- 71.03 Synthetic or reconstructed precious or semi-precious stones, unworked, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)
- ex 71.05 Silver, including silver gilt and platinum-plated silver, semi-manufactured
- 71.06 Rolled silver, unworked or semi-manufactured
- ex 71.07 Gold, including platinum-plated gold, semi-manufactured
- 71.08 Rolled gold on base metal or silver, unworked or semi-manufactured
- ex 71.09 Platinum and other metals of the platinum group, semi-manufactured
- 71.10 Rolled platinum or other platinum group metals, on base metal or precious metal, unworked or semi-manufactured
- 71.12 Articles of jewellery and parts thereof, of precious metal or rolled precious metal
- 71.13 Articles of goldsmiths' or silversmiths' wares and parts thereof, of precious metal or rolled precious metal, other than goods falling within heading No 71.12
- 71.14 Other articles of precious metal or rolled precious metal
- 71.15 Articles consisting of, or incorporating, pearls, precious or semi-precious stones (natural, synthetic or reconstructed)

## CHAPTER 73

- 73.04 Shot and angular grit, of iron or steel, whether or not graded; wire pellets of iron or steel
- 73.05 A Iron or steel powders
- 73.07 Blooms, billets, slabs and sheet bars (including tinplate bars), of iron or steel; pieces roughly shaped by forging, of iron or steel:
  - A. Blooms and billets:
    - II. Forged
  - B. Slabs and sheet bars (including tinplate bars):
    - II. Forged
  - C. Pieces roughly shaped by forging
- 73.10 Bars and rods (including wire rod), of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished (including precision-made); hollow mining drill steel:
  - B. Not further worked than forged
  - C. Not further worked than cold-formed or cold-finished
  - D. Clad or surface-worked (for example, polished, coated):
    - I. Not further worked than clad:
      - b) Cold-formed or cold-finished
    - II. Other

- 73.11 Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished; sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements:
- A. Angles, shapes and sections:
    - II. Not further worked than forged
    - III. Not further worked than cold-formed or cold-finished
    - IV. Clad or surface-worked (for example, polished, coated):
      - a) Not further worked than clad:
        - 2. Cold-formed or cold-finished
      - b) Other
- 73.12 Hoop and strip, of iron or steel, hot-rolled or cold-rolled:
- B. Not further worked than cold-rolled:
    - II. Other
  - C. Clad, coated or otherwise surface-treated:
    - I. Silvered, gilded or platinum-plated
    - II. Enamelled
    - III. Tinned:
      - b) Other
    - IV. Zinc-coated or lead-coated
    - V. Other (for example, copper-plated, artificially oxidized, lacquered, nickel-plated, varnished, clad, parkerized, printed):
      - a) Not further worked than clad:
        - 2. Cold-rolled
      - b) Other
  - D. Otherwise shaped or worked (for example, perforated, chamfered, lap-jointed)
- 73.13 Sheets and plates, of iron or steel, hot-rolled or cold-rolled:
- B. Other sheets and plates:
    - II. Not further worked than cold-rolled, of a thickness of:
      - a) 3 mm or more
    - IV. Clad, coated or otherwise surface-treated:
      - a) Silvered, gilded, platinum-plated or enamelled
    - V. Otherwise shaped or worked:
      - a) Cut into shapes other than rectangular shapes, but not further worked:
        - 1. Silvered, gilded, platinum-plated or enamelled
      - b) Other, excluding sheets and plates shaped by rolling
- 73.14 Iron or steel wire, whether or not coated, but not insulated
- 73.15 Alloy steel and high carbon steel in the form mentioned in heading Nos 73.06 to 73.14:
- A. High carbon steel:
    - I. Ingots, blooms, billets, slabs and sheet bars:
      - a) Forged
    - II. Pieces roughly shaped by forging
    - V. Bars and rods (including wire rod) and hollow mining drill steel; angles, shapes and sections:
      - a) Not further worked than forged
      - c) Not further worked than cold-formed or cold-finished
      - d) Clad or surface-worked (for example, polished, coated):
        - 1. Not further worked than clad:
          - bb) Cold-formed or cold-finished
        - 2. Other

- 73.15  
(cont'd)
- VI. Hoop and strip:
    - b) Not further worked than cold-rolled
    - c) Clad, coated or otherwise surface-treated:
      - 1. Not further worked than clad:
        - bb) Cold-rolled
      - 2. Other
    - d) Otherwise shaped or worked (for example, perforated, chamfered, lap-jointed)
  - VII. Sheets and plates:
    - b) Not further worked than cold-rolled, of a thickness of:
      - 1. 3 mm or more
    - d) Otherwise shaped or worked:
      - 2. Other, excluding sheets and plates shaped by rolling
  - VIII. Wire, whether or not coated, but not insulated
- B. Alloy steel:
- I. Ingots, blooms, billets, slabs and sheet bars:
    - a) Forged
  - II. Pieces roughly shaped by forging
  - V. Bars and rods (including wire rod) and hollow mining drill steel; angles, shapes and sections:
    - a) Not further worked than forged
    - c) Not further worked than cold-formed or cold-finished
    - d) Clad or surface-worked (for example, polished, coated):
      - 1. Not further worked than clad:
        - bb) Cold-formed or cold-finished
      - 2. Other
  - VI. Hoop and strip:
    - b) Not further worked than cold-rolled
    - c) Clad, coated or otherwise surface-treated:
      - 1. Not further worked than clad:
        - bb) Cold-rolled
      - 2. Other
    - d) Otherwise shaped or worked (for example, perforated, chamfered, lap-jointed)
  - VII. Sheets and plates:
    - b) Other sheets and plates:
      - 2. Not further worked than cold-rolled, of a thickness of:
        - aa) 3 mm or more
      - 4. Otherwise shaped or worked:
        - bb) Other, excluding sheets and plates shaped by rolling
  - VIII. Wire, whether or not coated, but not insulated
- 73.16 Railway and tramway track construction material of iron or steel, the following: rails, check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish-plates, chairs, chair wedges, sole plates, (base plates), rail clips, bedplates, ties and other material specialized for joining or fixing rails:
- A. Rails:
    - I. Current-conducting, with parts of non-ferrous metal
  - D. Fish-plates and sole plates:
    - II. Other
  - E. Other
- 73.17 Tubes and pipes, of cast iron (\*)

- 73.19 High-pressure hydro-electric conduits of steel, whether or not reinforced
- 73.20 Tube and pipe fittings (for example, joints, elbows, unions and flanges), of iron or steel (\*)
- 73.21 Structures and parts of structures (for example, hangars and other buildings, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frame-works, door and window frames, shutters, balustrades, pillars and columns), of iron or steel; plates, strip, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel
- 73.22 Reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquefied gas), of iron or steel, of a capacity exceeding 300 litres, whether or not lined or head-insulated, but not fitted with mechanical or thermal equipment
- 73.23 Casks, drums, cans, boxes and similar containers, or sheet or plate iron or steel, of a description commonly used for the conveyance or packing of goods
- 73.24 Containers, of iron or steel, for compressed or liquefied gas
- 73.25 Stranded wire, cables, cordage, ropes, plaited bands, slings and the like, of iron or steel wire, but excluding insulated electric cables
- 73.26 Barbed iron or steel wire; twisted hoop or single flat wire, barbed or not, and loosely twisted double wire, of kinds used for fencing, of iron or steel
- 73.27 Gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials, of iron or steel wire
- 73.28 Expanded metal, of iron or steel
- 73.29 Chain and parts thereof, of iron or steel
- 73.30 Anchors and grapnels and parts thereof, of iron or steel
- 73.31 Nails, tacks, staples, hook-nails, corrugated nails, spiked cramps, studs, spikes and drawing pins, of iron or steel, whether or not with heads of other materials, but not including such articles with heads of copper
- 73.32 Bolts and nuts (including bolt ends and screw studs), whether or not threaded or tapped, and screws (including screw hooks and screw rings), of iron or steel; rivets, cotters, cotter-pins, washers and spring washers, of iron or steel<sup>(1)</sup>
- 73.33 Needles for hand sewing (including embroidery), hand carpet needles and hand knitting needles, bodkins, crochet hooks, and the like, and embroidery stilettoes, of iron or steel
- 73.34 Pins (excluding hatpins and other ornamental pins and drawing pins), hairpins and curling grips, of iron or steel
- 73.35 Springs and leaves for springs, of iron or steel
- 73.36 Stoves (including stoves with subsidiary boilers for central heating), ranges, cookers, grates, fires and other space heaters, gas-rings, plate warmers with burners, wash boilers with grates or other heating elements, and similar equipment, of a kind used for domestic purposes, not electrically operated, and parts thereof, of iron or steel

(1) For screws for wood falling within subheading 73.32 ex B, the Community ceiling referred to in Article 1 (3) is set at 2 993 000 u.a.

- 73.37 Boilers (excluding boilers of heading No 84.01) and radiators, for central heating, not electrically heated, and parts thereof, of iron or steel; air heaters and hot air distributors (including those which can also distribute cool or conditioned air), not electrically heated, incorporating a motor-driven fan or blower, and parts thereof, of iron or steel
- 73.38 Articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of iron or steel
- 73.39 Iron or steel wool; pot scourers and scouring and polishing pads, gloves and the like, of iron or steel
- 73.40 Other articles of iron or steel <sup>(1)</sup> (\*)

## CHAPTER 74

- 74.02 Master alloys
- 74.04 Wrought plates, sheets and strip, of copper <sup>(2)</sup>
- 74.05 Copper foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.15 mm
- 74.06 Copper powders and flakes
- 74.07 Tubes and pipes and blanks therefor, of copper; hollow bars of copper <sup>(3)</sup>
- 74.08 Tube and pipe fittings (for example, joints, elbows, sockets and flanges), of copper
- 74.09 Reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquefied gas), of copper, of a capacity exceeding 300 litres, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment
- 74.10 Stranded wire, cables, cordage, ropes, plaited bands and the like, of copper wire, but excluding insulated electric wires and cables
- 74.11 Gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands), of copper wire
- 74.12 Expanded metal, of copper
- 74.13 Chain and parts thereof, of copper
- 74.14 Nails, tacks, staples, hook-nails, spiked cramps, studs, spikes and drawing pins, of copper, or of iron or steel with heads of copper
- 74.15 Bolts and nuts (including bolt ends and screw studs), whether or not threaded or tapped, and screws (including screws hooks and screw rings), of copper; rivets, cotters, cotter-pins, washers and spring washers, of copper

<sup>(1)</sup> For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 6 850 200 u.a. and 30 % respectively.

<sup>(2)</sup> For products falling within this heading, the maximum Community amount referred to in Article 1 (4) is reduced to 30 %.

<sup>(3)</sup> For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 7 132 000 u.a. and 30 % respectively.

- 74.16 Springs, of copper
- 74.17 Cooking and heating apparatus of a kind used for domestic purposes, not electrically operated, and parts thereof, of copper
- 74.18 Other articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of copper
- 74.19 Other articles of copper

## CHAPTER 75

- 75.02 Wrought bars, rods, angles, shapes and sections, of nickel; nickel wire
- 75.03 Wrought plates, sheets and strip, of nickel; nickel foil; nickel powders and flakes
- 75.04 Tubes and pipes and blanks therefor, of nickel; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of nickel
- 75.05 Electro-plating anodes, of nickel, wrought or unwrought, including those produced by electrolysis
- 75.06 Other articles of nickel

## CHAPTER 76

- 76.02 Wrought bars, rods, angles, shapes and sections of aluminium; aluminium wire<sup>(1)</sup> (\*)
- 76.03 Wrought plates, sheets and strip, of aluminium<sup>(1)</sup> (\*)
- 76.04 Aluminium foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.20 mm
- 76.05 Aluminium powders and flakes
- 76.06 Tubes and pipes and blanks therefor, of aluminium; hollow bars of aluminium
- 76.07 Tube and pipe fittings (for example, joints, elbows, sockets and flanges), of aluminium
- 76.08 Structures, and parts of structures (for example, hangars and other buildings, bridges and bridge-sections, towers, lattice masts, roofs, roofing frameworks, door and window frames, balustrades, pillars and columns), of aluminium; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of aluminium
- 76.09 Reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquefied gas), of aluminium, of a capacity exceeding 300 litres, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment

(1) For products falling within this subheading, the maximum Community amount referred to in Article 1 (4) is reduced to 20%.

- 76.10 Casks, drums, cans, boxes and similar containers (including rigid and collapsible tubular containers), of aluminium, of a description commonly used for the conveyance or packing of goods
- 76.11 Containers, of aluminium, for compressed or liquefied gas
- 76.12 Stranded wire, cables, cordage, ropes, plaited bands and the like, of aluminium wire, but excluding insulated electric wires and cables
- 76.13 Gauze, cloth, grill, netting, reinforcing fabric and similar materials, of aluminium wire
- 76.14 Expanded metal, of aluminium
- 76.15 Articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of aluminium
- 76.16 Other articles of aluminium

## CHAPTER 77

- 77.02 Wrought bars, rods, angles, shapes and sections, of magnesium; magnesium wire; wrought plates, sheets and strip, of magnesium; magnesium foil; raspings and shavings of uniform size, powders and flakes, of magnesium; tubes and pipes and blanks therefor, of magnesium; hollow bars of magnesium
- 77.03 Other articles of magnesium
- 77.04 Beryllium, unwrought or wrought, and articles of beryllium

## CHAPTER 78

- 78.02 Wrought bars, rods, angles, shapes and sections, of lead; lead wire
- 78.03 Wrought plates, sheets and strip, of lead
- 78.04 Lead foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a weight (excluding any backing) not exceeding 1.7 kg/m<sup>2</sup>; lead powders and flakes
- 78.05 Tubes and pipes and blanks, therefor, of lead; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets, flanges and S-bends), of lead
- 78.06 Other articles of lead

## CHAPTER 79

- 79.02 Wrought bars, rods, angles, shapes and sections, of zinc; zinc wire
- 79.04 Tubes and pipes and blanks therefor, of zinc; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of zinc
- 79.05 Gutters, roof capping, skylight frames, and other fabricated building components, of zinc
- 79.06 Other articles of zinc

## CHAPTER 80

- 80.02 Wrought bars, rods, angles, shapes and sections, of tin; tin wire
- 80.03 Wrought plates, sheets and strip, of tin
- 80.04 Tin foil (whether or not embossed, cut to shape, perforated, coated, printed or backed with paper or other reinforcing material), of a weight (excluding any backing) not exceeding 1 kg/m<sup>2</sup>; tin powders and flakes
- 80.05 Tubes and pipes and blanks therefor, of tin; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of tin
- 80.06 Other articles of tin

## CHAPTER 81

- 81.01 Tungsten (wolfram), unwrought or wrought, and articles thereof:
  - B. Hammered bars; angles, shapes and sections, wire, filaments, plates, sheets, strip and foil
  - C. Other
- 81.02 Molybdenum, unwrought or wrought, and articles thereof:
  - B. Hammered bars; angles, shapes and sections, wire, filaments, plates, sheets, strip and foil
  - C. Other
- 81.03 Tantalum, unwrought or wrought, and articles thereof:
  - B. Hammered bars; angles, shapes and sections, wire, filaments, plates, sheets, strip and foil
  - C. Other
- 81.04 Other base metals, unwrought or wrought, and articles thereof; cermets, unwrought or wrought, and articles thereof:
  - A. Bismuth:
    - II. Other
  - B. Cadmium:
    - II. Other
  - C. Cobalt:
    - II. Other
  - D. Chromium:
    - II. Other
  - E. Germanium:
    - II. Other
  - F. Hafnium (celtium):
    - II. Other
  - G. Manganese:
    - II. Other
  - H. Niobium (columbium):
    - II. Other
  - IJ Antimony:
    - II. Other
  - K. Titanium:
    - II. Other
  - L. Vanadium:
    - II. Other

- 81.04 N. Thorium:  
(cont'd) II. Other
- O. Zirconium:  
II. Other
- P. Rhenium:  
II. Other
- Q. Gallium; indium; thallium:  
II. Other
- R. Cermets:  
II. Other

## CHAPTER 82

- 82.01 Hand tools, the following: spades, shovels, picks, hoes, forks and rakes; axes, bill hooks and similar hewing tools; scythes, sickles, hay knives, grass shears, timber wedges and other tools of a kind used in agriculture, horticulture or forestry
- 82.02 Saws (non-mechanical) and blades for hand or machine saws (including toothless saw blades)
- 82.03 Hand tools, the following: pliers (including cutting pliers), pincers, tweezers, tinmen's snips, bolt croppers and the like; perforating punches; pipe cutters; spanners and wrenches (but not including tap wrenches); files and rasps
- 82.04 Hand tools, including glaziers' diamonds, not falling within any other heading of this Chapter; blow lamps, anvils; vices and clamps, other than accessories for, and parts of, machine tools; portable forges; grinding wheels with frameworks (hand or pedal operated)
- 82.05 Interchangeable tools for hand tools, for machine tools or for power-operated hand tools (for example, for pressing, stamping, drilling, tapping, threading, boring, broaching, milling, cutting, turning, dressing, morticing or screw driving), including dies for wire drawing, extrusion dies for metal, and rock drilling bits
- 82.06 Knives and cutting blades, for machines or for mechanical appliances
- 82.07 Tool-tips and plates, sticks and the like for tool-tips, unmounted, of sintered metal carbides (for example, carbides of tungsten, molybdenum or vanadium)
- 82.08 Coffee-mills, mincers, juice-extractors and other mechanical appliances, of a weight not exceeding 10 kg and of a kind used for domestic purposes in the preparation, serving or conditioning of food or drink
- 82.09 Knives with cutting blades, serrated or not (including pruning knives), other than knives falling within heading No 82.06 <sup>(1)</sup>
- 82.10 Knife blades
- 82.11 Razors and razor blades (including razor blade blanks, whether or not in strips)
- 82.12 Scissors (including tailors' shears), and blades therefor

<sup>(1)</sup> For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 3 473 000 u.a. and 15% respectively.

- 82.13 Other articles of cutlery (for example, secateurs, hair clippers, butchers' cleavers, paper knives); manicure and chiropody sets and appliances (including nail files)
- 82.14 Spoons, forks, fish-eaters, butter-knives, ladles and similar kitchen or tableware <sup>(1)</sup>
- 82.15 Handles of base metal for articles falling within heading No 82.09, 82.13 or 82.14

## CHAPTER 83

- 83.01 Locks and padlocks (key, combination or electrically operated), and parts thereof, of base metal; frames incorporating locks, for handbags, trunks or the like, and part of such frames, of base metal; keys for any of the foregoing articles of base metal <sup>(2)</sup>
- 83.02 Base metal fittings and mountings of a kind suitable for furniture, doors, stair-cases, windows, blinds, coachwork, saddlery, trunks, caskets and the like (including automatic door closers); base metal hat-racks, hat-pegs, brackets and the like
- 83.03 Safes, strong-boxes, armoured or reinforced strong-rooms, strong-room linings and strong-room doors, and cash and deed boxes and the like, of base metal
- 83.04 Filing cabinets, racks, sorting boxes, paper trays, paper rests and similar office equipment, of base metal, other than office furniture falling within heading No 94.03
- 83.05 Fittings for loose-leaf binders, for files or for stationery books, of base metal; letter clips, paper clips, staples, indexing tags, and similar stationery goods, of base metal
- 83.06 Statuettes and other ornaments of a kind used indoors, of base metal
- 83.07 Lamps and lighting fittings, of base metal, and parts thereof, of base metal (excluding switches, electric lamp holders, electric lamps for vehicles, electric battery or magneto lamps, and other articles falling within Chapter 85 except heading No 85.22) <sup>(3)</sup>
- 83.08 Flexible tubing and piping, of base metal
- 83.09 Clasps, frames with clasps for handbags and the like, buckles, buckle-clasps, hooks, eyes, eyelets, and the like, of base metal, of a kind commonly used for clothing, travel goods, handbags, or other textile or leather goods; tubular rivets and bifurcated rivets, of base metal
- 83.10 Beads and spangles, of base metal
- 83.11 Bells and gongs, non-electric, of base metal, and parts thereof of base metal
- 83.12 Photograph, picture and similar frames, of base metal; mirrors of base metal
- 83.13 Stoppers, crown corks, bottle caps, capsules, bung covers, seals and plombs, case corner protectors and other packing accessories, of base metal

<sup>(1)</sup> For products falling within subheading 82.14 A, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 4 437 000 u.a. and 15 % respectively.

<sup>(2)</sup> For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 3 011 000 u.a. and 15 % respectively.

<sup>(3)</sup> For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 4 176 000 u.a. and 40 % respectively.

- 83.14 Sign-plates, name-plates, numbers, letters and other signs, of base metal
- 83.15 Wire, rods, tubes, plates, electrodes and similar products, of base metal or of metal carbides, coated or cored with flux material, of a kind used for soldering, brazing, welding or deposition of metal or of metal carbides; wire and rods, of agglomerated base metal powder, used for metal spraying

## CHAPTER 84

- 84.01 Steam and other vapour generating boilers (excluding central heating hot water boilers capable also of producing low pressure steam); super-heated water boilers
- 84.02 Auxiliary plant for use with boilers falling within heading No 84.01 (for example, economizers, superheaters, soot removers, gas recoverers and the like); condensers for vapour engines and power units
- 84.03 Producer gas and water gas generators, with or without purifiers; acetylene gas generators (water process) and similar gas generators, with or without purifiers
- 84.04 Steam engines (including mobile engines, but not steam tractors falling within heading No 87.01 or mechanically propelled road rollers) with self-contained boilers
- 84.05 Steam and other vapour power units, not incorporating boilers
- 84.06 Internal combustion piston engines
- 84.07 Hydraulic engines and motors (including water wheels and water turbines)
- 84.08 Other engines and motors
- 84.09 Mechanically propelled road rollers
- 84.10 Pumps (including motor pumps and turbo pumps) for liquids, whether or not fitted with measuring devices; liquid elevators of bucket, chain, screw, band and similar kinds (\*) (a)
- 84.11 Air pumps, vacuum pumps and air or gas compressors (including motor and turbo pumps and compressors, and free-piston generators for gas turbines); fans, blowers and the like
- 84.12 Air conditioning machines, self-contained, comprising a motor-driven fan and elements for changing the temperature and humidity of air
- 84.13 Furnace burners for liquid fuel (atomizers), for pulverized solid fuel or for gas; mechanical stokers, mechanical grates, mechanical ash dischargers and similar appliances
- 84.14 Industrial and laboratory furnaces and ovens, non-electric
- 84.15 Refrigerators and refrigerating equipment (electrical and other)
- 84.16 Calendering and similar rolling machines (other than metal-working and metal-rolling machines and glass-working machines) and cylinders therefor

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(a) The asterisk covers only subheading 84.10 B II.

- 84.17 Machinery, plant and similar laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilizing, pasteurizing, steaming, drying, evaporating, vapourizing, condensing or cooling, not being machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, non-electrical
- 84.18 Centrifuges; filtering and purifying machinery and apparatus (other than filter funnels, milk strainers and the like), for liquids or gases
- 84.19 Machinery for cleaning or drying bottles or other containers; machinery for filling, closing, sealing, capsuling or labelling bottles, cans, boxes, bags or other containers; other packing or wrapping machinery; machinery for aerating beverages; dish washing machines
- 84.20 Weighing machinery (excluding balances of a sensitivity of 5 cg or better), including weight-operated counting and checking machines; weighing machine weights of all kinds
- 84.21 Mechanical appliances (whether or not hand operated) for projecting, dispersing or spraying liquids or powders; fire extinguishers (charged or not); spray guns and similar appliances; steam or sand blasting machines and similar jet projecting machines
- 84.22 Lifting, handling, loading or unloading machinery, telfers and conveyors (for example, lifts, hoists, winches, cranes, transporter cranes, jacks, pulley tackle, belt conveyors and teleferics), not being machinery falling within heading No 84.23
- 84.23 Excavating, levelling, tamping, boring and extracting machinery, stationary or mobile, for earth, minerals or ores (for example, mechanical shovels, coal-cutters, excavators, scrapers, levellers and bulldozers); pile-drivers; snow-ploughs, not self-propelled (including snow-plough attachments)
- 84.24 Agricultural and horticultural machinery for soil preparation or cultivation (for example, ploughs, harrows, cultivators, seed and fertilizer distributors); lawn and sports ground rollers
- 84.25 Harvesting and threshing machinery; straw and fodder presses; hay or grass mowers; winnowing and similar cleaning machines for seed, grain or leguminous vegetables and egg-grading and other grading machines for agricultural produce (other than those of a kind used in the bread grain milling industry falling within heading No 84.29)
- 84.26 Dairy machinery (including milking machines)
- 84.27 Presses, crushers and other machinery, of a kind used in wine-making, cider-making, fruit juice preparation or the like
- 84.28 Other agricultural, horticultural, poultry-keeping and bee-keeping machinery; germination plant fitted with mechanical or thermal equipment; poultry incubators and brooders
- 84.29 Machinery of a kind used in the bread grain milling industry, and other machinery (other than farm type machinery) for the working of cereals or dried leguminous vegetables
- 84.30 Machinery, not falling within any other heading of this Chapter, of a kind used in the following food or drink industries: bakery, confectionery, chocolate manufacture, macaroni, ravioli or similar cereal food manufacture, the preparation of meat, fish, fruit or vegetables (including mincing or slicing machines), sugar manufacture or brewing
- 84.31 Machinery for making or finishing cellulosic pulp, paper or paperboard

- 84.32 Book-binding machinery, including book-sewing machines
- 84.33 Paper or paperboard cutting machines of all kinds; other machinery for making up paper pulp, paper or paperboard
- 84.34 Machinery, apparatus and accessories for type-founding or type-setting; machinery, other than the machine-tools of heading No 84.45, 84.46 or 84.47, for preparing or working printing blocks, plates, or cylinders; printing type, impressed flongs and matrices, printing blocks, plates and cylinders; blocks, plates, cylinders and lithographic stones, prepared for printing purposes (for example, planed, grained or polished)
- 84.35 Other printing machinery; machines for use ancillary to printing
- 84.36 Machines for extruding man-made textiles; machines of a kind used for processing natural or man-made textile fibres; textile spinning and twisting machines; textile doubling, throwing and reeling (including weft-winding) machines
- 84.37 Weaving machines, knitting machines and machines for making gimped yarn, tulle, lace, embroidery, trimmings, braid or net; machines for preparing yarns for use on such machines, including warping and warp sizing machines
- 84.38 Auxiliary machinery for use with machines of heading No 84.37 (for example, dobbies, jacquards, automatic stop motions and shuttle changing mechanisms); parts and accessories suitable for use solely or principally with the machines of the present heading or with machines falling within heading No 84.36 or 84.37 (for example, spindles and spindle flyers, card clothing, combs, extruding nipples, shuttels, healds and heald-lifters and hosiery needles)
- 84.39 Machinery for the manufacture or finishing of felt in the piece or in shapes, including felt-hat making machines and hat-making blocks
- 84.40 Machinery for washing, cleaning, drying, bleaching, dyeing, dressing, finishing or coating textile yarns, fabrics or made-up textile articles (including laundry and dry-cleaning machinery); fabric folding, reeling or cutting machines; machines of a kind used in the manufacture of linoleum or other floor covering for applying the paste to the base fabric or other support; machines of a type used for printing a repetitive design, repetitive words or overall colour on textiles, leather, wall-paper, wrapping paper, linoleum or other materials, and engraved or etched plates, blocks or rollers therefor
- 84.41 Sewing machines; furniture specially designed for sewing machines; sewing machine needles:
- A. Sewing machines; furniture specially designed for sewing machines:
- I. Sewing machines (lock-stitch only), with heads of a weight not exceeding 16 kg without motor or 17 kg including the motor; sewing machine heads (lock-stitch only), of a weight not exceeding 16 kg without motor or 17 kg including the motor:
- a) Sewing machines having a value (not including frames, tables or furniture) of more than 65 u.a. each
- b) Other (\*)
- II. Other sewing machines and other sewing machine heads
- B. Sewing machine needles
- 84.42 Machinery (other than sewing machines) for preparing, tanning or working hides, skins or leather (including boot and shoe machinery)

(\*) For products falling within this subheading the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 2 951 000 u.a. and 25% respectively.

- 84.43 Converters, ladles, ingot moulds and casting machines, of a kind used in metallurgy and in metal foundries
- 84.44 Rolling mills and rolls therefor
- 84.45 Machine-tools for working metal or metal carbides, not being machines falling within heading No 84.49 or 84.50
- 84.46 Machine-tools for working stone, ceramics, concrete, asbestos-cement and like mineral materials or for working glass in the cold, other than machines falling within heading No 84.49
- 84.47 Machine-tools for working wood, cork, bone, ebonite (vulcanite), hard artificial plastic materials or other hard carving materials, other than machines falling within heading No 84.49
- 84.48 Accessories and parts suitable for use solely or principally with the machines falling within heading Nos 84.45 to 84.47, including work and tool holders, self-opening dieheads, dividing heads and other appliances for machine-tools; tool holders for any type of tool or machine-tool for working in the hand
- 84.49 Tools for working in the hand, pneumatic or with self-contained non-electric motor
- 84.50 Gas-operated welding, brazing, cutting and surface tempering appliances
- 84.51 Typewriters, other than typewriters incorporating calculating mechanisms; cheque-writing machines
- 84.52 Calculating machines; accounting machines, cash registers, postage-franking machines, ticket-issuing machines and similar machines, incorporating a calculating device <sup>(1)</sup>
- 84.53 Automatic data-processing machines and units thereof; magnetic or optical readers, machines for transcribing data on to data media in coded form and machines for processing such data, not elsewhere specified or included
- 84.54 Other office machines (for example, hectograph or stencil duplicating machines, addressing machines, coin-sorting machines, coin-counting and wrapping machines, pencil-sharpening machines, perforating and stapling machines)
- 84.55 Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or principally with machines of a kind falling within heading No 84.51, 84.52, 84.53 or 84.54
- 84.56 Machinery for sorting, screening, separating, washing, crushing, grinding or mixing earth, stone, ores or other mineral substances, in solid (including powder and paste) form; machinery for agglomerating, moulding or shaping solid mineral fuels, ceramic paste, unhardened cements, plastering materials or other mineral products in powder or paste form; machines for forming foundry moulds of sand
- 84.57 Glass-working machines (other than machines for working glass in the cold); machines for assembling electric filament and discharge lamps and electronic and similar tubes and valves
- 84.58 Automatic vending machines (for example, stamp, cigarette, chocolate and food machines), not being games of skill or chance
- 84.59 Machines and mechanical appliances, having individual functions, not falling within any other heading of this Chapter:
- A. For the manufacture of the products mentioned in subheading 28.51 A (*EURATOM*)
- B. Nuclear reactors (*EURATOM*)
- C. Specially designed for the recycling of irradiated nuclear fuels (for example, sintering of radio-active metal oxides, sheathing) (*EURATOM*)

<sup>(1)</sup> For products falling within subheading 84.52 A, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 21 363 000 u.a. and 35% respectively.

- 84.59 D. Rope or cable making machinery, including electric wire and cable making machines  
(*cont'd*)
- E. Other
- 84.60 Moulding boxes for metal foundry; moulds of a type used for metal (other than ingot moulds), for metal carbides, for glass, for mineral materials (for example, ceramic pastes, concrete or cement) or for rubber or artificial plastic materials
- 84.61 Taps, cocks, valves and similar appliances, for pipes, boiler shells, tanks, vats and the like, including pressure reducing valves and thermostatically controlled valves (\*) (a)
- 84.62 Ball, roller or needle roller bearings (\*)
- ex 84.63 Transmission shafts, cranks, bearing housings, plain shaft bearings, gears and gearing (including friction gears and gearboxes and other variable speed gears), flywheels, pulleys and pulley blocks, clutches and shaft couplings, but not including forged or roughly shaped shafts, of a weight exceeding 150 metric tons, for generators or turbines
- 84.64 Gaskets and similar joints of metal sheeting combined with other material (for example, asbestos, felt and paperboard) or of laminated metal foil; sets or assortments of gaskets and similar joints, dissimilar in composition, for engines, pipes tubes and the like, put up in pouches, envelopes or similar packings
- 84.65 Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features and not falling within any other heading in this Chapter

## CHAPTER 85

- 85.01 Electrical goods of the following descriptions: generators, motors, converters (rotary or static), transformers, rectifiers and rectifying apparatus; inductors:
- A. Generators, motors (whether or not equipped with speed reducing, changing or step-up gear) and rotary converters:
- I. Synchronous motors of an output of not more than 18 watts (1)
- B. Transformers, static converters, rectifiers and rectifying apparatus; inductors
- C. Parts (2)
- 85.02 Electro-magnets; permanent magnets and articles of special materials for permanent magnets, being blanks of such magnets; electro-magnetic and permanent magnet chucks, clamps, vices and similar work holders; electro-magnetic clutches and couplings; electro-magnetic brakes; electro-magnetic lifting heads
- 85.03 Primary cells and primary batteries (3) (\*)
- 85.04 Electric accumulators (4)
- 85.05 Tools for working in the hand, with self-contained electric motor
- 85.06 Electro-mechanical domestic appliances, with self-contained electric motor

(a) The asterisk covers only subheading 84.61 ex B (taps, cocks, valves and similar appliances of pig iron or cast iron).

(1) For products falling within subheading 85.01 A 1, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 2 344 000 u.a. and 20% respectively.

(2) For products falling within subheading 85.01 C, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 6 455 000 u.a. and 25% respectively.

(3) For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 4 441 000 u.a. and 30% respectively.

(4) For products falling within subheading 85.04 A (lead-acid accumulators), the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 2 089 000 u.a. and 20% respectively.

- 85.07 Shavers and hair clippers, with self-contained electric motor
- 85.08 Electrical starting and ignition equipment for internal combustion engines (including ignition magnetos, magneto-dynamos, ignition coils, starter motors, sparking plugs and glow plugs); generators (dynamos and alternators) and cut-outs for use in conjunction with such engines
- 85.09 Electrical lighting and signalling equipment and electrical windscreen wipers, defrosters and demisters, for cycles or motor vehicles
- 85.10 Portable electric battery and magneto lamps, other than lamps falling within heading No 85.09:  
A. Miners' safety lamps
- 85.11 Industrial and laboratory electric furnaces, ovens and inductions and dielectric heating equipment; electric welding, brazing and soldering machines and apparatus and similar electric machines and apparatus for cutting
- 85.12 Electric instantaneous or storage water heaters and immersion heaters; electric soil heating apparatus and electric space heating apparatus; electric hair dressing appliances (for example, hair dryers, hair curlers, curling tong heaters) and electric smoothing irons; electro-thermic domestic appliances; electric heating resistors, other than those of carbon
- 85.13 Electrical line telephonic and telegraphic apparatus (including such apparatus for carrier-current line systems)
- 85.14 Microphones and stands therefor; loudspeakers; audio-frequency electric amplifiers
- 85.15 Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus<sup>(1)</sup>:  
A. Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras:  
I. Transmitters  
II. Transmitter-receivers  
IV. Television cameras  
B. Other apparatus  
C. Parts of the goods of subheadings A and B above:  
I. Cabinets and cases  
II. Parts of base metal, obtained by turning bars, angles, shapes, sections or wire, of solid section, the greatest diameter of which does not exceed 25 mm
- 85.16 Electric traffic control equipment for railways, roads or inland waterways and equipment used for similar purposes in port installations or upon airfields
- 85.17 Electric sound or visual signalling apparatus (such as bells, sirens, indicator panels, burglar and fire alarms), other than those of heading No 85.09 or 85.16
- 85.18 Electrical capacitors, fixed or variable<sup>(2)</sup>

<sup>(1)</sup> For products falling within subheadings 85.15 A I, II, IV; B; C I, II, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set respectively at 18 423 000 u.a. and 25 %.

<sup>(2)</sup> For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 7 609 000 u.a. and 20 % respectively.

- 85.19 Electrical apparatus for making and breaking electrical circuits, for the protection of electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, lightning arresters, surge suppressors, plugs, lampholders and junction boxes); resistors, fixed or variable (including potentiometers), other than heating resistors; printed circuits; switchboards (other than telephone switchboards) and control panels <sup>(1)</sup> <sup>(2)</sup>
- 85.20 Electric filament lamps and electric discharge lamps (including infra-red and ultra-violet lamps); arc-lamps; electrically ignited photographic flashbulbs <sup>(3)</sup>
- 85.21 Thermionic, cold cathode and photo-cathode valves and tubes (including vapour or gas filled valves and tubes, cathode-ray tubes, television camera tubes and mercury arc rectifying valves and tubes); photocells; mounted piezo-electric crystals; diodes, transistors and similar semi-conductor devices; electronic micro-circuits<sup>(4)</sup>:
- A. Valves and tubes
- B. Photocells, including photo-transistors
- C. Mounted piezo-electric crystals
- 85.22 Electrical appliances and apparatus, having individual functions, not falling within any other heading of this Chapter
- 85.24 Carbon brushes, arc-lamp carbons, battery carbons, carbon electrodes and other carbon articles of a kind used for electrical purposes
- 85.25 Insulators of any material
- 85.26 Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating material apart from any minor components of metal incorporated during moulding solely for purposes of assembly, but not including insulators falling within heading No 85.25
- 85.27 Electrical conduit tubing and joints therefor, of base metal lined with insulating material
- 85.28 Electrical parts of machinery and apparatus, not being goods falling within any of the preceding headings of this Chapter

CHAPTER 86 RAILWAY AND TRAMWAY LOCOMOTIVES, ROLLING-STOCK AND PARTS THEREOF; RAILWAY AND TRAMWAY TRACK FIXTURES AND FITTINGS; TRAFFIC SIGNALLING EQUIPMENT OF ALL KINDS (NOT ELECTRICALLY POWERED)

CHAPTER 87

- 87.01 Tractors (other than those falling within heading No 87.07), whether or not fitted with power take-offs, winches or pulleys
- 87.02 Motor vehicles for the transport of persons, goods or materials (including sports motor vehicles, other than those falling within heading No 87.09)
- 87.03 Special purpose motor lorries and vans (such as breakdown lorries, fire-engines, fire-escapes, road sweeper lorries, snow-ploughs, spraying lorries, crane lorries, searchlight lorries, mobile workshops and mobile radiological units), but not including the motor vehicles falling within heading No 87.02
- 87.04 Chassis fitted with engines, for the motor vehicles falling within heading No 87.01, 87.02 or 87.03

<sup>(1)</sup> For products falling within subheading 85.19 A, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 29 654 000 u.a. and 25% respectively.

<sup>(2)</sup> For products falling within subheading 85.19 B, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 6 139 000 u.a. and 40% respectively.

<sup>(3)</sup> For products falling within subheading 85.20 A, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 3 310 000 u.a. and 25% respectively.

<sup>(4)</sup> For products falling within subheadings 85.21 A, B and C, the Community ceiling referred to in Article 1 (3) is set at 9 592 000 u.a.

- 87.05 Bodies (including cabs) for the motor vehicles falling within heading No 87.01, 87.02 or 87.03
- 87.06 Parts and accessories of the motor vehicles falling within heading No 87.01, 87.02 or 87.03
- 87.07 Works trucks, mechanically propelled, of the type used in factories, warehouses, dock areas or airports for short distance transport or handling of goods (for example, platform trucks, fork-lift trucks and straddle carriers); tractors of the type used on railway station platforms; parts of the foregoing vehicles
- 87.08 Tanks and other armoured fighting vehicles, motorized, whether or not fitted with weapons, and parts of such vehicles
- 87.09 Motor-cycles, auto-cycles and cycles fitted with an auxiliary motor, with or without side-cars; side-cars of all kinds
- 87.10 Cycles (including delivery tricycles), not motorized <sup>(1)</sup> (\*)
- 87.11 Invalid carriages, fitted with means of mechanical propulsion (motorized or not)
- 87.12 Parts and accessories of articles falling within heading No 87.09, 87.10 or 87.11 (\*) (a)
- 87.13 Baby carriages and invalid carriages (other than motorized or otherwise mechanically propelled) and parts thereof
- 87.14 Other vehicles (including trailers), not mechanically propelled, and parts thereof:
- A. Animal-drawn vehicles
  - B. Trailers and semi-trailers:
    - I. Specially designed for the transport of highly radio-active materials (EURATOM)
  - C. Other vehicles
  - D. Parts

CHAPTER 88 AIRCRAFT AND PARTS THEREOF; PARACHUTES; CATAPULTS AND SIMILAR AIRCRAFT LAUNCHING GEAR; GROUND FLYING TRAINERS

CHAPTER 89 SHIPS, BOATS AND FLOATING STRUCTURES

CHAPTER 90

- 90.01 Lenses, prisms, mirrors and other optical elements, of any material, unmounted, other than such elements of glass not optically worked; sheets or plates, of polarizing material
- 90.02 Lenses, prisms, mirrors and other optical elements of any material, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked
- 90.03 Frames and mountings, and parts thereof, for spectacles, pince-nez, lorgnettes, goggles and the like

(a) The asterisk covers only subheading 87.12 B.

<sup>(1)</sup> For products falling within this subheading, the maximum Community amount referred to in Article 1 (4) is reduced to 20%.

<sup>(\*)</sup> For products falling within subheading 87.12 B, the maximum Community amount referred to in Article 1 (4) is reduced to 30%.

- 90.04 Spectacles, pince-nez, lorgnettes, goggles and the like, corrective, protective or other
- 90.06 Astronomical instruments (for example, reflecting telescopes, transit instruments and equatorial telescopes), and mountings therefor, but not including instruments for radio-astronomy
- 90.07 Photographic cameras; photographic flashlight apparatus:  
A. Photographic cameras  
B. Photographic flashlight apparatus
- 90.08 Cinematographic cameras, projectors, sound recorders and sound reproducers but not including re-recorders or film editing apparatus; any combination of these articles:  
A. Cameras and sound recorders, combined or not  
B. Projectors and sound reproducers, combined or not
- 90.09 Image projectors (other than cinematographic projectors); photographic (except cinematographic) enlargers and reducers<sup>(1)</sup>
- 90.10 Apparatus and equipment of a kind used in photographic or cinematographic laboratories, not falling within any other heading in this Chapter; photocopying apparatus (whether incorporating an optical system or of the contact type) and thermo-copying apparatus; screens for projectors
- 90.11 Microscopes and diffraction apparatus, electron and proton
- 90.12 Compound optical microscopes, whether or not provided with means for photographing or projecting the image
- 90.13 Optical appliances and instruments (but not including lighting appliances other than searchlights or spotlights), not falling within any other heading of this Chapter
- 90.14 Surveying (including photogrammetrical surveying), hydrographic, navigational meteorological, hydrological and geophysical instruments; compasses; rangefinders
- 90.15 Balances of a sensitivity of 5 cg or better, with or without their weights
- 90.16 Drawing, marking-out and mathematical calculating instruments, drafting machines, pantographs, slide rules, disc calculators and the like; measuring or checking instruments, appliances and machines, not falling within any other heading of this Chapter (for example, micrometers, callipers, gauges, measuring rods, balancing machines); profile projectors
- 90.17 Medical, dental, surgical and veterinary instruments and appliances (including electro-medical apparatus and ophthalmic instruments)<sup>(2)</sup>
- 90.18 Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; artificial respiration, ozone therapy, oxygen therapy, aerosol therapy or similar apparatus; breathing appliances (including gas masks and similar respirators)
- 90.19 Orthopaedic appliances, surgical belts, trusses and the like; splints and other fracture appliances; artificial limbs, eyes, teeth and other artificial parts of the body; hearing-aids and other appliances which are worn or carried, or implanted in the body, to compensate for a defect or disability

<sup>(1)</sup> For products falling within this heading, the Community ceiling referred to in Article 1 (3) is set at 1 995 000 u.a.

<sup>(2)</sup> For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 10 473 000 u.a. and 40% respectively.

- 90.20 Apparatus based on the use of X-rays or of the radiations from radioactive substances (including radiography and radiotherapy apparatus); X-ray generators; X-ray tubes; X-ray screens; X-ray high tension generators; X-ray control panels and desks; X-ray examination or treatment tables, chairs and the like
- 90.21 Instruments, apparatus or models, designed solely for demonstrational purposes (for example, in education or exhibition), unsuitable for other uses
- 90.22 Machines and appliances for testing mechanically the hardness, strength, compressibility, elasticity and the like properties of industrial materials (for example, metals, wood, textiles, paper or plastics)
- 90.23 Hydrometers and similar instruments; thermometers, pyrometers, barometers, hygrometers, psychrometers, recording or not; any combination of these instruments
- 90.24 Instruments and apparatus for measuring, checking or automatically controlling the flow, depth, pressure or other variables of liquids or gases, or for automatically controlling temperature (for example, pressure gauges, thermostats, level gauges, flow meters, heat meters, automatic oven-draught regulators), not being articles falling within heading No 90.14
- 90.25 Instruments and apparatus for physical or chemical analysis (such as polarimeters, refractometers, spectrometers, gas analysis apparatus); instruments and apparatus for measuring or checking viscosity; porosity, expansion, surface tension or the like (such as viscometers, porosimeters, expansion meters); instruments and apparatus for measuring or checking quantities of heat, light or sound (such as photometers (including exposure meters), calorimeters); microtomes
- 90.26 Gas, liquid and electricity supply or production meters; calibrating meters therefor
- 90.27 Revolution counters, production counters, taximeters, mileometers, pedometers, and the like, speed indicators (including magnetic speed indicators) and tachometers (other than articles falling within heading No 90.14); stroboscopes
- 90.28 Electrical measuring, checking, analysing or automatically controlling instruments and apparatus
- 90.29 Parts or accessories suitable for use solely or principally with one or more of the articles falling within heading No 90.23, 90.24, 90.26, 90.27 or 90.28

## CHAPTER 91

- 91.01 Pocket-watches, wrist-watches, and other watches, including stop-watches
- 91.02 Clocks with watch movements (excluding clocks of heading No 91.03)
- 91.03 Instrument panel clocks and clocks of a similar type, for vehicles, aircraft or vessels
- 91.04 Other clocks
- 91.05 Time of day recording apparatus; apparatus with clocks or watch movement (including secondary movement) or with synchronous motor, for measuring, recording or otherwise indicating intervals of time
- 91.06 Time switches with clock or watch movement (including secondary movement) or with synchronous motor
- 91.07 Watch movements (including stop-watch movements), assembled
- 91.08 Clock movements, assembled
- 91.09 Watch cases and parts of watch cases <sup>(1)</sup>
- 91.10 Clock cases and cases of a similar type for other goods of this Chapter, and part thereof
- 91.11 Other clock and watch parts

<sup>(1)</sup> For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 2 077 000 u.a. and 20 % respectively.

## CHAPTER 92

- 92.01 Pianos (including automatic pianos, whether or not with keyboards); harpsichords and other keyboard stringed instruments; harps but not including aeolian harps
- 92.02 Other string musical instruments
- 92.03 Pipe and reed organs, including harmoniums and the like
- 92.04 Accordions, concertinas and similar musical instruments; mouth organs
- 92.05 Other wind musical instruments
- 92.06 Percussion musical instruments (for example, drums, xylophones, cymbals, castanets)
- 92.07 Electro-magnetic, electrostatic, electronic and similar musical instruments (for example, pianos, organs, accordions)
- 92.08 Musical instruments not falling within any other heading of this Chapter (for example, fairground organs, mechanical street organs, musical boxes, musical saws); mechanical singing birds; decoy calls and effects of all kinds; mouthblown sound-signalling instruments (for example, whistles and boatswains' pipes)
- 92.09 Musical instrument strings
- 92.10 Parts and accessories of musical instruments (other than strings), including perforated music rolls and mechanisms for musical boxes; metronomes, tuning forks and pitch pipes of all kinds
- 92.11 Gramophones, dictating machines and other sound recorders and reproducers, including record-players and tape decks, with or without sound-heads; television image and sound recorders and reproducers, magnetic:
  - B. Television image and sound recorders and reproducers, magnetic
- 92.12 Gramophone records and other sound or similar recordings; matrices for the production of records, prepared record blanks, film for mechanical sound recording, prepared tapes, wires, strips and like articles of a kind commonly used for sound or similar recording <sup>(1)</sup>
- 92.13 Other parts and accessories of apparatus falling within heading No 92.11

## CHAPTER 93 ARMS AND AMMUNITIONS; PARTS THEREOF (\*) (a)

## CHAPTER 94

- 94.01 Chairs and other seats (other than those falling within heading No 94.02), whether or not convertible into beds, and parts thereof:
  - A. Specially designed for aircraft
- 94.02 Medical, dental, surgical or veterinary furniture (for example, operating tables, hospital beds with mechanical fittings); dentists' and similar chairs with mechanical elevating, rotating or reclining movements; parts of the foregoing articles

(a) The asterisk covers only subheading 93.07 B.

(1) For products falling within this heading, the ceiling and the maximum Community amount referred to in Article 1 (3) and (4) are set at 6 640 000 u.a. and 30% respectively.

- 94.04 Mattress supports; articles of bedding or similar furnishing fitted with springs or stuffed or internally fitted with any material or of expanded, foam or sponge rubber or expanded, foam or sponge artificial plastic material, whether or not covered (for example, mattresses, quilts, eiderdowns, cushions, pouffes and pillows)

CHAPTER 95 ARTICLES AND MANUFACTURES OF CARVING OR MOULDING MATERIAL

CHAPTER 96 BROOMS, BRUSHES, FEATHER DUSTERS, POWDER-PUFFS AND SIEVES  
(\* ) (a)

CHAPTER 97

- 97.01 Wheeled toys designed to be ridden by children (for example, toy bicycles and tricycles and pedal motorcars); dolls' prams and dolls' pushchairs
- 97.04 Equipment for parlour, table and funfair games for adults or children (including billiard tables and pintables and table-tennis requisites <sup>(1)</sup> (\*) (b)
- 97.06 Appliances, apparatus, accessories and requisites for gymnastics or athletics, or for sports and outdoor games (other than articles falling within heading No 97.04) <sup>(2)</sup>
- 97.07 Fish-hooks, line fishing rods and tackle; fish landing nets and butterfly nets; decoy 'birds', lark mirrors and similar hunting or shooting requisites
- 97.08 Roundabouts, swings, shooting galleries and other fairground amusements; travelling circuses, travelling menageries and travelling theatres

CHAPTER 98

- 98.01 Buttons and button moulds, studs, cuff-links, and press-fasteners, including snap-fasteners and press-studs; blanks and parts of such articles
- 98.02 Slide fasteners and parts thereof
- 98.03 Fountain pens, stylograph pens and pencils (including ballpoint pens and pencils and other pens), pen-holders, pencil-holders and similar holders, propelling pencils and sliding pencils; parts and fittings thereof, other than those falling within heading No 98.04 or 98.05
- 98.04 Pen nibs and nib points
- 98.05 Pencils (other than pencils of heading No 98.03), pencil leads, slate pencils, crayons and pastels, drawing charcoals and writing and drawing chalks; tailors' and billiard chalks
- 98.06 Slates and boards, with writing or drawing surfaces, whether framed or not
- 98.07 Date, sealing or numbering stamps, and the like (including devices for printing or embossing labels), designed for operating in the hand; hand-operated composing sticks and hand printing sets incorporating such composing sticks
- 98.08 Typewriter and similar ribbons, whether or not on spools; ink-pads with or without boxes

(a) The asterisk covers only subheadings 96.02 A and C.

(b) The asterisk covers only subheading 97.04 A.

(1) For products falling within heading No 97.04, the maximum Community amount referred to in Article 1 (4) is reduced to 30%.

(2) For products falling within subheadings 97.06 B and C, the Community ceiling referred to in Article 1 (3) is set at 16 078 000 u.a.

- 98.09 Sealing wax (including bottle-sealing wax) in sticks, cakes or similar forms; copying pastes with a basis of gelatin, whether or not a paper or textile backing
- 98.10 Mechanical lighters and similar lighters, including chemical and electrical lighters, and parts thereof, excluding flints and wicks
- 98.11 Smoking pipes; pipe bowls, stems and other parts of smoking pipes (including roughly shaped blocks of wood or root); cigar and cigarette holders and parts thereof
- 98.12 Combs, hair-slides and the like
- 98.13 Corset busks and similar supports for articles of apparel or clothing accessories
- 98.14 Scent and similar sprays of a kind used for toilet purposes, and mounts and heads therefor
- 98.16 Tailors' dummies and other lay figures; automata and other animated displays of a kind used for shop window dressing

CHAPTER 99 WORKS OF ART, COLLECTORS' PIECES, AND ANTIQUES

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## ANNEX B

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan <sup>(1)</sup>	Haiti <sup>(1)</sup>	Romania
Algeria	Honduras	Rwanda <sup>(1)</sup>
Angola	India	Sao Tome and Principe
Argentina	Indonesia	Saudi Arabia
Bahamas	Iran	Senegal
Bahrain	Iraq	Seychelles
Bangladesh <sup>(1)</sup>	Ivory Coast	Sierra Leone
Barbados	Jamaica	Singapore
Bénin <sup>(1)</sup>	Jordan	Somalia <sup>(1)</sup>
Bhutan <sup>(1)</sup>	Kenya	Sri Lanka
Bolivia	Khmer Republic	Sudan <sup>(1)</sup>
Botswana <sup>(1)</sup>	Korea (South)	Surinam
Brazil	Kuwait	Swaziland
Burma	Laos <sup>(1)</sup>	Syria
Burundi <sup>(1)</sup>	Lebanon	Tanzania <sup>(1)</sup>
Cameroon	Lesotho <sup>(1)</sup>	Thailand
Cape Verde Islands	Liberia	Togo
Central African Republic <sup>(1)</sup>	Libya	Tonga
Chad <sup>(1)</sup>	Malagasy Republic	Trinidad and Tobago
Chile	Malawi <sup>(1)</sup>	Tunisia
Colombia	Malaysia	Uganda <sup>(1)</sup>
Comoros	Maldiv Islands <sup>(1)</sup>	United Arab Emirates:
Congo, People's Republic of	Mali <sup>(1)</sup>	Abu Dhabi
Costa Rica	Mauritania	Bubai
Cuba	Mauritius	Ras al Khaimah
Cyprus	Mexico	Fujairah
Dominican Republic	Morocco	Ajman
Ecuador	Mozambique	Sharjah
Egypt, Arab Republic of	Nauru	Ummal Qaiwain
El Salvador	Nepal <sup>(1)</sup>	Upper Volta <sup>(1)</sup>
Equatorial Guinea	Nicaragua	Uruguay
Ethiopia <sup>(1)</sup>	Niger <sup>(1)</sup>	Venezuela
Fiji	Nigeria	Vietnam
Gabon	Oman	Western Samoa <sup>(1)</sup>
Gambia <sup>(1)</sup>	Pakistan	Yemen, People's Democratic Republic of <sup>(1)</sup>
Ghana	Panama	Yemen Arab Republic <sup>(1)</sup>
Grenada	Papua New Guinea	Yugoslavia
Guatemala	Paraguay	Zaire
Guinea <sup>(1)</sup>	Peru	Zambia
Guinea Bissau	Philippines	
Guyana	Qatar	

<sup>(1)</sup> This country is also listed in Annex C.

## II. COUNTRIES AND TERRITORIES

**dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible**

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean (1)  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands (2)  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship (3)  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands (4)

*Note:* The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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(1) Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

(2) Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

(3) The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

(4) Dominica, St Lucia, St Vincent.

## ANNEX C

List of least developed developing countries to which the first subparagraph of Article 2 (2) does not apply

Afghanistan	Malawi
Bangladesh	Maldivé Islands
Bénin	Mali
Bhutan	Nepal
Botswana	Niger
Burundi	Rwanda
Central African Republic	Somalia
Chad	Sudan
Ethiopia	Tanzania
Gambia	Uganda
Guinea	Upper Volta
Haiti	Western Samoa
Laos	Yemen, People's Democratic Republic of
Lesotho	Yemen Arab Republic

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## COUNCIL REGULATION (EEC) No 3022/76

of 13 December 1976

opening, allocating and providing for the administration of Community tariff preferences for textile products originating in developing countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on finished and semi-finished products coming from developing countries; whereas the preferential treatment proposed in that offer covers, generally speaking, all finished and semi-finished industrial products covered by Chapters 25 to 99 of the Common Customs Tariff which originate in developing countries; whereas the preference consists in the granting of exemption from customs duties; whereas preferential imports are effected up to the level of ceilings calculated by value in respect of each product on the basis of factors which are uniform for all the products; whereas, in order that the preferences granted to the most competitive developing country or countries should be restricted and that a substantial share should be reserved for the least competitive, preferential imports from any one developing country in respect of a given product should not, as a general rule, exceed 50% of the ceiling fixed for that product;

Whereas, in the offer made by the Community, the annual ceilings should normally be calculated on the basis of the total value for 1968 of cif imports from the countries benefiting from this scheme excluding those already enjoying various preferential tariff arrangements granted by the Community (basic amount), plus 5% of the value of cif imports from other countries and from the countries already enjoying such arrangements (additional amount);

Whereas, however, in respect of cotton textile products formerly covered by the long-term arrangement regarding international trade in cotton textiles, the offer made by the Community laid down that the preferences in the form of duty-free ceilings normally calculated according to the formula set out in the preceding recital, would be granted to the countries enjoying generalized preferences which are signatories to the long-term arrangement or possibly to those countries which undertook *vis-à-vis* the Community commitments similar to those existing under that arrangement and that they would be accorded for the duration of the said arrangement; whereas the arrangement was due to expire on 30 September 1973 and was extended to 31 December 1973; whereas, provisionally for the years 1974 to 1976, it was considered that the countries concerned would adopt measures with equivalent aims, for both cotton textile and like products, pending the implementation of the arrangement regarding international trade in textiles (1); whereas the latter is being implemented progressively, with the result that the distinction made between countries enjoying preferences in the textile sector is no longer justified; whereas, however, it is not yet possible to assess the overall effect of the bilateral negotiations provided for under the said arrangement; whereas consequently a degree of prudence is necessary in determining which countries are eligible for the preferences to be accorded in the textile sector as a whole; whereas to that end analogies should be established between the products of that sector and those of other industrial sectors which, because of their particular sensitivity, are administered under the preferential arrangements by means of tariff quotas; whereas consequently at this stage it seems appropriate that the countries and territories covered by the said tariff quotas should also be covered under the preferential arrangements for the textile sector as a whole; whereas, moreover, in view of the special nature which trade in the products concerned may have, it appears generally appropriate to determine in terms of tonnages the ceilings for the preferential imports of such products by reference to deliveries effected in 1968 by the former beneficiary countries alone;

(1) OJ No L 118, 30. 4. 1974, p. 1.

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States as a result of implementation of the generalized system of preferences;

Whereas, moreover, the conference of Heads of State or of Government of the Member States and the States acceding to the European Communities held in Paris from 19 to 21 October 1972 invited the Community institutions and the Member States progressively to adopt an overall policy of development cooperation on a world-wide scale comprising in particular the improvement of generalized preferences with the aim of achieving a steady increase in imports of manufactures from the developing countries;

Whereas tariff preferences have been applied from the second half of 1971 under the conditions set out above; whereas these preferences should continue to be applied throughout 1977, with adjustments to take account particularly of the admission to the preferential system in the textile sector of the new beneficiary countries and territories;

Whereas, in accordance with Protocol 23 to the Act of Accession (1) the generalized tariff preferences scheme has been applicable in the new Member States from 1 January 1974;

Whereas in respect of textile products, the complexity of the measure to be implemented, combined with the abovementioned aim of improving the generalized preferences, could from 1974 to 1976 be overcome only by means of successive flat-rate increases of around 50% and — on two occasions — 5% in the ceiling fixed for 1973; whereas the same situation will again prevail in 1977, so that such improvement can be made only by means of a uniform flat-rate increase of 5% in the ceilings fixed for 1976, bringing the level to 174% of the ceilings for 1973;

(1) OJ No L 73, 27. 3. 1972, p. 14.

Whereas, in respect of the group of textile products listed in Annexes A, B and C, generally originating in the countries and territories listed in Annex D, the Community should therefore allow, for each category of these products during 1977, duty-free imports within the limits of the Community ceilings established in the manner set out above; whereas the benefit of such tariff exemption should be reserved for products originating in the countries under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods (2); whereas charges against each of these ceilings must, as a general rule, come within a maximum Community amount of 50% in respect of the products originating in any of the abovementioned countries and territories;

Whereas, however, in the multilateral trade negotiations, in accordance with paragraph 6 of the Tokyo Declaration, the Community reaffirmed that special treatment should be granted to the least developed among the developing countries whenever this is possible; whereas, therefore, charges of products originating in the least developed developing countries appearing on the list drawn up under United Nations resolution 3487 (XXX) of 12 December 1975 should not be subject to the maximum Community amount;

Whereas the ceiling arrangements so defined constitute a distinct improvement to the Community preference scheme for textile products; whereas, however, such improvement may only be made — particularly in view of experience gained in recent years — by ensuring that the improvement continues to be compatible with the degree of sensitivity of the Community sector concerned, and that a better balance is achieved in the distribution of the advantages granted to the new group of beneficiary countries and territories;

Whereas in view of these factors:

- if imports into the Community of textile products of a given category from each of the potential beneficiary countries and territories do not exceed 6% of the imports of the same products from all the beneficiaries, the objectives referred to above may be achieved by applying a method of administration based on the charging at Community level, against the abovementioned ceilings and maximum amounts, of imports of the products concerned in accordance with the detailed rules set out below;

(2) OJ No L 148, 28. 6. 1968, p. 1.

- whereas from 6%, special rules for administering the preferential ceilings become necessary:
- whereas, accordingly, where previous history of deliveries in each category of the products concerned shows that this level of 6% or more is generally attained only by independent countries with a very low *per capita* gross national product, it is still possible to fix relatively high maximum amounts for such countries of the order of 30% and even 50% in some cases; whereas, however, the compatibility mentioned above requires that these maximum amounts be placed within the framework of an administration of the ceilings concerned by means of tariff quotas, and these amounts should even, in exceptional cases, be fixed at a lower level for potential beneficiaries which are less underdeveloped;
- whereas when at least the abovementioned level of 6% is reached, as regards each of the countries' and territories' own deliveries in the categories of products concerned, mainly by beneficiaries other than the least developed, it would seem appropriate to ensure better access to the Community market for the least developed by reserving for them a share of normally 70% of the ceiling for the products concerned — coupled with a maximum amount of 50% — the remaining 30% being administered in the form of Community tariff quotas open without distinction to the other beneficiaries alone;

Whereas, as regards ceilings and maximum amounts relating thereto, the objectives sought may be achieved by applying a method of administration based on the charging, at Community level, against the abovementioned ceilings and maximum amounts, of imports of the products concerned as and when these products are entered for home use and are accompanied by a certificate of origin; whereas this method of administration must make provision for the reintroduction of the levying of customs duties as soon as the said ceilings or maximum amounts are reached at Community level;

Whereas, as regards the ceilings administered in the form of tariff quotas:

- charges against each of the latter must, for the abovementioned beneficiary countries, come within a given percentage of the quota amount;
- it is necessary to guarantee to all importers equal and continuous access to the abovementioned

quotas and uninterrupted application of the rates laid down for those quotas to all imports of the products concerned into all Member States until the quota has been used up;

- having regard to the abovementioned principles it seems that the Community nature of the quotas can best be respected by allocating them among the Member States;
- the actual charges against the quotas may relate only to goods which are entered for home use and are accompanied by a certificate of origin;
- whereas the application of the generally accepted principles in respect of the allocation of the Community tariff quotas which have been opened until now entails, under these circumstances and in view of the variety of the products concerned and of the fact that the benefiting countries are specified, calculations which are all the more problematic in that the statistical data required sometimes prove to be incomplete or not sufficiently accurate or representative; whereas the time required for these calculations cannot be reconciled with the continuity necessary for the application of the tariff preferences concerned; whereas, under these conditions, it would be advisable still at this stage to adopt a fixed scale for allocating the Community tariff quotas concerned among the Member States; whereas, using as a basis general economic criteria relating to external trade in textiles, the gross national product and population, the percentages for the initial shares of the Member States of the quota amounts are as follows for the quota year under consideration:

Germany	27%
Benelux	10%
France	19%
Italy	14%
Denmark	7%
Ireland	1%
United Kingdom	22%

Whereas, as regards the tariff quotas coupled with a maximum amount of 30 or 50% as a general rule, set out in Annex A, without affecting the Community nature of those tariff quotas it still appears possible to provide at this stage for a utilization scheme based on a single allocation among the Member States; whereas, moreover, the allocation adopted by this Regulation in no way prejudices the possibility of adopting the general method of allocation of Community tariff quotas involving the

setting up of a reserve share; whereas implementation of this principle in this particularly sensitive sector can, however, take place only progressively, yet must remain attuned to the methods of administration laid down in the general framework of the generalized system of tariff preferences; whereas at the present juncture it appears feasible that such allocation could in general be made according to the percentages set out in the table above; whereas, however, one of the new Member States, the Kingdom of Denmark, has for a number of years been importing relatively large quantities of certain cotton yarns and woven fabrics falling within heading Nos ex 55.05 and ex 55.09 of the Common Customs Tariff and certain yarn and woven fabrics of synthetic textile fibres and sisal twine falling within heading Nos 51.04 and ex 59.04, and subheadings 56.05 A and 56.07 A of the Common Customs Tariff from a number of developing countries and has therefore ceased to produce the articles in question; whereas this special situation should temporarily continue to be taken into account and this Member State should be granted an increased share without restricting the access thereto of countries benefiting from generalized preferences;

Whereas, in addition, in respect of the said products measures should be introduced to encourage the principal suppliers benefiting from the system to ensure a balanced distribution of their deliveries throughout the Community instead of concentrating them in specific areas, or even in one single area of the Community; whereas each Member State must thus be able to reintroduce the levying of normal Customs duties as soon as it records that the charges against each of its shares of the products originating in the countries listed against each of the said products in column 4 (b) of Annex A reach, together, the amount indicated in brackets in column 5 of the said Annex; whereas this amount corresponds to the addition of special maximum amounts, of the order of 10% of each Community quota volume, to which the said countries may have access provided this volume has not been used up; whereas, furthermore, compliance with this amount of 10% for each country concerned shall be guaranteed at Community level;

Whereas, as regards the products listed in Annex B and administered by means of tariff quotas, the method of administration described for the products in Annex A may also be adopted taking into account the absence of maximum amounts;

Whereas the methods of administration for the products listed in Annexes A, B and C call for very close and particularly rapid cooperation between Member States and the Commission, which must, in particular, be able to keep under observation:

— the extent to which charges are made against the ceilings and maximum amounts and inform Member States thereof; whereas such cooperation should be particularly close in view of the need for the Commission to be able to take appropriate measures to reintroduce customs duties, either generally or individually, when any of the ceilings or maximum amounts are reached;

— the extent to which the tariff quotas are used up, and inform the Member States thereof; whereas, for these purposes, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 January to 31 December 1977 the Common Customs Tariff duties and, until 30 June 1977, the tariff duties of the new Member States on the products listed in Annexes A, B and C, shall be totally suspended within the framework of Community tariff quotas or within the limits of Community ceilings.

2. This suspension shall be enjoyed solely by products originating in the countries and territories listed in Annex D, subject to the details given in Annexes A, B and C.

However, those imports which already enjoy exemption from customs duties under other preferential tariff arrangements granted by the Community shall not be charged against the tariff quotas or ceilings referred to in paragraph 1. For the purposes of this Regulation, the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

With regard to carpets, carpeting and rugs of wool or fine animal hair, falling within heading No 58.01 and mentioned in Annexes A and C, the certificates of origin for these products shall state the number of knots per metre of warp.

3. The ceilings shall be administered and the quotas allocated and administered in accordance with the following provisions.

## SECTION I

**Provisions relating to the administration of the Community tariff ceilings***Article 2*

1. Subject to the provisions of Articles 3 and 4, this suspension shall be granted, in respect of each category of products, within the limits of a Community ceiling expressed in metric tons:

- indicated, for each of the products listed in Annex B, under (a) in column 5,
- equal, as regards the products listed in Annex C, to 174 % of the amount obtained by adding together imports into the Community in 1968, expressed in metric tons, of the products concerned from the independent countries listed in Annex D, excluding those already enjoying various preferential tariff arrangements granted by the Community, and 5% of the metric tonnage of imports in 1970 from other countries and from countries already enjoying such arrangements.

2. Only the products originating in the countries and territories listed in Annex D, other than those specified under (b) in column 4 of Annex B, in respect of the corresponding products, may be charged against the ceilings fixed under (a) in column 5 of the said Annex B.

3. Subject to the provisions of Articles 3 and 4, within each ceiling thus indicated or calculated, charges of products originating in any one of the countries and territories listed in Annex D must not exceed a Community maximum amount equivalent to 50% of this ceiling with the exception of certain products for which the maximum amount shall be reduced to the percentage shown in Annex C.

*Article 3*

1. As soon as the ceilings indicated or calculated in accordance with Article 2 (1), which are laid down for Community imports of products originating in all the countries and territories referred to in Article 1 (2) — account being taken of Article 2 (2) — are reached at Community level, the levying of customs duties on imports of the products in question from all the countries and territories concerned may at any time be reintroduced until the end of the period referred to in Article 1 (1).

2. As soon as the maximum amounts calculated in accordance with Article 2 (3) — account being taken of Article 2 (2) — for Community imports of products originating in each of the countries and territories referred to in Article 1 (2) are reached for any one of these countries or territories at Com-

munity level, the levying of customs duties on imports of the products in question from the country or territory concerned may at any time be reintroduced until the end of the period referred to in Article 1 (1).

However, the first paragraph shall not apply to the imports in question originating in the countries listed in Annex E.

*Article 4*

The Commission shall reintroduce the levying of customs duties in respect of all the countries or territories referred to in Article 1 (2) or in respect of any one of them by means of a Regulation in the conditions laid down in Article 3 (1) and (2).

## SECTION II

**Provisions relating to the allocation and administration of the Communities tariff quotas***Article 5*

1. The total suspension of customs duties within the framework of the Community tariff quotas referred to in Article 1 (1) concerns the products in Annex A and the products in Annex B for each of which the quota amount, expressed in metric tons, is indicated in column 3 of Annex A and under (a) in column 4 of Annex B.

2. The amount to be charged in respect of each independent country referred to in Article 1 (2) against each of the tariff quota amounts mentioned above shall be limited to the maximum amount given under (a) in column 4 of Annex A against each category of products.

For the products listed in Annex A, charges of the products originating in the countries listed under (b) in column 4 of the said Annex shall be limited to the percentages indicated in that column against each of these products. Each Member State shall reintroduce the levying of normal customs duties in respect of the said countries as soon as it records that the total of amounts charged against their respective shares has reached the cumulative special maximum amount specified in brackets in column 5 of Annex A. The Member State in question shall immediately notify the Commission, which shall inform the other Member States without delay.

This limitation of the amount charged shall not apply to the tariff quotas given under (a) in column 4 of Annex B, such quotas being available only to the countries and territories mentioned opposite, under (b) in column 4 of the said Annex, considered as a group.

*Article 6*

1. For the products listed in Annexes A and B, the Community tariff quotas referred to in Article 5 (1) shall be allocated in shares which shall be, for each Member State, the amounts corresponding to the metric tonnages shown in column 5 of Annex A and under (c) in column 4 of Annex B against each category of products.

2. The shares allocated to Denmark for certain products falling within subheadings and heading Nos 51.04, ex 55.05, ex 55.09, 56.05 A, 56.07 A and ex 59.04 shall be increased by an amount determined in a footnote to Annex A.

The first and second subparagraphs of Article 5 (2) shall not apply to such an increase.

*Article 7*

Member States shall take all measures necessary to ensure that importers of the products concerned established in their territory have free access to the shares allocated to them.

*Article 8*

The Commission shall take all necessary measures to ensure that the maximum amount referred to in Article 5 (2) is observed. When the charges, at Community level, of products originating in each of the independent countries listed in Annex D against any one of the Community tariff quotas reach the maximum amount laid down under (a) or (b) in column 4 of Annex A, the Commission shall immediately notify the Member States of the date on which, as a result of this fact, the normal tariff is to be reintroduced in respect of the independent country in question. This notification shall be published in the *Official Journal of the European Communities*.

## SECTION III

**General provisions***Article 9*

1. Imports of the products in question shall be actually charged against the Community ceilings,

shares and maximum amounts as and when these products are entered for home use and are accompanied by a certificate of origin pursuant to the rules referred to in Article 1 (2).

2. Goods may be charged against a ceiling or maximum amount or admitted under a tariff quota only if the certificate of origin referred to in paragraph 1 is presented before the date on which the levying of duties is reintroduced.

3. The extent to which the ceilings, shares and maximum amounts have been used up shall be determined at Community level on the basis of the imports charged in accordance with paragraphs 1 and 2.

4. Any amendment to Annex D, in particular by the addition of new countries or territories enjoying tariff preferences, may entail a corresponding adjustment to the amounts of the Community ceilings, quotas and maximum amounts referred to in Article 2 (1) and (3) and in Article 5 (1) and (2).

*Article 10*

On receipt of a request from the Commission, and in any case at least monthly, Member States shall inform it of imports of the products concerned charged against their shares and the Community ceilings and maximum amounts.

*Article 11*

Member States and the Commission shall cooperate closely to ensure that the preceding provisions are observed.

*Article 12*

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 13 December 1976.

*For the Council*  
*The President*  
M. van der STOEL

ANNEX A

List of textile products subject to zero-duty Community tariff quotas under the generalized tariff preferences granted to developing countries

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (3)	Maximum amount per country (in %) (4)		Volume of shares allocated to Member States together with, in brackets, the cumulative special maximum amount (in metric tons) (5)
				(a) general	(b) special	
1	51.04	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02	383	30	10 for — Colombia — Korea (South)	Germany 103.41 (20.68) Benelux 38.30 ( 7.66) France 72.77 (14.55) Italy 53.62 (10.72) Denmark (1) 26.81 ( 5.36) Ireland 3.83 ( 0.76) United Kingdom 84.26 (16.85)
2	55.05	Cotton yarn, not put up for retail sale: B. Other: II. Other: Measuring, per single yarn, per kg: — 14 000 m or less	1 394	30	10 for Brazil	Germany 376.38 (37.64) Benelux 139.40 (13.94) France 264.86 (26.49) Italy 195.16 (19.52) Denmark 97.58 ( 9.76) Ireland 13.94 ( 1.39) United Kingdom 306.68 (30.67)

(1) Pursuant to Article 6 (2), this share is increased by 26.90 metric tons.

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (3)	Maximum amount per country (in %) (4)		Volume of shares allocated to Member States together with, in brackets, the cumulative special maximum amount (in metric tons) (5)
				(a) general	(b) special	
3	55.05 (cont'd)	— More than 14 000 m but not more than 40 000 m	6 432	30	10 for — Brazil — Mexico	Germany 1 736.64 (347.32) Benelux 643.20 (128.64) France 1 222.08 (244.41) Italy 900.48 (180.09) Denmark (1) 450.24 ( 90.04) Ireland 64.32 ( 12.86) United Kingdom 1 415.04 (283.00)
4		— More than 40 000 m but not more than 80 000 m	2 212	30	10 for — Brazil — Colombia — Mexico	Germany 597.24 (179.17) Benelux 221.20 ( 66.36) France 420.28 (126.08) Italy 309.68 ( 92.90) Denmark (2) 154.84 ( 46.45) Ireland 22.12 ( 6.63) United Kingdom 486.64 (145.99)
5		— More than 80 000 m but less than 120 000 m	319	20		Germany 86.13 Benelux 31.90 France 60.61 Italy 44.66 Denmark 22.33 Ireland 3.19 United Kingdom 70.18

(1) Pursuant to Article 6 (2), this share is increased by 1 100.82 metric tons.

(2) Pursuant to Article 6 (2), this share is increased by 597.01 metric tons.

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (3)	Maximum amount per country (in %) (4)		Volume of shares allocated to Member States together with, in brackets, the cumulative special maximum amount (in metric tons) (5)
				(a) general	(b) special	
6	55.09	Other woven fabrics of cotton: A. Containing 85% or more by weight of cotton: I. Of a width of less than 85 cm: — Unbleached	930	40		Germany 251.10 Benelux 93.00 France 176.70 Italy 130.20 Denmark 65.10 Ireland 9.30 United Kingdom 204.60
7		— Other	568	40	10 for — Colombia — Mexico	Germany 153.36 (30.67) Benelux 56.80 (11.36) France 107.92 (21.58) Italy 79.52 (15.90) Denmark 39.76 (7.95) Ireland 5.68 (1.13) United Kingdom 124.96 (24.99)
8		II. Other: — Unbleached, of a width of: — 85 cm or more but not more than 115 cm	5 760	30	10 for Brazil	Germany 1 555.20 (155.52) Benelux 576.00 (57.60) France 1 094.40 (109.44) Italy 806.40 (80.64) Denmark 403.20 (40.32) Ireland 57.60 (5.76) United Kingdom 1 267.20 (126.72)

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (3)	Maximum amount per country (in %) (4)		Volume of shares allocated to Member States together with, in brackets, the cumulative special maximum amount (in metric tons) (5)
				(a) general	(b) special	
9	55.09 (cont'd)	— More than 115 cm but not more than 165 cm	3 500	40	10 for — Brazil — Colombia — Korea (South)	Germany 945-00 (283-50) Benelux 350-00 (105-00) France 665-00 (199-50) Italy 490-00 (147-00) Denmark (1) 245-00 ( 73-50) Ireland 35-00 ( 10-50) United Kingdom 770-00 (231-00)
10		— More than 165 cm	1 129	40	10 for — Brazil — Korea (South) — Singapore — Yugoslavia	Germany 304-83 (121-93) Benelux 112-90 ( 45-16) France 214-51 ( 85-80) Italy 158-06 ( 63-22) Denmark 79-03 ( 31-61) Ireland 11-29 ( 4-51) United Kingdom 248-38 ( 99-35)
11		— Other	547	40	10 for — Brazil — Colombia — Mexico	Germany 147-69 (44-30) Benelux 54-70 (16-41) France 103-93 (31-17) Italy 76-58 (22-97) Denmark (2) 38-29 (11-48) Ireland 5-47 ( 1-64) United Kingdom 120-34 (36-10)
12		B. Other	313	40	10 for Yugoslavia	Germany 84-51 (8-45) Benelux 31-30 (3-13) France 59-47 (5-95) Italy 43-82 (4-38) Denmark 21-91 (2-19) Ireland 3-13 (0-31) United Kingdom 68-86 (6-89)

(1) Pursuant to Article 6 (2), this share is increased by 787-18 metric tons.

(2) Pursuant to Article 6 (2), this share is increased by 1 177-88 metric tons.

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (3)	Maximum amount per country (in %) (4)		Volume of shares allocated to Member States together with, in brackets, the cumulative special maximum amount (in metric tons) (5)
				(a) general	(b) special	
13	56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale: A. Of synthetic textile fibres	634	30	10 for — Korea (South) — Singapore	Germany 171.18 (34.23) Benelux 63.40 (12.68) France 120.46 (24.09) Italy 88.76 (17.75) Denmark (1) 44.38 ( 8.87) Ireland 6.34 ( 1.26) United Kingdom 139.48 (27.89)
14	56.07	Woven fabrics of man-made fibres (discontinuous or waste): A. Of synthetic textile fibres	591	30	10 for Korea (South)	Germany 159.57 (15.96) Benelux 59.10 ( 5.91) France 112.29 (11.23) Italy 82.74 ( 8.27) Denmark (2) 41.37 ( 4.14) Ireland 5.91 ( 0.59) United Kingdom 130.02 (13.00)
15	58.01	Carpets, carpeting and rugs, knotted (made up or not): ex A. Of wool or of fine animal hair, containing per metre of warp not more than 500 rows of knots	5 408	35		Germany 1 460.16 Benelux 540.80 France 1 027.52 Italy 757.12 Denmark 378.56 Ireland 54.08 United Kingdom 1 189.76

(1) Pursuant to Article 6 (2), this share is increased by 61.64 metric tons.  
(2) Pursuant to Article 6 (2), this share is increased by 464.30 metric tons.

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (3)	Maximum amount per country (in %) (4)		Volume of shares allocated to Member States together with, in brackets, the cumulative special maximum amount (in metric tons) (5)
				(a) general	(b) special	
16	ex 59.04	Twine, cordage, ropes and cables plaited or not: — Of hemp	2 779	40		Germany 750-33 Benelux 277-90 France 528-01 Italy 389-06 Denmark 194-53 Ireland 27-79 United Kingdom 611-38
17		— Of sisal (Agave sisalana)	696	30		Germany 187-92 Benelux 69-60 France 132-24 Italy 97-44 Denmark (1) 48-72 Ireland 6-96 United Kingdom 153-12
18		— Of synthetic textile fibres	669	30		Germany 180-63 Benelux 66-90 France 127-11 Italy 93-66 Denmark 46-83 Ireland 6-69 United Kingdom 147-18
19		— Other, other than of jute or of other textile bast fibres of heading No 57.03 or of coir	522	30		Germany 140-94 Benelux 52-20 France 99-18 Italy 73-08 Denmark 36-54 Ireland 5-22 United Kingdom 114-84

(1) Pursuant to Article 6 (2), this share is increased by 158 metric tons.

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (3)	Maximum amount per country (in %) (4)		Volume of shares allocated to Member States together with, in brackets, the cumulative special maximum amount (in metric tons) (5)
				(a) general	(b) special	
20	60.03	Stockings, under stockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, not elastic or rubberized: — Of synthetic textile fibres	114	30	10 for Korea (South)	Germany 30.78 (3.08) Benelux 11.40 (1.14) France 21.66 (2.17) Italy 15.96 (1.60) Denmark 7.98 (0.80) Ireland 1.14 (0.11) United Kingdom 25.08 (2.51)
21		— Other	400	30	10 for — Korea (South) — Yugoslavia	Germany 108.00 (21.60) Benelux 40.00 ( 8.00) France 76.00 (15.20) Italy 56.00 (11.20) Denmark 28.00 ( 5.60) Ireland 4.00 ( 0.80) United Kingdom 88.00 (17.60)
22	60.04	Under garments, knitted or crocheted, not elastic or rubberized	2 453	30	10 for — Korea (South) — Yugoslavia	Germany 662.31 (132.46) Benelux 245.30 ( 49.06) France 466.07 ( 93.21) Italy 343.42 ( 68.68) Denmark 171.71 ( 34.34) Ireland 24.53 ( 4.90) United Kingdom 539.66 (107.93)

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (3)	Maximum amount per country (in %) (4)		Volume of shares allocated to Member States together with, in brackets, the cumulative special maximum amount (in metric tons) (5)
				(a) general	(b) special	
23	60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized	804	30	10	Germany 217.08 (43.41)
					for	Benelux 80.40 (16.08)
					— Korea (South)	France 152.76 (30.55)
					— Yugoslavia	Italy 112.56 (22.51)
						Denmark 56.28 (11.25)
	Ireland 8.04 (1.60)					
		United Kingdom 176.88 (35.37)				
24	61.01	Men's and boys' outer garments	844	30	10	Germany 227.88 (45.57)
					for	Benelux 84.40 (16.88)
					— Korea (South)	France 160.36 (32.07)
					— Yugoslavia	Italy 118.16 (23.63)
						Denmark 59.08 (11.81)
	Ireland 8.44 (1.68)					
		United Kingdom 185.68 (37.13)				
25	61.02	Women's, girls' and infants' outer garments	661	30	10	Germany 178.47 (35.69)
					for	Benelux 66.10 (13.22)
					— Korea (South)	France 125.59 (25.11)
					— Yugoslavia	Italy 92.54 (18.50)
						Denmark 46.27 (9.25)
	Ireland 6.61 (1.32)					
		United Kingdom 145.42 (29.08)				
26	61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs	745	30	10	Germany 201.15 (40.23)
					for	Benelux 74.50 (14.90)
					— Korea (South)	France 141.55 (28.31)
					— Yugoslavia	Italy 104.30 (20.86)
						Denmark 52.15 (10.43)
	Ireland 7.45 (1.49)					
		United Kingdom 163.90 (32.78)				

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (3)	Maximum amount per country (in %) (4)		Volume of shares allocated to Member States together with, in brackets, the cumulative special maximum amount (in metric tons) (5)
				(a) general	(b) special	
27	61.04	Women's, girls' and infants' under garments	296	30	10 for — Korea (South) — Yugoslavia	Germany (15-98) Benelux (5-92) France (11-25) Italy (8-29) Denmark (4-14) Ireland (0-59) United Kingdom (13-02)
28	61.05	Handkerchiefs	156	30		Germany 42-12 Benelux 15-60 France 29-64 Italy 21-84 Denmark 10-92 Ireland 1-56 United Kingdom 34-32
29	61.09	Corsets, corset-belts, suspender-belts, brassieres, braces, suspenders, garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic	100	30		Germany 27-00 Benelux 10-00 France 19-00 Italy 14-00 Denmark 7-00 Ireland 1-00 United Kingdom 22-00
30	62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles	360	30	10 for Brazil	Germany (9-72) Benelux (3-60) France (6-84) Italy (5-04) Denmark (2-52) Ireland (0-36) United Kingdom (7-92)

## ANNEX B

List of textile products referred to in Articles 2 and 5 which are subject to zero-duty Community ceilings and tariff quotas under the generalized tariff preferences for developing countries and territories

Order No	CCT heading No (1)	Description (2)	Total preferential amount (in metric tons) (3)	Quota (4)			Ceiling (5)		
				Amount (in metric tons) (a)	Beneficiary countries and territories (b)	Volume of shares allocated to Member States (in metric tons) (c)	Amount (in metric tons) (a)	Maximum amount per country and territory (b) in % (1)	in metric tons (2)
1	53.07	Yarn of combed sheep's or lambs' wool (worsted yarn), not put up for retail sale	401	120	Brazil Uruguay	Germany Benelux France Italy Denmark Ireland United Kingdom	281	50	141
2	54.03	Flax or ramie yarn, not put up for retail sale	244	49	Brazil	Germany Benelux France Italy Denmark Ireland United Kingdom	195	50	98
3	55.05	Cotton yarn, not put up for retail sale: A. Multiple or cabled, finished in balls or on cards, reels, tubes or similar supports, of a weight (including support) not exceeding 900 g	53	16	Brazil Hong Kong	Germany Benelux France Italy Denmark Ireland United Kingdom	37	50	19

Order No	CCT heading No (1)	Description (2)	Total preferential amount (in metric tons) (3)	Quota (4)			Ceiling (5)		
				Amount (in metric tons) (a)	Beneficiary countries and territories (b)	Volume of shares allocated to Member States (in metric tons) (c)	Amount (in metric tons) (a)	Maximum amount per country and territory (b)	
								in % (1)	in metric tons (2)
4		B. Other: I. Measuring, per single yarn, 120 000 m or more per kg	50	10	Brazil	Germany Benelux France Italy Denmark Ireland United Kingdom	40	50	20
5	55.08	Terry toweling and similar terry fabrics of cotton	104	21	Brazil	Germany Benelux France Italy Denmark Ireland United Kingdom	83	50	42
6	56.07	Woven fabrics of man-made fibres (discontinuous or waste): B. Of regenerated textile fibres	660	200	Brazil Yugoslavia	Germany Benelux France Italy Denmark Ireland United Kingdom	460	50	230

Order No	CCT heading No (1)	Description (2)	Total preferential amount (in metric tons) (3)	Quota (4)			Ceiling (5)		
				Amount (in metric tons) (a)	Beneficiary countries and territories (b)	Volume of shares allocated to Member States (in metric tons) (c)	Amount (in metric tons) (a)	Maximum amount per country and territory (b)	
								in % (1)	in metric tons (2)
7	58.04	Woven pile fabrics and chenille fabrics (other than terry towelling or similar terry fabrics of cotton falling within heading No 55.08 and fabrics falling within heading No 58.05)	471	141	Colombia Korea (South) Hong Kong	Germany Benelux France Italy Denmark Ireland United Kingdom	330	50	165
8	58.05	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No 58.06	100	20	Hong Kong	Germany Benelux France Italy Denmark Ireland United Kingdom	80	50	40
9	58.10	Embroidery, in the piece, in strips or in motifs.	164	32	Korea (South)	Germany Benelux France Italy Denmark Ireland United Kingdom	132	50	66

Order No	CCT heading No (1)	Description (2)	Total preferential amount (in metric tons) (3)	Quota (4)			Ceiling (5)		
				Amount (in metric tons) (a)	Beneficiary countries and territories (b)	Volume of shares allocated to Member States (in metric tons) (c)	Amount (in metric tons) (a)	Maximum amount per country and territory (b) in % (1) in metric tons (2)	
10	60.01	Knitted or crocheted fabrics, not elastic or rubberized	787	236	Brazil Uruguay Yugoslavia	Germany Benelux France Italy Denmark Ireland United Kingdom	551	50	276
11	60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized	100	30	Korea (South) Hong Kong	Germany Benelux France Italy Denmark Ireland United Kingdom	70	50	35
12	62.03	Sacks and bags, of a kind used for the packing of goods: B. Of other textile materials: I. Used: a) Of flax or of sisal ex b) Other (excluding coir fibres) ex II. Other (excluding coir fibres)	508	152	Korea (South) Hong Kong	Germany Benelux France Italy Denmark Ireland United Kingdom	356	50	178

## ANNEX C

List of products originating in developing countries and territories to which the generalized tariff preferences for certain textile products will apply (a)

Order No	CCT heading No	Description
	CHAPTER 50	
1	50.04	Silk yarn, other than yarn of noil or other waste silk, not put up for retail sale
2	50.05	Yarn spun from silk waste other than noil, not put up for retail sale
3	50.06	Yarn spun from noil silk, not put up for retail sale
4	50.07	Silk yarn and yarn spun from noil or other waste silk, put up for retail sale
5	50.08	Silk-worm gut; imitation catgut of silk
6	50.09	Woven fabrics of silk or of waste silk other than noil
7	50.10	Woven fabrics of noil silk
	CHAPTER 51	
8	51.01	Yarn of man-made fibres (continuous), not put up for retail sale (1)
9	51.02	Monofil, strip (artificial straw and the like) and imitation catgut, of man-made fibre materials
10	51.03	Yarn of man-made fibres (continuous), put up for retail sale
11	CHAPTER 52	METALLIZED TEXTILES
	CHAPTER 53	
12	53.06	Yarn of carded sheep's or lambs' wool (wollen yarn), not put up for retail sale
13	53.08	Yarn of fine animal hair (carded or combed), not put up for retail sale
14	53.09	Yarn of horsehair or of other coarse animal hair, not put up for retail sale
15	53.10	Yarn of sheep's or lambs' wool, of horsehair or of other animal hair (fine or coarse), put up for retail sale
16	53.11	Woven fabrics of sheep's or lambs' wool or of fine animal hair

(a) Products qualifying under the ordinary arrangements for exemption or total temporary suspension of the Common Customs Tariff duty are only token entries as regards the Member States of the Community as originally constituted, whereas the exemption or suspension is directly and fully applicable by the new Member States under the present arrangements until 30 June 1977. As from 1 July 1977, the said products also are only token entries as regards the new Member States.

(1) For products falling within this heading, the maximum Community amount referred to in Article 1 (3) is reduced to 30%.

Order No	CCT heading No	Description
17	53.12	Woven fabrics of coarse animal hair other than horsehair
18	53.13	Woven fabrics of horsehair
	CHAPTER 54	
19	54.04	Flax or ramie yarn, put up for retail sale
20	54.05	Woven fabrics of flax or of ramie
	CHAPTER 55	
21	55.06	Cotton yarn, put up for retail sale
22	55.07	Cotton gauze
	CHAPTER 56	
23	56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning <sup>(1)</sup>
24	56.02	Continuous filament tow for the manufacture of man-made fibres (discontinuous) <sup>(1)</sup>
25	56.03	Waste (including yarn waste and pulled or garnetted rags) of man-made fibres (continuous or discontinuous), not carded, combed or otherwise prepared for spinning <sup>(1)</sup>
26	56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning
27	56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale: B. Of regenerated textile fibres
28	56.06	Yarn of man-made fibres (discontinuous or waste), put up for retail sale
	CHAPTER 57	
29	57.05	Yarn of true hemp
30	57.07	Yarn of other vegetable textile fibres: B. Other
31	57.08	Paper yarn
32	57.09	Woven fabrics of true hemp

<sup>(1)</sup> For products falling within this heading, the maximum Community amount referred to in Article 1 (3) is reduced to 30%.

Order No	CCT heading No	Description
33	ex 57.11	Woven fabrics of other vegetable textile fibres, excluding those of coir
34	57.12	Woven fabrics of paper yarn
CHAPTER 58		
35	ex 58.01	Carpets, carpeting and rugs, knotted (made up or not), other than of jute or of other textile bast fibres of heading No 57.03 or of coir and wool or fine animal hair, containing per metre of warp not more than 500 rows of knots
	58.02	Other carpets, carpeting, rugs, mats and matting, and 'Kelem', 'Schumacks' and 'Karamanie' rugs and the like (made up or not):
36		ex A. Carpets, whether tufted or not other than of jute or other textile bast fibres of heading No 57.03 or coir
37		B. 'Kelem', 'Schumacks' and 'Karamanie' rugs and the like
38	58.03	Tapestries, hand-made, of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needle-worked tapestries (for example, petit point and cross stitch) made in panels and the like by hand
39	58.06	Woven labels, badges and the like, not embroidered, in the piece, in strips or cut to shape or size
40	58.07	Chenille yarn (including flock chenille yarn), gimped yarn (other than metallized yarn of heading No 52.01 and gimped horsehair yarn); braids and ornamental trimmings in the piece; tassels, pompons and the like
41	58.08	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), plain
42	58.09	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), figured; hand or mechanically made lace, in the piece, in strips or in motifs
CHAPTER 59		
43	59.01	Wadding and articles of wadding; textile flock and dust and mill neps
44	59.02	Felt and articles of felt, whether or not impregnated or coated
45	59.03	Bonded fibre fabrics, similar bonded yarn fabrics, and articles of such fabrics, whether or not impregnated or coated
46	59.05	Nets and netting made of twine, cordage or rope, and made up fishing nets of yarn, twine, cordage or rope
47	59.06	Other articles made from yarn, twine, cordage, rope or cables other than textile fabrics and articles made from such fabrics

Order No	CCT heading No	Description
48	59.07	Textile fabrics coated with gum or amylaceous substances of a kind used for the outer covers of books and the like; tracing cloth; prepared painting canvas; buckram and similar fabrics for hat foundations and similar uses
49	59.08	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials
50	59.09	Textile fabrics coated or impregnated with oil or preparations with a basis of drying oil
51	59.10	Linoleum and materials prepared on a textile base in a similar manner to linoleum, whether or not cut to shape or of a kind used as floor coverings; floor coverings consisting of a coating applied on a textile base, cut to shape or not
52	59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods
53	59.12	Textile fabrics otherwise impregnated or coated; painting canvas being theatrical scenery, studio back-cloths or the like
54	59.13	Elastic fabrics and trimmings (other than knitted or crocheted goods) consisting of textile materials combined with rubber threads
55	59.14	Wicks, of woven, plaited or knitted textile materials, for lamps, stoves, lighters, candles and the like; tubular knitted gas-mantle fabric and incandescent gas mantles
56	59.15	Textile hose-piping and similar tubing, with or without lining, armour or accessories of other materials
57	59.16	Transmission, conveyor or elevator belts or belting, of textile material, whether or not strengthened with metal or other material
58	59.17	Textile fabrics and textile articles of a kind commonly used in machinery or plant
CHAPTER 60		
59	60.06	Knitted or crocheted fabric and articles thereof, elastic or rubberized (including elastic knee-caps and elastic stockings)
CHAPTER 61		
60	61.06	Shawls, scarves, mufflers, mantillas, veils and the like
61	61.07	Ties, bow ties and cravats
62	61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments
63	61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods
64	61.11	Made up accessories for articles of apparel (for example, dress shields, shoulder and other pads, belts, muffs, sleeve protectors, pockets)

Order No	CCT heading No	Description
	<b>CHAPTER 62</b>	
65	62.01	Travelling rugs and blankets
66	62.04	Tarpaulins, sails, awnings, sunblinds, tents and camping goods
67	ex 62.05	Other made up textile articles (including dress patterns) other than of jute, other than textile bast fibres of heading No 57.03 or coir
	<b>CHAPTER 63</b>	
68	ex 63.01	Clothing, clothing accessories, travelling rugs and blankets, household linen and furnishing articles (other than articles falling within heading No 58.01, 58.02 or 58.03), of textile materials; footwear and headgear of any material, showing signs of appreciable wear and imported in bulk or in bales, sacks or similar bulk packings other than of jute, other than textile bast fibres of heading No 57.03 or coir

## ANNEX D

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan <sup>(1)</sup>	Haiti <sup>(1)</sup>	Rwanda <sup>(1)</sup>
Algeria	Honduras	Sao Tome and Principe
Angola	India	Saudi Arabia
Argentina	Indonesia	Senegal
Bahamas	Iran	Seychelles
Bahrain	Iraq	Sierra Leone
Bangladesh <sup>(1)</sup>	Ivory Coast	Singapore
Barbados	Jamaica	Somalia <sup>(1)</sup>
Bénin <sup>(1)</sup>	Jordan	Sri Lanka
Bhutan <sup>(1)</sup>	Kenya	Sudan <sup>(1)</sup>
Bolivia	Khmer Republic	Surinam
Botswana <sup>(1)</sup>	Korea (South)	Swaziland
Brazil	Kuwait	Syria
Burma	Laos <sup>(1)</sup>	Tanzania <sup>(1)</sup>
Burundi <sup>(1)</sup>	Lebanon	Thailand
Cameroon	Lesotho <sup>(1)</sup>	Togo
Cape Verde Islands	Liberia	Tonga
Central African Republic <sup>(1)</sup>	Libya	Trinidad and Tobago
Chad <sup>(1)</sup>	Malagasy Republic	Tunisia
Chile	Malawi <sup>(1)</sup>	Uganda <sup>(1)</sup>
Colombia	Malaysia	United Arab Emirates:
Comoros	Maldive Islands <sup>(1)</sup>	Abu Dhabi
Congo, People's Republic of	Mali <sup>(1)</sup>	Dubai
Costa Rica	Mauritania	Ras al Khaimah
Cuba	Mauritius	Fujairah
Cyprus	Mexico	Ajman
Dominican Republic	Morocco	Sharjah
Ecuador	Mozambique	Ummal Qaiwain
Egypt, Arab Republic of	Nauru	Upper Volta <sup>(1)</sup>
El Salvador	Nepal <sup>(1)</sup>	Uruguay
Equatorial Guinea	Nicaragua	Venezuela
Ethiopia <sup>(1)</sup>	Niger <sup>(1)</sup>	Vietnam
Fiji	Nigeria	Western Samoa <sup>(1)</sup>
Gabon	Oman	Yemen, People's Democratic Republic of <sup>(1)</sup>
Gambia <sup>(1)</sup>	Pakistan	Yemen Arab Republic <sup>(1)</sup>
Ghana	Panama	Yugoslavia
Grenada	Papua New Guinea	Zaire
Guatemala	Paraguay	Zambia
Guinea <sup>(1)</sup>	Peru	
Guinea Bissau	Philippines	
Guyana	Qatar	

<sup>(1)</sup> This country is also listed in Annex E.

## II. COUNTRIES AND TERRITORIES

dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean <sup>(1)</sup>  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands <sup>(2)</sup>  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship <sup>(3)</sup>  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands <sup>(4)</sup>

*Note:* The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

<sup>(1)</sup> Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

<sup>(2)</sup> Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

<sup>(3)</sup> The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

<sup>(4)</sup> Dominica, St Lucia, St Vincent.

## ANNEX E

List of least developed developing countries to which the first subparagraph of Article 3 (2) does not apply

Afghanistan	Malawi
Bangladesh	Maldivé Islands
Bénin	Mali
Bhutan	Nepal
Botswana	Niger
Burundi	Rwanda
Central African Republic	Somalia
Chad	Sudan
Ethopia	Tanzania
Gambia	Uganda
Guinea	Upper Volta
Haiti	Western Samoa
Laos	Yemen, People's Democratic Republic of
Lesotho	Yemen Arab Republic

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## COUNCIL REGULATION (EEC) No 3024/76

of 13 December 1976

opening, allocating and providing for the administration of a Community tariff quota for raw or unmanufactured Virginia type tobaccos originating in developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas in the Joint Declaration of Intent, on the development of trade relations with Sri Lanka, India, Malaysia, Pakistan and Singapore (¶), the Community declared its readiness to seek solutions to the problems which may arise in the field of trade with the countries referred to;

Whereas, on the one hand, for several Asian countries of the Commonwealth and particularly India, the types of unmanufactured tobaccos concerned are an important export product and the flow of trade in such products is likely to be changed as a result of the enlargement of the Community and, on the other hand, these countries are among the worst hit by the present economic crisis; whereas the system of generalized tariff preferences may constitute a solution to the problems of this nature; whereas these types of tobaccos should be included in the generalized preferences scheme;

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on certain processed agricultural products of Chapters 1 to 24 of the Common Customs Tariff which originate in developing countries; whereas the preferential treatment proposed in that offer consists, in respect of certain goods which are subject to the trade arrangements laid down in Regulation (EEC) No 1059/69, of a reduction in the fixed component of the charge applicable to such goods by virtue of that Regulation,

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(¶) OJ No L 73, 27. 3. 1972, p. 195.

and, in respect of products which are subject to the single customs duty, of a reduction in such duty; whereas preferential imports of the products concerned could be effected without quantitative restrictions; whereas it appears appropriate, however, in view of the sensitiveness of the tobacco sector generally and of the need to safeguard the interests of the associated countries and of the ACP States in this field, to lay down for raw or unmanufactured Virginia type tobacco special conditions consisting in a reduction of the customs duty applicable to these products within the limits of a Community tariff quota;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas, moreover, the conference of Heads of State or of Government of the Member States and the States acceding to the European Communities held in Paris from 19 to 21 October 1972, invited the Community institutions and the Member States progressively to adopt an overall policy of development cooperation on a world-wide scale comprising in particular the improvement of generalized preferences with the aim of achieving a steady increase in imports of manufactures from the developing countries;

Whereas tariff preferences have been applied as from the second half of 1971; whereas, however, for the flue-cured Virginia type tobacco, the said system of tariff preferences has been made applicable from 1974 and it is appropriate to apply this system henceforth for all Virginia type tobaccos;

Whereas it is expedient, therefore, that the Community should open for 1977 for these raw or unmanufactured tobaccos, originating in the countries and territories listed in the Annex, a Community tariff quota limited to 60 000 metric tons, at a customs duty rate of 7% with a minimum charge of 15 units of account per 100 kilogrammes net weight for Virginia type tobaccos falling within subheading 24.01 ex B and with a maximum charge of 45 units of account per 100 kilogrammes net weight for the Virginia type tobaccos falling within subheadings 24.01 A ex I and 24.01 A ex II;

Whereas, in accordance with Protocol 23 to the Act of Accession <sup>(1)</sup>, the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas, for the tobaccos concerned, this scheme would, however, involve the application in the new Member States in 1977 of customs duties higher than or very close to those which will be applied by the new Member States to non-member countries in general on the basis of the provisions of the above-mentioned Act; whereas this situation would comply neither with the spirit nor with the very nature of the generalized preference scheme; whereas, in order to maintain an equivalent preferential margin for these products also, reduced customs duties should be applied to them, in accordance with detailed rules based on the principle of maintaining, in the new Member States, a preference proportional to that which exists between the duties of the Common Customs Tariff and the duties given in Article 1 of this Regulation; whereas, with a view to granting the beneficiary developing countries the best possible treatment, in accordance with the objectives of the preference scheme, the duties given in the above-mentioned Article 1 should also be applied wherever the duties calculated according to the above-mentioned detailed rules prove to be higher than them;

Whereas the benefit of this tariff quota should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods <sup>(2)</sup>;

Whereas it is necessary to ensure equal and continuous access for all Community importers to the above-mentioned quota and the uninterrupted application of the rate laid down for this quota to all imports of the products concerned into all Member

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<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 178.

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 1.

States until this quota is used up; whereas, having regard to the principles set out above, the Community nature of the quota can be respected by allocating the Community tariff quota among Member States; whereas, moreover, to this end and in the context of the utilization system, the actual charges against the quota may relate only to products which have been entered for home use and which are accompanied by a certificate of origin;

Whereas, on the basis of the available statistical data which cover only a relatively brief period and whereas they should be weighted on the basis of the estimates which may be made in respect of the quota year, the shares in the quota amount may be set out as follows:

Germany	10 525 metric tons
Benelux	5 700 metric tons
France	1 000 metric tons
Italy	4 000 metric tons
Denmark	1 900 metric tons
Ireland	1 975 metric tons
United Kingdom	34 900 metric tons

Whereas, without affecting the Community nature of the tariff quota under consideration, it appears possible to provide temporarily for a utilization scheme based on a single allocation among the Member States; whereas, moreover, the allocation set out by this Regulation in no way prejudices the possibility of adopting the general method of allocation of Community tariff quotas comprising the setting up of a reserve share; whereas at this transitional stage it appears feasible that such allocation could be made according to the amounts set out above;

Whereas measures should be provided for which will enable any serious disruption in any sector of the economic activity of the Community to be avoided; whereas to this end, the Commission should be empowered to re-introduce partially or wholly the levying of customs duties in order that such disruption may be avoided;

Whereas the shares of the Member States in the Community tariff quota, in view of its duration and its amount, do not appear in this instance to compromise the equal access for Community importers to Community tariff quotas; whereas for this same reason it would appear expedient to allow each Member State to choose the system for administering its share;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 January to 31 December 1977, a Community tariff quota of 60 000 metric tons shall be opened in the Community for the imports of raw or unmanufactured Virginia type tobaccos falling within subheadings 24.01 A ex I, 24.01 A ex II and 24.01 ex B of the Common Customs Tariff. Within this tariff quota the customs duty shall be suspended at 7% with a minimum charge of 15 units of account per 100 kilogrammes net weight for Virginia type tobaccos falling within subheading 24.01 ex B and a maximum charge of 45 units of account per 100 kilogrammes net weight for Virginia type tobaccos falling within subheadings 24.01 A ex I and 24.01 A ex II.

On importation into Denmark, Ireland and the United Kingdom, there shall be applied the customs duties determined by multiplying, by a coefficient equal to the margin of preferences existing between the duty given in the first subparagraph and the Common Customs Tariff duties applicable, the duties obtained by reducing by 80% the difference between the lowest duty applied on 1 January 1972 to the developing countries set out in the Annex and the Common Customs Tariff.

However, the duties given in the first subparagraph shall be applied from 1 January to 30 June 1977, where the duties resulting from the abovementioned calculation are higher than them. From 1 July 1977 the duties given in the first subparagraph shall be applied.

2. This tariff quota shall apply solely to products originating in the countries and territories listed in the Annex. However, those imports which enjoy exemption from customs duties under other preferential tariff arrangements granted by the Community may not be charged against this tariff quota.

For the purposes of the application of this Regulation the concept of 'originating products' shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

Entry to this tariff quota shall be subject to the production of a certificate of authenticity appearing in the certificate of origin and made out in accordance with the procedure referred to in the second subparagraph.

*Article 2*

The Community tariff quota mentioned in Article 1 shall be allocated in shares which, for each Member State, shall be of the amount indicated below:

Germany	10 525 metric tons
Benelux	5 700 metric tons
France	1 000 metric tons
Italy	4 000 metric tons
Denmark	1 900 metric tons
Ireland	1 975 metric tons
United Kingdom	34 900 metric tons

*Article 3*

1. The Member States shall ensure free access to the share which has been allocated to them for importers of the products concerned who are established on their territory.
2. The extent to which the shares of Member States have been used up shall be determined on the basis of imports of the said goods which have been entered for home use, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).
3. Goods may qualify for a tariff quota only if the certificate of origin referred to in paragraph 2 is submitted before the date on which the levying of duties is re-introduced.

*Article 4*

Member States shall inform the Commission at monthly intervals of imports of the said goods charged against their shares. This information shall show both the value expressed in units of account and the quantity expressed in metric tons.

*Article 5*

Should imports of the products benefiting under the arrangements provided for in Article 1 be imported into the Community at prices such as to put or be likely to put Community producers of similar or directly competitive products at a serious disadvantage the customs duties applied within the Community may be re-introduced in part or in full for imports of the products in question from the country or countries or territory or territories which are the cause of such disadvantage. Such measures may also be taken in the event of a serious disadvantage, either actual or foreseeable, which is confined to a single region of the Community.

*Article 6*

1. In order to ensure that Article 5 is applied, the Commission may, by way of a Regulation, re-introduce normal duties for a fixed period.
2. If the Commission has acted at the request of a Member State, the former shall give its decision within a maximum period of 10 working days from the date of receipt of the request and shall inform the Member State of the action it has taken.
3. Each Member State may refer the measure taken by the Commission to the Council within a period of 10 working days following the date it was notified. The fact that the matter has been referred to the Council shall not constitute the suspension of the measure. The Council shall meet without delay. Acting on a qualified majority, it may amend or repeal the measure in question.

*Article 7*

Articles 5 and 6 shall not prejudice the application of the protective clauses drawn up in connection with the common agricultural policy pursuant to Article 43 of the Treaty nor those drawn up in connection with the common commercial policy pursuant to Article 113 of the Treaty.

*Article 8*

Member States and the Commission shall cooperate closely to ensure that the above Articles are observed.

*Article 9*

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 13 December 1976.

*For the Council*

*The President*

M. van der STOEL

## ANNEX

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan	Guyana	Philippines
Algeria	Haiti	Qatar
Angola	Honduras	Romania
Argentina	India	Rwanda
Bahamas	Indonesia	Sao Tome and Principe
Bahrain	Iran	Saudi Arabia
Bangladesh	Iraq	Senegal
Barbados	Ivory Coast	Seychelles
Bénin	Jamaica	Sierra Leone
Bhutan	Jordan	Singapore
Bolivia	Kenya	Somalia
Botswana	Khmer Republic	Sri Lanka
Brazil	Korea (South)	Sudan
Burma	Kuwait	Surinam
Burundi	Laos	Swaziland
Cameroon	Lebanon	Syria
Cape Verde Islands	Lesotho	Tanzania
Central African Republic	Liberia	Thailand
Chad	Libya	Togo
Chile	Malagasy Republic	Tonga
Colombia	Malawi	Trinidad and Tobago
Comoros	Malaysia	Tunisia
Congo, People's Republic of	Maldive Islands	Uganda
Costa Rica	Mali	United Arab Emirates:
Cuba	Mauritania	Abu Dhabi
Cyprus	Mauritius	Dubai
Dominican Republic	Mexico	Ras al Khaimah
Ecuador	Morocco	Fujairah
Egypt, Arab Republic of	Mozambique	Ajman
El Salvador	Nauru	Sharjah
Equatorial Guinea	Nepal	Ummal Qaiwain
Ethiopia	Nicaragua	Upper Volta
Fiji	Niger	Uruguay
Gabon	Nigeria	Venezuela
Gambia	Oman	Vietnam
Ghana	Pakistan	Western Samoa
Grenada	Panama	Yemen, People's Democratic Republic of
Guatemala	Papua New Guinea	Yemen Arab Republic
Guinea	Paraguay	Yugoslavia
Guinea Bissau	Peru	Zaire
		Zambia

## II. COUNTRIES AND TERRITORIES

**dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible**

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean (\*)  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands (\*)  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship (\*)  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands (\*)

**Note:** The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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(\*) Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

(\*) Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

(\*) The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

(\*) Dominica, St Lucia, St Vincent.

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## COUNCIL REGULATION (EEC) No 3025/76

of 13 December 1976

opening preferential tariffs for developing countries for raw or unmanufactured tobaccos falling within subheading 24.01 A ex II of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas in the Joint Declaration of Intent on the development of trade relations with Sri Lanka, India, Malaysia, Pakistan and Singapore (4), the Community declared its readiness to seek solutions to the problems which may arise in the field of trade for the countries referred to as well as for developing countries situated in the same geographical region;

Whereas, particularly for Indonesia, raw or unmanufactured tobaccos, other than Virginia type, falling within subheading 24.01 A ex II, represent an important export product; whereas the generalized preferences scheme may constitute a solution for problems arising in this connection; whereas these types of tobaccos should therefore be included in the generalized preferences scheme;

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on certain processed agricultural products of Chapters 1 to 24 of the Common Customs Tariff which originate in developing countries; whereas the preferential treatment proposed in that offer consists, in respect of certain goods which are subject to the trade arrangements laid down in Regulation (EEC) No 1059/69, of a reduction in the fixed component of the charge

applicable to such goods by virtue of that Regulation, and, in respect of products which are subject to the single customs duty, of a reduction in such duty; whereas preferential imports of the products concerned could be effected without quantitative restrictions; whereas, it appears appropriate however, in view of the sensitiveness of the tobacco sector generally and of the need to safeguard the interests of the associated countries and of the ACP States in this field, to lay down for these raw or unmanufactured tobaccos special conditions consisting in a reduction of the customs duty applicable to these products within the limits of a Community tariff ceiling;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas, moreover, the conference of Heads of State or of Government of the Member States and the States acceding to the European Communities held in Paris from 19 to 21 October 1972 invited the Community institutions and the Member States progressively to adopt an overall policy of development cooperation on a world-wide scale comprising in particular the improvement of generalized preferences with the aim of achieving a steady increase in imports of manufactures from the developing countries;

Whereas tariff preferences have been applied as from the second half of 1971; whereas, however, for certain types of tobacco the said system of tariff preferences has been made applicable from 1974; where-

(4) OJ No L 73, 27. 3. 1972, p. 195.

as it is appropriate to extend this system henceforth also for tobaccos falling within subheading 24.01 A ex II;

Whereas it is expedient, therefore, that the Community should open for 1977 for the said raw or unmanufactured tobaccos, other than Virginia type, originating in the countries and territories listed in the Annex, a Community ceiling of 2 500 metric tons, at a customs duty rate of 7% with a minimum charge of 33 units of account and a maximum charge of 45 units of account per 100 kilogrammes net weight;

Whereas, in accordance with Protocol 23 to the Act of Accession<sup>(1)</sup>, the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas, for the product concerned, this scheme would, however, involve the application in the new Member States in the first half of 1977 of customs duties higher than or very close to those which will be applied by the new Member States to non-member countries in general on the basis of the provisions of the abovementioned Act; whereas this situation would comply neither with the spirit nor with the very nature of the generalized preference scheme; whereas, in order to maintain an equivalent preferential margin for these products also, reduced customs duties should during the said period be applied to them, in accordance with detailed rules based on the principle of maintaining, in the new Member States, a preference proportional to that which exists between the duties of the Common Customs Tariff and the duties given in Article 1 of this Regulation; whereas, with a view to granting the beneficiary developing countries the best possible treatment, in accordance with the objectives of the preference scheme, the duties given in the abovementioned Article 1 should also be applied wherever the duties calculated according to the abovementioned detailed rules prove to be higher than them; whereas it is essential to reserve the benefit of this tariff suspension for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods<sup>(2)</sup>;

Whereas the charging of imports against a ceiling must be carried out as and when the tobaccos

concerned are presented for customs clearance under cover of declarations that they are intended for home use and are accompanied by a certificate of origin; whereas this method of administration must make provision for the re-introduction of customs duties as soon as the ceiling is reached at Community level;

Whereas such method of administration calls for very close and particularly rapid cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which charges are made against the ceiling and inform Member States thereof; whereas such cooperation should be particularly close in view of the need for the Commission to be able to take appropriate measures to re-introduce customs duties either generally or individually, when the ceiling is reached;

Whereas measures should be provided for which will enable any serious disruption in any sector of the economic activity of the Community to be avoided; whereas to this end, the Commission should be empowered to re-introduce partially or wholly the levying of customs duties in order that such disruption may be avoided,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. From 1 January to 31 December 1977, the duties under the Common Customs Tariff relating to raw or unmanufactured tobacco, other than Virginia type, falling within subheading 24.01 A ex II shall be suspended at 7 % within a minimum charge of 33 units of account per 100 kilogrammes net weight and a maximum charge of 45 units of account per 100 kilogrammes net weight.

On importation into Denmark, Ireland and the United Kingdom, there shall be applied to the products mentioned above the customs duties determined by multiplying, by a coefficient equal to the margin of preferences existing between the duty given in the first subparagraph and the Common Customs Tariff duties applicable, the duties obtained by reducing by 80% the difference between the lowest duty applied on 1 January 1972 to the developing countries set out in the Annex and the Common Customs Tariff.

However, the duties given in the first subparagraph shall be applied from 1 January to 30 June 1977, where the duties resulting from the abovementioned

<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 1.

calculation are higher than them. From 1 July 1977 the duties given in the first subparagraph shall be applied.

2. This tariff suspension shall apply solely to products originating in the countries and territories listed in the Annex. However, those imports which enjoy exemption from customs duties under other preferential tariff arrangements granted by the Community may not be charged against the ceiling referred to in paragraph 3.

For the purposes of the application of this Regulation the concept of 'originating products' shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

3. Subject to Articles 2 and 4 this suspension shall be granted for the tobaccos in question up to a Community ceiling of 2 500 metric tons.

#### Article 2

As soon as the ceiling calculated in accordance with the provisions of Article 1 (3), which is laid down for Community imports of products originating in all of the countries and territories referred to in Article 1 (2), is reached at Community level, the levying of customs duties on imports of the tobaccos from all the countries and territories concerned may at any time be re-introduced until the end of the period referred to in Article 1 (1).

#### Article 3

1. Imports of the products in question shall be charged against the Community ceiling as and when the tobaccos in question are entered for home use, and provided that they are accompanied by a certificate of origin pursuant to the rules laid down in Article 1 (2).

2. Goods may be charged against the ceiling only if the certificate of origin referred to in paragraph 1 is submitted before the date on which the levying of duties is re-introduced.

3. The extent to which the ceiling has been used up shall be determined at Community level on the basis of the imports charged in accordance with paragraphs 1 and 2.

#### Article 4

1. The Commission, in close cooperation with the Member States, shall take all necessary measures to ensure that the above provisions are applied.

2. The Commission shall issue a Regulation to re-introduce the levying of customs duties in respect of all the countries and territories referred to in Article 1 (2) in accordance with Article 2.

#### Article 5

Member States shall inform the Commission periodically of imports of the products in question charged against the Community ceiling laid down in Article 1 (3). This information shall show both the value, expressed in units of account, and the quantities expressed in metric tons.

#### Article 6

When products benefiting from the treatment provided for in Article 1 are imported into the Community at such prices that Community producers of products similar to or in direct competition with them suffer or are likely to suffer from serious disadvantage, the levying of customs duties may be re-introduced in whole or in part on the products in question in respect of the countries or territories which are the cause of the disadvantage. Such measures may also be taken in the case of actual or potential serious disadvantage in a single region of the Community.

#### Article 7

1. The Commission may decide, by means of a Regulation, to re-introduce the levying of customs duties for a specified period, in order to ensure that Article 6 is applied.

2. In the event of such action being requested by a Member State, the Commission shall decide within a period of not more than 10 working days after the request has been received and shall inform the Member States of this decision.

3. Any Member State may refer to the Council the measure taken by the Commission, within a period of not more than 10 working days after it has been informed thereof. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, by acting on a qualified majority, amend or rescind the measure in question.

*Article 8*

Articles 6 and 7 shall not prejudice the implementation of the safeguard clauses adopted in pursuance of the common agricultural policy under Article 43 of the Treaty and of those adopted in pursuance of

the common commercial policy under Article 113 of the Treaty.

*Article 9*

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 13 December 1976.

*For the Council*

*The President*

M. van der STOEL

## ANNEX

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan	Guyana	Philippines
Algeria	Haiti	Qatar
Angola	Honduras	Romania
Argentina	India	Rwanda
Bahamas	Indonesia	Sao Tome and Principe
Bahrain	Iran	Saudi Arabia
Bangladesh	Iraq	Senegal
Barbados	Ivory Coast	Seychelles
Bénin	Jamaica	Sierra Leone
Bhutan	Jordan	Singapore
Bolivia	Kenya	Somalia
Botswana	Khmer Republic	Sri Lanka
Brazil	Korea (South)	Sudan
Burma	Kuwait	Surinam
Burundi	Laos	Swaziland
Cameroon	Lebanon	Syria
Cape Verde Islands	Lesotho	Tanzania
Central African Republic	Liberia	Thailand
Chad	Libya	Togo
Chile	Malagasy Republic	Tonga
Colombia	Malawi	Trinidad and Tobago
Comoros	Malaysia	Tunisia
Congo, People's Republic of	Maldives Islands	Uganda
Costa Rica	Mali	United Arab Emirates:
Cuba	Mauritania	Abu Dhabi
Cyprus	Mauritius	Dubai
Dominican Republic	Mexico	Ras al Khaimah
Ecuador	Morocco	Fujairah
Egypt, Arab Republic of	Mozambique	Ajman
El Salvador	Nauru	Sharjah
Equatorial Guinea	Nepal	Ummal Qaiwain
Ethiopia	Nicaragua	Upper Volta
Fiji	Niger	Uruguay
Gabon	Nigeria	Venezuela
Gambia	Oman	Vietnam
Ghana	Pakistan	Western Samoa
Grenada	Panama	Yemen, People's Democratic Republic of
Guatemala	Papua New Guinea	Yemen Arab Republic
Guinea	Paraguay	Yugoslavia
Guinea Bissau	Peru	Zaire
		Zambia

## II. COUNTRIES AND TERRITORIES

**dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible**

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean <sup>(1)</sup>  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands <sup>(2)</sup>  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship <sup>(3)</sup>  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands <sup>(4)</sup>

*Note:* The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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<sup>(1)</sup> Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

<sup>(2)</sup> Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

<sup>(3)</sup> The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

<sup>(4)</sup> Dominica, St Lucia, St Vincent.

## COUNCIL REGULATION (EEC) No 3026/76

of 13 December 1976

establishing in respect of certain products falling within Chapters 1 to 24 of the Common Customs Tariff a scheme of generalized preferences in favour of developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to Council Regulation (EEC) No 1059/69 of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on certain processed agricultural products of Chapters 1 to 24 of the Common Customs Tariff which originate in developing countries; whereas the preferential treatment proposed in that offer consists, in respect of certain goods which are subject to the trade arrangements laid down in Regulation (EEC) No 1059/69, of a reduction in the fixed component of the charge applicable to such goods by virtue of that Regulation, and, in respect of products which are subject to the single customs duty, of a reduction in such duty; whereas preferential imports of the products concerned should be effected without quantitative restrictions;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, more-

over, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas, moreover, the conference of the Heads of State or of Government of the Member States and the States acceding to the European Communities held in Paris from 19 to 21 October 1972 invited the Community institutions and the Member States progressively to adopt an overall policy of development cooperation on a world-wide scale comprising in particular the improvement of generalized preferences with the aim of achieving a steady increase in imports of manufactures from the developing countries;

Whereas, in accordance with Protocol 23 to the Act of Accession <sup>(2)</sup>, the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas, for certain products of Chapters 1 to 24 of the Common Customs Tariff, this scheme would, however, involve the application in the new Member States in 1977 of customs duties higher than or very close to those which will be applied by the new Member States to non-member countries in general on the basis of the provisions of the abovementioned Act; whereas this situation would comply neither with the spirit nor with the very nature of the generalized preference scheme; whereas, in order to maintain an equivalent preferential margin for these products also, reduced customs duties should be applied to them, in accordance with detailed rules based on the principle of maintaining, in the new Member States, a preference proportional to that which exists

<sup>(1)</sup> OJ No L 141, 12. 6. 1969, p. 1.

<sup>(2)</sup> OJ No L 73, 27. 3. 1972, p. 14.

between the duties of the Common Customs Tariff and the duties given in Annex A to this Regulation; whereas, with a view to granting the beneficiary developing countries the best possible treatment, in accordance with the objectives of the preference scheme, the duties given in the abovementioned Annex A should also be applied wherever the duties calculated according to the abovementioned detailed rules prove to be higher than them;

Whereas it is expedient, therefore, that the Community should authorize the importation of the products referred to in Annex A, originating in the countries and territories listed in Annex C, subject to the customs duties given in respect of each of them, throughout 1977; whereas the benefit of such preferential terms should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods <sup>(1)</sup>;

Whereas measures should be provided for which will enable any serious disruption in any sector of the economic activity of the Community to be avoided; whereas, to this end, the Commission should be empowered to re-introduce partially or wholly the levying of customs duties in order that such disruption may be avoided;

Whereas the Commission must be able to have access to information concerning imports effected within the framework of generalized preferences; whereas, to this end, Member States shall inform the Commission every three months of imports actually effected, classified by origin,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. From 1 January to 31 December 1977, Community imports of the products listed in Annex A shall benefit from the customs duties specified for each product.

On importation into Denmark, Ireland and the United Kingdom, there shall be applied to the abovementioned products the customs duties determined

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 1.

by multiplying, by a coefficient equal to the margin of preferences existing between the duties given in Annex A and the Common Customs Tariff duties applicable, the duties obtained by reducing the difference between the lowest duty applied on 1 January 1972 to the developing countries set out in Annex C and the Common Customs Tariff, by 80% throughout 1977, in respect of products listed in Annex B and by 80% in respect of other products given in Annex A, from 1 January to 30 June 1977.

However, from 1 January 1977, the duties given in Annex A shall be applied where the duties resulting from the abovementioned calculation are higher than them. From 1 July 1977 the duties given in Annex A shall be applied for the products not mentioned in Annex B.

2. The treatment provided for in paragraph 1 shall be enjoyed solely by products originating in the countries and territories listed in Annex C.

For the purpose of the application of this Regulation, the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

'Tequila' falling within subheading 22.09 C V ex a) shall qualify for the preferential system subject to the production of a certificate of authenticity appearing in the certificate of origin and drawn up according to the procedure referred to in the second subparagraph.

#### *Article 2*

When products benefiting from the treatment provided for in Article 1 are imported into the Community in such quantities or at such prices that Community producers of products similar to or in direct competition with them suffer or are likely to suffer from serious disadvantage, the levying of customs duties may be re-introduced in whole or in part on the products in question in respect of the countries or territories which are the cause of the disadvantage. Such measures may also be taken in the case of actual or potential serious disadvantage in a single region of the Community.

#### *Article 3*

1. The Commission may decide, by means of a Regulation, to re-introduce the levying of customs duties for a specified period, in order to ensure that Article 2 is applied.

2. In the event of such action being requested by a Member State, the Commission shall decide within

a period of not more than 10 working days after the request has been received and shall inform the Member States of this decision.

3. Any Member State may refer to the Council the measure taken by the Commission, within a period of not more than 10 working days after it has been informed thereof. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, by acting on a qualified majority, amend or rescind the measure in question.

*Article 4*

Articles 2 and 3 shall not prejudice the implementation of the safeguard clauses adopted in pursuance

of the common agricultural policy under Article 43 of the Treaty and of those adopted in pursuance of the common agricultural policy under Article 113 of the Treaty.

*Article 5*

Member States shall inform the Commission every three months of imports effected under this Regulation, classified by origin.

*Article 6*

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 13 December 1976.

*For the Council*

*The President*

M. van der STOEL

## ANNEX A

List of products falling within Chapters 1 to 24 originating in developing countries and territories to which the generalized tariff preferences will apply (a)

CCT heading No	Description	Rate of duty
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen: A. Meat: III. Of swine: b) Other .....	Free
02.04	Other meat and edible meat offals, fresh, chilled or frozen: ex A. Of domestic pigeons ..... ex B. Furred game, frozen ..... C. Other: ex I. Frogs' legs ..... II. Other .....	7% Free Free Free
03.01	Fish, fresh (live or dead), chilled or frozen: B. Saltwater fish: I. Whole, headless or in pieces: e) Sharks ..... g) Halibut ( <i>Hippoglossus vulgaris</i> , <i>Hippoglossos reinhardtius</i> ) ..... ex q) Other: — Aquarium fish ..... II. Fillets: b) Frozen: ex 7. Other: — Of sharks and of halibut ..... C. Livers and roes .....	4% 4% Free 10% 5%
03.02	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process: A. Dried, salted or in brine: I. Whole, headless or in pieces: d) Common halibut ( <i>Hippoglossus vulgaris</i> ) ..... e) Salmon, salted or in brine .....	10% 2%

(a) Preferences are not to be granted in respect of the products, marked with an asterisk, originating in Romania.  
 Note: The terms expressed in the 'Rate of duty' column are explained under 'Abbreviations' on page 134.

CCT heading No	Description	Rate of duty
03.03	<p>Crustaceans and molluscs, whether in shell or not, fresh (live or dead), chilled, frozen, salted, in brine or dried; crustaceans, in shell, simply boiled in water:</p> <p>A. Crustaceans:</p> <p>    I. Crawfish ..... 8%</p> <p>    II. Lobsters (<i>Homarus</i> sp.p.):</p> <p>        a) Live ..... 8%</p> <p>        b) Other:</p> <p>            1. Whole ..... 8%</p> <p>            2. Other ..... 8%</p> <p>    III. Crabs and freshwater crayfish ..... 8%</p> <p>    IV. Shrimps and prawns:</p> <p>        a) Prawns (<i>Pandalidae</i> sp.p) ..... 6%</p> <p>        ex c) Other:</p> <p>            — Shrimps (<i>Palaemonidae</i> sp.p) ..... 6%</p> <p>            — Shrimps (<i>Penaeidae</i> sp.p) ..... 7%</p> <p>B. Molluscs:</p> <p>    II. Mussels ..... 7%</p> <p>    IV. Other:</p> <p>        a) Frozen:</p> <p>            1. Squid:</p> <p>                aa) <i>Ommastrephes sagittatus</i> and <i>Loglio</i> sp.p ..... 5%</p> <p>                2. Cuttle-fish of the species <i>Sepia officinalis</i>, <i>Rossia macrosoma</i> and <i>Sepiola rondeleti</i> ..... 6%</p> <p>                4. Other ..... 5%</p> <p>        b) Other:</p> <p>            1. Squid (<i>Ommastrephes sagittatus</i> and <i>Loligo</i> sp.p ..... 5%</p> <p>            2. Other ..... 5%</p>	
04.06 (*)	Natural honey .....	25%
04.07	Edible products of animal origin, not elsewhere specified or included .....	6%
05.03	<p>Horsehair and horsehair waste, whether or not put up on a layer or between two layers of other material:</p> <p>B. Other .....</p>	Free

CCT heading No	Description	Rate of duty
05.07	Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers: A. Bed feathers; down: II. Other ..... B. Other .....	   Free Free
05.13	Natural sponges: B. Other .....	 Free
05.15	Animal products not elsewhere specified or included; dead animals of Chapter 1 or Chapter 3, unfit for human consumption: A. Fish, crustaceans and molluscs: I. Fish of a length of 6 cm or less and shrimps and prawns, dried .....	   Free
06.03	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared: A. Fresh: ex I. From 1 June to 31 October: — Orchids (family Orchidaceae) and Anthurium ex II. From 1 November to 31 May: — Orchids (family Orchidaceae) and Anthurium	   15 % 15 %
07.01	Vegetables, fresh or chilled: ex T. Other: — Okra ( <i>Hibiscus esculentus</i> L. or <i>Abelmoschus esculentus</i> (L.) Moench) .....	  Free
07.03	Vegetables provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption: ex E. Other vegetables: — Okra ( <i>Hibiscus esculentus</i> L. or <i>Abelmoschus esculentus</i> (L.) Moench) .....	  Free
07.04	Dried, dehydrated or evaporated vegetables, whole, cut, sliced, broken or in powder but not further prepared: ex B. Other: — Mushrooms, excluding cultivated mushrooms .... — Horse-radish ( <i>Cochlearia armoracia</i> ) .....	  8 % Free



CCT heading No	Description	Rate of duty
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar:	
	ex A. Bilberries, blackberries (brambleberries), mulberries and cloudberries .....	9%
	ex B. Other:	
	— Quinces .....	11%
	— Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons .....	8%
08.11	Fruit provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption):	
	C. Papaws .....	Free
	D. Bilberries .....	4%
	ex E. Other:	
	— Quinces .....	4%
	— Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B and F and 08.09, excluding pineapples, melons and watermelons .....	Free
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04 or 08.05:	
	A. Apricots .....	5.5%
	E. Papaws .....	Free
	ex G. Other:	
	— Tamarind (pods, pulp) .....	Free
08.13	Peel of melons and citrus fruit, fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions .....	Free
09.01	Coffee, whether or not roasted or free of caffeine; coffee husks and skins; coffee substitutes containing coffee in any proportion:	
	A. Coffee:	
	I. Unroasted:	
	b) Free of caffeine .....	10%
	II. Roasted:	
	a) Not free of caffeine .....	12%
	b) Free of caffeine .....	15%
	B. Husks and skins .....	10%
	C. Coffee substitutes containing coffee in any proportion ....	15%

CCT heading No	Description	Rate of duty
09.02	Tea:	
	A. In immediate packings of a net capacity not exceeding 3 kg	Free
09.04	Pepper of the genus 'Piper'; pimento of the genus 'Capsicum' or the genus 'Pimenta':	
	A. Neither crushed nor ground:	
	I. Pepper:	
	b) Other .....	5%
	II. Pimento:	
	c) Other .....	5%
	B. Crushed or ground:	
	I. Pimento of the genus 'Capsicum' .....	7%
	II. Other .....	7%
09.06	Cinnamon and cinnamon-tree flowers:	
	A. Ground .....	5%
	B. Other .....	4%
09.07	Cloves (whole fruit, cloves and stems) .....	12%
09.08	Nutmeg, mace and cardamons:	
	A. Neither crushed nor ground:	
	II. Other:	
	a) Nutmeg .....	2%
	B. Crushed or ground:	
	I. Nutmeg .....	3%
	II. Mace .....	Free
09.09	Seeds of anise, badian, fennel, coriander, cumin, caraway and juniper:	
	A. Neither crushed nor ground:	
	I. Aniseed .....	Free
	II. Badian seed .....	11%
	III. Seeds of fennel, coriander, cumin, caraway and juniper:	
	b) Other:	
	2. Other .....	Free
	B. Crushed or ground:	
	I. Badian seed .....	12%
	III. Other .....	Free
09.10	Thyme, saffron and bay leaves; other spices:	
	F. Other spices, including the mixtures referred to in Note 1 (b) to this Chapter:	
	I. Neither crushed nor ground .....	4%

CCT heading No	Description	Rate of duty
09.10 (cont'd)	II. Crushed or ground: b) Other .....	5%
11.03	Flours of the leguminous vegetables falling within heading No 07.05: A. Of peas, beans or lentils ..... B. Other .....	5% 5%
11.04	Flours of the fruit falling within any heading in Chapter 8: A. Of bananas: — Denatured <sup>(1)</sup> ..... — Other ..... B. Other: — Chestnuts ..... — Not specified .....	Free 6% 7.5% 5%
12.07	Plants and parts (including seeds and fruits) of trees, bushes, shrubs or other plants, being goods of a kind used primarily in perfumery, in pharmacy, or for insecticidal, fungicidal or similar purposes, fresh or dried, whole, cut, crushed, ground or powdered: B. Liquorice roots ..... C. Tonquin beans .....	Free Free
12.08	Locust beans, fresh or dried, whether or not kibbled or ground, but not further prepared; fruit kernels and other vegetable products of a kind used primarily for human food, not falling within any other heading: B. Locust bean seeds: I. Not decorticated, crushed or ground ..... II. Other ..... C. Apricot, peach and plum stones, and kernels thereof .....	Free 6% Free
13.02	Shellac, seed lac, stick lac and other lacs; natural gums, resins, gum-resins and balsams: A. Conifer resins .....	Free
13.03	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, derived from vegetable products: A. Vegetable saps and extracts: III. Of quassia amara ..... IV. Of liquorice ..... V. Of pyrethrum and of the roots of plants containing rotenone .....	Free Free Free

(1) Entry under this subheading is subject to conditions to be determined by the competent authorities.





CCT heading No	Description	Rate of duty
15.12	Animal or vegetable oils and fats, wholly or partly hydrogenated, or solidified or hardened by any other process, whether or not refined, but not further prepared: A. In immediate packings of a net capacity of 1 kg or less ... B. Other .....	16 % 11 %
15.14	Spermaceti, crude, pressed or refined, whether or not coloured	Free
15.15	Beeswax and other insect waxes, whether or not coloured: B. Other .....	Free
15.16	Vegetable waxes, whether or not coloured: B. Other .....	Free
15.17	Residues resulting from the treatment of fatty substances or animal or vegetable waxes: B. Other: I. Oil foots and dregs; soapstocks ..... II. Other .....	Free Free
16.02	Other prepared or preserved meat or meat offal: A. Liver: I. Goose or duck liver ..... B. Other: II. Game or rabbit meat or offal: — Game ..... — Rabbit ..... III. Other: b) Other: ex 1. Containing bovine meat or offal: — Prepared or preserved bovine tongue .... 2. Not specified: aa) Ovine meat or offal ..... bb) Other .....	14 % 9 % 14 % 17 % 18 % 16 %
16.03	Meat extracts, meat juices and fish extracts, in immediate packings of a net capacity of: B. More than 1 kg but less than 20 kg ..... C. 1 kg or less .....	1 % 9 %

CCT heading No	Description	Rate of duty
16.04	Prepared or preserved fish, including caviar and caviar substitutes: A. Caviar and caviar substitutes: I. Caviar (sturgeon roe) ..... II. Other ..... B. Salmonidae ..... ex F. Bonito ( <i>Sarda</i> sp. p.) and mackerel ..... G. Other: I. Fillets, raw, coated with batter or breadcrumbs, deep frozen ..... II. Other .....	12% 16% 4% 19% 10% 10%
16.05	Crustaceans and molluscs, prepared or preserved: A. Crabs ..... ex B. Other, excluding shrimps of the <i>Crangon</i> sp.p. type and snails .....	6.5% 6%
17.04	Sugar confectionery, not containing cocoa: A. Liquorice extract containing more than 10% by weight of sucrose but not containing other added substances ..... B. Chewing gum ..... C. White chocolate ..... D. Other .....	9% 3% + vc with a max. of 23% 5% + vc with a max. of 27% + ads 7% + vc with a max. of 27% + ads
18.03	Cocoa paste (in bulk or in block), whether or not defatted ...	11%
18.05	Cocoa powder, unsweetened .....	11%
18.06	Chocolate and other food preparations containing cocoa: A. Cocoa powder, not otherwise sweetened than by the addition of sucrose ..... C. Chocolate and chocolate goods, whether or not filled; sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa .....	3% + vc 10% + vc with a max. of 27% + ads
19.02	Preparations of flour, meal, starch of malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa: A. Containing malt extract and not less than 30% by weight of reducing sugars (expressed as maltose) .....	3% + vc

CCT heading No	Description	Rate of duty
19.02 (cont'd)	B. Other: — Preparations based on flour of leguminous vegetables in the form of sun-dried discs of dough, known as 'papad' ..... — Other .....	Free 3% + vc
ex 19.04	Tapioca and sago, excluding tapioca and sago substitutes obtained from potato or other starches .....	4% + vc
19.05	Prepared foods obtained by the swelling or roasting of cereals or cereals products (puffed rice, corn flakes and similar products).....	2% + vc
19.06	Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products .....	Free + vc
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit: A. Crispbread ..... B. Matzos ..... C. Gluten bread for diabetics ..... D. Other .....	3% + vc with a maximum of 24% + adf Free + vc with a maximum of 20% + adf 5% + vc 5% + vc
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion: A. Gingerbread and the like .....	5% + vc
20.01 (*)	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salts, spices or mustard: ex B. Other, excluding gherkins, cucumbers, 'mixed pickles' and sweet peppers .....	15%
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: B. Truffles ..... D. Asparagus ..... E. Sauerkraut ..... ex F. Capers .....	14% 20% 16% 12%





CCT heading No	Description	Rate of duty
20.06 (cont'd)	<p>e) Other fruits:</p> <p>ex 1. With a sugar content exceeding 9% by weight, excluding cherries .....</p> <p>ex 2. Other, excluding cherries .....</p> <p>f) Mixtures of fruit:</p> <p>1. With a sugar content exceeding 9% by weight</p> <p>2. Other .....</p> <p>II. Not containing added spirit:</p> <p>a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg:</p> <p>2. Grapefruit segments .....</p> <p>3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids .....</p> <p>4. Grapes .....</p> <p>ex 8. Other fruits:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons ...</p> <p>— Tamarind (pods, pulp) .....</p> <p>b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less:</p> <p>2. Grapefruit segments .....</p> <p>3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids .....</p> <p>4. Grapes .....</p> <p>ex 8. Other fruits:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons ....</p> <p>c) Not containing added sugar, in immediate packings of a net capacity:</p> <p>1. Of 4.5 kg or more:</p> <p>ex dd) Other fruits:</p>	<p>25% + (L)</p> <p>25%</p> <p>25% + (L)</p> <p>25%</p> <p>11% + (L)</p> <p>19% + (L)</p> <p>18% + (L)</p> <p>8% + (L)</p> <p>8% + (L)</p> <p>11% + (L)</p> <p>20% + (L)</p> <p>19% + (L)</p> <p>8% + (L)</p>

CCT heading No	Description	Rate of duty
20.06 (cont'd)	<p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>2. Of less than 4.5 kg:</p> <p>ex bb). Other fruit and mixtures of fruit:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p>	<p>8 %</p> <p>8 %</p>
20.07 (*)	<p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:</p> <p>A. Of a specific gravity exceeding 1.33 at 15 °C:</p> <p>III. Other:</p> <p>ex a) Of a value exceeding 30 u.a. per 100 kg net weight:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons .....</p> <p>b) Of a value not exceeding 30 u.a. per 100 kg net weight:</p> <p>ex 1. With an added sugar content exceeding 30 % weight:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>ex 2. Other:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>B. Of a specific gravity of 1.33 or less at 15 °C:</p> <p>II. Other:</p> <p>a) Of a value exceeding 30 u.a. per 100 kg net weight:</p> <p>2. Grapefruit juice .....</p> <p>3. Lemon juice or other citrus fruit juices:</p> <p>ex aa) Containing added sugar:</p> <p>— Excluding lemon juice .....</p> <p>ex bb) Other:</p> <p>— Excluding lemon juice .....</p> <p>6. Other fruit and vegetable juices:</p> <p>ex aa) Containing added sugar:</p>	<p>15 %</p> <p>15 % + (L)]</p> <p>15 %</p> <p>8 %</p> <p>13 %</p> <p>13 %</p>

CCT heading No	Description	Rate of duty
20.07 (*) (cont'd)	<ul style="list-style-type: none"> <li>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons ..... 10%</li> <li>— Other, excluding apricot and peach juices ..... 17%</li> <li>ex bb) Other: <ul style="list-style-type: none"> <li>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons ..... 10%</li> <li>— Other, excluding apricot and peach juices ..... 18%</li> </ul> </li> <li>7. Mixtures: <ul style="list-style-type: none"> <li>ex bb) Other, excluding mixtures containing either separately or together, over 25% of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice: <ul style="list-style-type: none"> <li>11. Containing added sugar ..... 17%</li> <li>22. Other ..... 18%</li> </ul> </li> </ul> </li> <li>b) Of a value of 30 u.a. or less per 100 kg net weight: <ul style="list-style-type: none"> <li>2. Grapefruit juice: <ul style="list-style-type: none"> <li>aa) With an added sugar content exceeding 30% by weight: ..... 8% + (L)</li> <li>bb) Other ..... 8%</li> </ul> </li> <li>4: Other citrus fruit juices: <ul style="list-style-type: none"> <li>aa) With an added sugar content exceeding 30% by weight: ..... 14% + (L)</li> <li>bb) With an added sugar content of 30% or less by weight ..... 14%</li> <li>cc) Not containing added sugar ..... 15%</li> </ul> </li> <li>7. Other fruit and vegetable juices: <ul style="list-style-type: none"> <li>ex aa) With an added sugar content exceeding 30% by weight: <ul style="list-style-type: none"> <li>— Of fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons ..... 10% + (L)</li> <li>— Other, excluding apricot and peach juices ..... 17% + (L)</li> </ul> </li> <li>ex bb) With an added sugar content of 30% or less by weight:</li> </ul> </li> </ul> </li> </ul>	

CCT heading No	Description	Rate of duty
20.07 (*) (cont'd)	<ul style="list-style-type: none"> <li>— Of fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons ..... 10%</li> <li>— Other, excluding apricot and peach juices ..... 17%</li> <li>ex cc) Not containing added sugar:               <ul style="list-style-type: none"> <li>— Of fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons ..... 10%</li> <li>— Other, excluding apricot and peach juices ..... 18%</li> </ul> </li> <li>8. Mixtures:               <ul style="list-style-type: none"> <li>ex bb) Other, excluding mixtures containing, either separately or together, over 25% of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice:                   <ul style="list-style-type: none"> <li>11. With an added sugar content exceeding 30% by weight: ..... 17% + (L)</li> <li>22. With an added sugar content of 30% or less by weight ..... 17%</li> <li>33. Not containing added sugar ..... 18%</li> </ul> </li> </ul> </li> </ul>	
21.01	Roasted chicory and other roasted coffee substitutes, extracts, essences and concentrates thereof: <ul style="list-style-type: none"> <li>A. Roasted chicory and other roasted coffee substitutes:               <ul style="list-style-type: none"> <li>II. Other ..... 2% + vc</li> </ul> </li> <li>B. Extracts, essences and concentrates of the products described under subheading A:               <ul style="list-style-type: none"> <li>II. Other ..... 6% + vc</li> </ul> </li> </ul>	
21.02	Extracts, essences or concentrates, of coffee, tea or maté; preparations with a basis of those extracts, essences or concentrates: <ul style="list-style-type: none"> <li>ex A. Essences or concentrates of coffee ..... 9%</li> <li>B. Extracts, essences or concentrates of tea or maté; preparations with a basis of these extracts essences or concentrates thereof ..... Free</li> </ul>	
21.03	Mustard flour and prepared mustard: <ul style="list-style-type: none"> <li>A. Mustard flour, in immediate packings of a net capacity:               <ul style="list-style-type: none"> <li>I. Of 1 kg or less ..... Free</li> <li>II. Of more than 1 kg ..... Free</li> </ul> </li> <li>B. Prepared mustard ..... 9%</li> </ul>	

CCT heading No	Description	Rate of duty
21.04	Sauces; mixed condiments and mixed seasonings: ex B. Other: — Products with a tomato ketchup basis ..... — Other, excluding sauces with a vegetable oil basis..	8 % 6 %
21.05	Soups and broths, in liquid, solid or powder form; homogenized composite food preparations: A. Soups and broths, in liquid, solid or powder form ..... B. Homogenized composite food preparations .....	11 % 17 %
21.06	Natural yeasts (active or inactive); prepared baking powders: A. Active natural yeasts: I. Culture yeast ..... II. Baker's yeast: a) Dried ..... b) Other ..... III. Other ..... B. Inactive natural yeasts: I. In tablet, cube or similar form, or in immediate packings of a net capacity of 1 kg or less ..... II. Other ..... C. Prepared baking powders .....	8 % 5 % + vc 5 % + vc 10 % 6 % 3 % 4 %
21.07	Food preparations not elsewhere specified or included: A. Cereals in grain or ear form, pre-cooked or otherwise prepared ..... F. Other: I. Containing no milkfats or containing less than 1.5 % by weight of such fats: a) Containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose): ex 1. Containing no starch or less than 5 % by weight of starch: — Palm tree cores .....	4 % + vc 9 %
22.01	Waters, including spa waters and aerated waters; ice and snow: A. Spa waters, natural or artificial; aerated waters .....	Free

CCT heading No	Description	Rate of duty
22.02	Lemonade, flavoured spa waters and flavoured aerated waters, and other non-alcoholic beverages, not including fruit and vegetable juices falling within heading No 20.07: A. Not containing milk or milkfats .....	6%
22.03	Beer made from malt .....	14.5%
22.09	Spirits (other than those of heading No 22.08); liqueurs and other spirituous beverages; compound alcoholic preparations (known as 'concentrated extracts') for the manufacture of beverages: C. Spirituous beverages: V. Other, in containers holding: ex a) Two litres or less: — Tequila .....	1.30 u.a. per hl and per degree + 5 u.a. per hl
23.01	Flours and meals, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption; greaves: B. Flours and meals of fish, crustaceans or molluscs .....	Free
23.02	Bran, sharps and other residues derived from the sifting, milling or working of cereals or of leguminous vegetables: B. Of leguminous vegetables .....	3%
23.06	Products of vegetable origin of a kind used for animal food, not elsewhere specified or included: B. Other .....	Free
23.07	Sweetened forage; other preparations of a kind used in animal feeding: A. Fish or marine mammal solubles .....	Free
24.02	Manufactured tobacco; tobacco extracts and essences: A. Cigarettes .....	87%
	B. Cigars .....	47%
	C. Smoking tobacco .....	110%
	D. Chewing tobacco and snuff .....	45%
	E. Other, including agglomerated tobacco, in the form of sheets or strip .....	19%

**Abbreviations**

- (L): indicates that the goods referred to are subject to the levy system;
  - vc: indicates that the goods referred to are subject to a charge based on a variable component which is specified under the regulations concerning trade in certain goods resulting from the processing of agricultural products;
  - adf: indicates that additional duty may be levied on the flour content of the products concerned;
  - ads: indicates that additional duty may be levied on the sugar content of the products concerned.
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## ANNEX B

List of products in respect of which the difference between the lowest duties applied on 1 January 1972 to the developing countries by Denmark, Ireland and the United Kingdom and the Common Customs Tariff duties must be reduced by 80% in accordance with Article 1 of this Regulation

CCT heading No	Description
06.03	<p>Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared:</p> <p>A. Fresh:</p> <p>ex I. From 1 June to 31 October: — Orchids (family Orchidaceae) and Anthurium</p> <p>ex II. From 1 November to 31 May: — Orchids (family Orchidaceae) and Anthurium</p>
07.01	<p>Vegetables, fresh or chilled:</p> <p>ex T. Other: — Okra (<i>Hibiscus esculentus</i> L. or <i>Abelmoschus esculentus</i> (L.) Moench)</p>
07.03	<p>Vegetables provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption:</p> <p>ex E. Other vegetables: — Okra (<i>Hibiscus esculentus</i> L. or <i>Abelmoschus esculentus</i> (L.) Moench)</p>
07.04	<p>Dried, dehydrated or evaporated vegetables, whole, cut, sliced, broken or in powder but not further prepared:</p> <p>ex B. Other: — Mushrooms, excluding cultivated mushrooms — Horse-radish (<i>Cochlearia armoracia</i>)</p>
08.05	<p>Nuts other than those falling within heading No 08.01, fresh or dried, shelled or not:</p> <p>D. Pistachios</p> <p>E. Pecans</p> <p>F. Areca (or betel) and cola</p> <p>ex G. Other (excluding hazelnuts)</p>

CCT heading No	Description
08.07	Stone fruit, fresh: E. Other
08.08	Berries, fresh: F. Other
ex 08.09	Other fruit, fresh: — Rose-hips fruit — Other, excluding melons and watermelons
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar: ex A. Bilberries, blackberries (brambleberries), mulberries and cloudberrries ex B. Other: — Quinces — Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons
08.11	Fruit provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption: C. Papaws D. Bilberries ex E. Other: — Quinces — Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B and F and 08.09, excluding pineapples, melons and watermelons
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04 or 08.05: A. Apricots E. Papaws ex G. Other: — Tamarind (pods, pulp)
08.13	Peel of melons and citrus fruit, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions
16.02 (a)	Other prepared or preserved meat or meat offal: B. Other: III. Other:

(a) This heading is to be deleted from 4 April 1977.

CCT heading No	Description
16.02 (a) (cont'd)	b) Other: ex I. Containing bovine meat or offal: — Prepared or preserved bovine tongue
20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard: ex B. Other, excluding gherkins, cucumbers, 'mixed pickles' and sweet peppers
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: B. Truffles D. Asparagus E. Sauerkraut ex F. Capers
20.03	Fruit preserved by freezing, containing added sugar: ex A. With a sugar content exceeding 13% by weight: — Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons ex B. Other: — Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallized): B. Other: ex I. With a sugar content exceeding 13% by weight: — Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons ex II. Other: — Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar: B. Jams and marmalades of citrus fruit: ex I. With a sugar content exceeding 30% by weight, excluding orange jam and marmalade ex II. With a sugar content exceeding 13% but not exceeding 30% by weight, excluding orange jam and marmalade ex III. Other, excluding orange jam and marmalade

CCT heading No	Description
20.05 (cont'd)	<p>C. Other:</p> <p>I. With a sugar content exceeding 30 % by weight:</p> <p>ex b) Other:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>ex II. With a sugar content exceeding 13 % but not exceeding 30 % by weight:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>ex III. Other:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p>
20.06	<p>Fruit, otherwise prepared or preserved, whether or not containing added sugar or spirit:</p> <p>A. Nuts (including ground-nuts), roasted, in immediate packings of a net capacity:</p> <p>I. Of more than 1 kg:</p> <p>— Almonds, walnuts and hazelnuts</p> <p>— Other</p> <p>II. Of 1 kg or less:</p> <p>— Almonds, walnuts and hazelnuts</p> <p>— Other</p> <p>B. Other:</p> <p>I. Containing added spirit:</p> <p>a) Ginger</p> <p>b) Pineapples, in immediate packings of a net capacity:</p> <p>1. Of more than 1 kg:</p> <p>aa) With a sugar content exceeding 17 % by weight</p> <p>bb) Other</p> <p>2. Of 1 kg or less:</p> <p>aa) With a sugar content exceeding 19 % by weight</p> <p>bb) Other</p> <p>c) Grapes:</p> <p>1. With a sugar content exceeding 13 % by weight</p> <p>2. Other</p> <p>d) Peaches, pears and apricots, in immediate packings of a net capacity:</p>

CCT heading No	Description
20.06 (cont'd)	<p>1. Of more than 1 kg:</p> <p>aa) With a sugar content exceeding 13% by weight</p> <p>bb) Other</p> <p>2. Of 1 kg or less:</p> <p>aa) With a sugar content exceeding 15% by weight</p> <p>bb) Other</p> <p>e) Other fruits:</p> <p>ex 1. With a sugar content exceeding 9% by weight, excluding cherries</p> <p>ex 2. Other, excluding cherries</p> <p>f) Mixtures of fruit:</p> <p>1. With a sugar content exceeding 9% by weight</p> <p>2. Other</p> <p>II. Not containing added spirit:</p> <p>a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg:</p> <p>2. Grapefruit segments</p> <p>3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids</p> <p>4. Grapes</p> <p>ex 8. Other fruits:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>— Tamarind (pods, pulp)</p> <p>b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less:</p> <p>2. Grapefruit segments</p> <p>3. Mandarins, (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids</p> <p>4. Grapes</p> <p>ex 8. Other fruits:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>c) Not containing added sugar, in immediate packings of a net capacity:</p> <p>1. Of 4.5 kg or more:</p> <p>ex dd) Other fruits:</p>

CCT heading No	Description
20.06 (cont'd)	<p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>2. Of less than 4.5 kg:</p> <p>ex bb) Other fruit and mixtures of fruit:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p>
20.07 (*)	<p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:</p> <p>A. Of a specific gravity exceeding 1.33 at 15 °C:</p> <p>III. Other:</p> <p>ex a) Of a value exceeding 30 u.a. per 100 kg net weight:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>b) Of a value not exceeding 30 u.a. per 100 kg net weight:</p> <p>ex 1. With an added sugar content exceeding 30% by weight:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>ex 2. Other:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>B. Of a specific gravity of 1.33 or less at 15 °C:</p> <p>II. Other:</p> <p>a) Of a value exceeding 30 u.a. per 100 kg net weight:</p> <p>2. Grapefruit juice</p> <p>3. Lemon juice or other citrus fruit juices:</p> <p>ex aa) Containing added sugar:</p> <p>— Excluding lemon juice</p> <p>ex bb) Other:</p> <p>— Excluding lemon juice</p> <p>6. Other fruit and vegetable juices:</p> <p>ex aa) Containing added sugar:</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>— Other, excluding apricot and peach juices</p>

CCT heading No	Description
20.07 (*) (cont'd)	<p>ex bb) Other:</p> <ul style="list-style-type: none"> <li>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</li> <li>— Other, excluding apricot and peach juices</li> </ul> <p>7. Mixtures:</p> <p>ex bb) Other, excluding mixtures containing either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice:</p> <ul style="list-style-type: none"> <li>11. Containing added sugar</li> <li>22. Other</li> </ul> <p>b) Of a value of 30 u.a. or less per 100 kg net weight:</p> <p>2. Grapefruit juice:</p> <ul style="list-style-type: none"> <li>aa) With an added sugar content exceeding 30 % by weight</li> <li>bb) Other</li> </ul> <p>4. Other citrus fruit juices:</p> <ul style="list-style-type: none"> <li>aa) With an added sugar content exceeding 30 % by weight</li> <li>bb) With an added sugar content of 30 % or less by weight</li> <li>cc) Not containing added sugar</li> </ul> <p>7. Other fruit and vegetable juices:</p> <p>ex aa) With an added sugar content exceeding 30 % by weight:</p> <ul style="list-style-type: none"> <li>— Of fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</li> <li>— Other, excluding apricot and peach juices</li> </ul> <p>ex bb) With an added sugar content of 30 % or less by weight:</p> <ul style="list-style-type: none"> <li>— Of fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</li> <li>— Other, excluding apricot and peach juices</li> </ul> <p>ex cc) Not containing added sugar:</p> <ul style="list-style-type: none"> <li>— Of fruit falling within heading Nos 08.01, 08.08 B, E and F, and 08.09 excluding pineapples, melons and watermelons</li> <li>— Other, excluding apricot and peach juices</li> </ul>

CCT heading No	Description
20.07 (*) (cont'd)	<p>8. Mixtures:</p> <p>ex bb) Other, excluding mixtures containing, either separately or together, over 25% of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice:</p> <ol style="list-style-type: none"><li>11. With an added sugar content exceeding 30% by weight</li><li>22. With an added sugar content of 30% or less by weight</li><li>33. Not containing added sugar</li></ol>

## ANNEX C

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan	Guyana	Philippines
Algeria	Haiti	Qatar
Angola	Honduras	Romania
Argentina	India	Rwanda
Bahamas	Indonesia	Sao Tome and Principe
Bahrain	Iran	Saudi Arabia
Bangladesh	Iraq	Senegal
Barbados	Ivory Coast	Seychelles
Bénin	Jamaica	Sierra Leone
Bhutan	Jordan	Singapore
Bolivia	Kenya	Somalia
Botswana	Khmer Republic	Sri Lanka
Brazil	Korea (South)	Sudan
Burma	Kuwait	Surinam
Burundi	Laos	Swaziland
Cameroon	Lebanon	Syria
Cape Verde Islands	Lesotho	Tanzania
Central African Republic	Liberia	Thailand
Chad	Libya	Togo
Chile	Malagasy Republic	Tonga
Colombia	Malawi	Trinidad and Tobago
Comoros	Malaysia	Tunisia
Congo, People's Republic of	Maldives Islands	Uganda
Costa Rica	Mali	United Arab Emirates:
Cuba	Mauritania	Abu Dhabi
Cyprus	Mauritius	Dubai
Dominican Republic	Mexico	Ras al Khaimah
Ecuador	Morocco	Fujairah
Egypt, Arab Republic of	Mozambique	Ajman
El Salvador	Nauru	Sharjah
Equatorial Guinea	Nepal	Ummal Qaiwain
Ethiopia	Nicaragua	Upper Volta
Fiji	Niger	Uruguay
Gabon	Nigeria	Venezuela
Gambia	Oman	Vietnam
Ghana	Pakistan	Western Samoa
Grenada	Panama	Yemen, People's Democratic Republic of
Guatemala	Papua New Guinea	Yemen Arab Republic
Guinea	Paraguay	Yugoslavia
Guinea Bissau	Peru	Zaire
		Zambia

## II. COUNTRIES AND TERRITORIES

**dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible**

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean <sup>(1)</sup>  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands <sup>(2)</sup>  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship <sup>(3)</sup>  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands <sup>(4)</sup>

**Note:** The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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<sup>(1)</sup> Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

<sup>(2)</sup> Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

<sup>(3)</sup> The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Carolines, Marianas and Marshall Islands).

<sup>(4)</sup> Dominica, St Lucia, St Vincent.

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## COUNCIL REGULATION (EEC) No 3027/76

of 13 December 1976

opening, allocating and providing for the administration of a Community tariff quota for cocoa butter and a tariff quota for soluble coffee originating in developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on certain processed agricultural products of Chapters 1 to 24 of the Common Customs Tariff originating in developing countries; whereas the preferential treatment proposed in that offer consists, in respect of certain goods which are subject to the trade arrangements laid down in Regulation (EEC) No 1059/69, of a reduction in the fixed component of the charge applicable to such goods by virtue of that Regulation, and, in respect of products which are subject to the single customs duty, of a reduction in such duty; whereas preferential imports of the products concerned could be effected without quantitative restrictions; whereas it appears appropriate, however, in view of the sensitiveness of the cocoa butter and soluble coffee sectors generally and of the need to safeguard the interests of the ACP States in this field, to lay down for those two products special conditions consisting in a reduction of the customs duty applicable to these two products within the limits of Community tariff quotas;

Whereas the offer by the Community includes a clause stating that it is made on the assumption that the main industrialized countries which are members of the OECD participate in granting preferences and make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn

wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas tariff preferences have been applied as from the second half of 1971; whereas it is expedient to continue to apply them throughout 1977;

Whereas in respect of cocoa butter and soluble coffee originating in the countries and territories listed in the Annex the Community should therefore open for 1977 two Community tariff quotas within the respective limits of 21 600 metric tons and at a customs duty of 8% for cocoa butter and of 18 750 metric tons and a duty of 9% for soluble coffee;

Whereas, in accordance with Protocol 23 to the Act of Accession (4), the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas for the said products this scheme would, however, involve the application in the new Member States in 1977 of customs duties higher than or very close to those which will be applied by the new Member States to non-member countries in general on the basis of the provisions of the abovementioned Act; whereas this situation would comply neither with the spirit nor with the very nature of the generalized preference scheme; whereas, in order to maintain an equivalent preferential margin for these products also, reduced customs duties should be applied to them, in accordance with detailed rules based on the principle of maintaining, in the new Member States, a preference proportional to that which exists between the duties of the Common Customs Tariff and the duties given in Article 1 of this Regulation; whereas, with a view to granting the beneficiary developing countries the best possible treatment, in accordance with the objectives of the preference

(4) OJ No L 73, 27. 3. 1972, p. 14.

scheme, the duties given in Article 1 should also be applied wherever the duties calculated according to the abovementioned detailed rules prove to be higher than them;

Whereas the benefit of these tariff quotas should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods <sup>(1)</sup>;

Whereas it is necessary to ensure equal and continuous access for all Community importers to the said quotas and the uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into all Member States until these quotas are used up; whereas, having regard to the principles set out above, the Community nature of the quota can be respected by allocating the Community tariff quota among Member States; whereas, moreover, to this end and in the context of the utilization system, the actual charges against the quota may relate only to products which have been entered for home use and which are accompanied by a certificate of origin;

Whereas the available statistical data as yet cover only a relatively brief period; whereas, in this particular case, they should be weighted on the basis of the estimates which may be made in respect of the quota year; whereas the shares in the quota amounts may be set out as follows:

	<i>metric tons</i>	
	<i>cocoa butter</i>	<i>soluble coffee</i>
Germany	800	900
Benelux	12 150	1 550
France	100	250
Italy	50	50
Denmark	50	50
Ireland	50	50
United Kingdom	8 400	15 900

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 1.

Whereas, without affecting the Community nature of the tariff quotas under consideration, it appears possible to provide temporarily for a utilization scheme based on a single allocation among the Member States; whereas, moreover, the allocation set out by this Regulation in no way prejudices the possibility of adopting the general method of allocation of Community tariff quotas comprising the setting up of a reserve share; whereas at this transitional stage it appears feasible that such allocation could be made according to the percentages set out in the above table;

Whereas the percentage for the shares of the Member States in the Community tariff quotas, in view of their duration and their amounts, does not appear in this instance to compromise the equal access for Community importers to Community tariff quotas; whereas for this same reason it would appear expedient to allow each Member State to choose the system for administering its share;

Whereas provision should be made for measures enabling any serious disturbance within the sector of the Community's economic activity to be avoided, and to this end the Commission should be empowered to re-introduce in part or in full the normal duties in order to avoid such disturbance;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 January to 31 December 1977, Community tariff quotas shall be opened within the Community for imports of the products listed below and under the conditions stated:

CCT heading No	Description	Volume in metric tons	Rate of duty
18.04	Cocoa butter, including cocoa fat or oil	21 600	8 %
21.02	Extracts, or essences or concentrates of coffee, tea or maté; preparations with a basis of those extracts, or concentrates:  ex A. Extracts, essences or concentrates of coffee; preparations with a basis of those extracts, essences or concentrates:  — Extracts of coffee or 'soluble coffee' obtained by a water method of extraction from roasted coffee, put up in powder form, granulated, in grains, in tablets or in a similar solid form	18 750	9 %

On importation into Denmark, Ireland and the United Kingdom, there shall be applied to the above-mentioned products the customs duties determined by multiplying, by a coefficient equal to the margin of preferences existing between the duties given in the first subparagraph and the Common Customs Tariff duties applicable, the duties obtained by reducing by 80% the difference between the lowest duty applied on 1 January 1972 to the developing countries set out in the Annex and the Common Customs Tariff.

	<i>metric tons</i>	
	<i>cocoa butter</i>	<i>soluble coffee</i>
Germany	800	900
Benelux	12 150	1 550
France	100	250
Italy	50	50
Denmark	50	50
Ireland	50	50
United Kingdom	8 400	15 900

However, the duties given in the first subparagraph shall be applied from 1 January to 30 June 1977 where the duties resulting from the abovementioned calculation are higher than them. From 1 July 1977 the duties given in the first subparagraph shall be applied.

2. These tariff quotas shall apply solely to products originating in the countries and territories listed in the Annex. However, those imports which enjoy exemption from customs duties under other preferential tariff arrangements granted by the Community may not be charged against these tariff quotas.

For the purposes of this Regulation the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

*Article 2*

The Community tariff quotas mentioned in Article 1 shall be allocated, in respect of each Member State, in shares the amounts of which are set out below:

*Article 3*

1. The Member States shall ensure free access to each of the shares which have been allocated to them for importers of the products concerned who are established on their territory.

2. The extent to which shares of Member States have been used up shall be determined on the basis of imports of the said goods which have been entered for home use, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).

3. Goods may qualify for a tariff quota only if the certificate of origin referred to in paragraph 2 is submitted before the date on which the levying of duties is re-introduced.

*Article 4*

Member States shall inform the Commission at monthly intervals of imports of the products in question charged against their shares. This information shall show both the value expressed in units of account and quantity expressed in metric tons.

*Article 5*

If the Community should find that the products benefiting under the arrangements provided for in Article 1 are being imported into the Community in quantities or at prices such as to put or be likely to put Community producers of similar or directly competitive products at a serious disadvantage or to create an unfavourable situation in the ACP States, the customs duties applied within the Community may be re-introduced in part or in full for imports of the products in question from the country or countries or territory or territories which are the cause of such disadvantage. Such measures may also be taken in the event of a serious disadvantage, either actual or foreseeable, which is confined to a single region of the Community.

*Article 6*

1. In order to ensure that Article 5 is applied, the Commission may, by way of a Regulation, re-introduce normal duties for a fixed period.
2. If the Commission has acted at the request of a Member State, the former shall give its decision

within a maximum period of 10 working days from the date of receipt of the request and shall inform the Member State of the action it has taken.

3. Each Member State may refer the measure taken by the Commission to the Council within a period of 10 working days following the date it was notified. The fact that the matter has been referred to the Council shall not constitute the suspension of the measure. The Council shall meet without delay. Acting on a qualified majority, it may amend or repeal the measure in question.

*Article 7*

Articles 5 and 6 shall not prejudice the application of the protective clauses drawn up in connection with the common commercial policy pursuant to Article 113 of the Treaty.

*Article 8*

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 13 December 1976.

*For the Council*

*The President*

M. van der STOEL

## ANNEX

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan	Guyana	Philippines
Algeria	Haiti	Qatar
Angola	Honduras	Romania
Argentina	India	Rwanda
Bahamas	Indonesia	Sao Tome and Principe
Bahrain	Iran	Saudi Arabia
Bangladesh	Iraq	Senegal
Barbados	Ivory Coast	Seychelles
Bénin	Jamaica	Sierra Leone
Bhutan	Jordan	Singapore
Bolivia	Kenya	Somalia
Botswana	Khmer Republic	Sri Lanka
Brazil	Korea (South)	Sudan
Burma	Kuwait	Surinam
Burundi	Laos	Swaziland
Cameroon	Lebanon	Syria
Cape Verde Islands	Lesotho	Tanzania
Central African Republic	Liberia	Thailand
Chad	Libya	Togo
Chile	Malagasy Republic	Tonga
Colombia	Malawi	Trinidad and Tobago
Comoros	Malaysia	Tunisia
Congo, People's Republic of	Maldives Islands	Uganda
Costa Rica	Mali	United Arab Emirates:
Cuba	Mauritania	Abu Dhabi
Cyprus	Mauritius	Dubai
Dominican Republic	Mexico	Ras al Khaimah
Ecuador	Morocco	Fujairah
Egypt, Arab Republic of	Mozambique	Ajman
El Salvador	Nauru	Sharjah
Equatorial Guinea	Nepal	Ummal Qaiwain
Ethiopia	Nicaragua	Upper Volta
Fiji	Niger	Uruguay
Gabon	Nigeria	Venezuela
Gambia	Oman	Vietnam
Ghana	Pakistan	Western Samoa
Grenada	Panama	Yemen, People's Democratic Republic of
Guatemala	Papua New Guinea	Yemen Arab Republic
Guinea	Paraguay	Yugoslavia
Guinea Bissau	Peru	Zaire
		Zambia

## II. COUNTRIES AND TERRITORIES

**dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible**

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean <sup>(1)</sup>  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands <sup>(2)</sup>  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship <sup>(3)</sup>  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands <sup>(4)</sup>

*Note:* The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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<sup>(1)</sup> Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

<sup>(2)</sup> Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

<sup>(3)</sup> The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

<sup>(4)</sup> Dominica, St Lucia, St Vincent.

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## COUNCIL REGULATION (EEC) No 3028/76

of 13 December 1976

opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, other than in slices, half slices or spirals, originating in developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas in the Joint Declaration of Intent on the development of trade relations with Sri Lanka, India, Malaysia, Pakistan and Singapore (1), the Community declared its readiness to seek solutions to the problems which may arise in the field of trade with the countries referred to;

Whereas in respect of several Asian countries of the Commonwealth and particularly as regards Malaysia, preserved pineapples are an important export product and the flow of trade in such products is likely to be changed as a result of the enlargement of the Community; whereas the system of generalized tariff preferences may constitute a solution to problems of this nature; whereas certain forms of preserved pineapples should therefore be included in the system of generalized preferences;

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on certain processed agricultural products of Chapters 1 to 24 of the Common Customs Tariff originating in developing countries; whereas the preferential treatment proposed in that offer consists, in respect of certain goods which are subject to the trade arrangements laid down in Regulation (EEC) No 1059/69, of a reduction in the fixed component of the charge applicable to such goods by virtue of

that Regulation, and, in respect of products which are subject to the single customs duty, of a reduction in such duty; whereas preferential imports of the products concerned could be effected without quantitative restrictions; whereas it appears appropriate, however, in view of the sensitiveness of the preserved fruit and vegetable sector generally and of the need to safeguard the interests of the ACP States in this field, to lay down for preserved pineapples, other than in slices, half slices or spirals, special conditions consisting in a reduction of the customs duty applicable to that product within the limits of a Community tariff quota;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas tariff preferences have been applied as from the second half of 1971; whereas it is expedient to continue to apply them throughout 1977;

Whereas it is expedient, therefore, that the Community should open for 1977 in respect of the said products, originating in the countries and territories listed in the Annex, a Community tariff quota limited to 45 000 metric tons and at a customs duty of 12%, increased by the levy on sugar where the sugar content exceeds 17 % by weight in the case of products falling within subheading ex 20.06 B II a) 5 aa), and 19% by weight in the case of products falling within subheading ex 20.06 B II b) 5 aa);

(1) OJ No L 73, 27. 3. 1972, p. 195.

Whereas, in accordance with Protocol 23 to the Act of Accession<sup>(1)</sup>, the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas, for the said products, this scheme would, however, involve the application in the new Member States in 1977 of customs duties higher than or very close to those which will be applied by the new Member States to non-member countries in general on the basis of the provisions of the abovementioned Act; whereas this situation would comply neither with the spirit nor with the very nature of the generalized preference scheme; whereas, in order to maintain an equivalent preferential margin for these products also, reduced customs duties should be applied to them, in accordance with detailed rules based on the principle of maintaining, in the new Member States, a preference proportional to that which exists between the duties of the Common Customs Tariff and the duties given in Article 1 of this Regulation; whereas, with a view to granting the beneficiary developing countries the best possible treatment, in accordance with the objectives of the preference scheme, the duties given in the abovementioned Article 1 should also be applied wherever the duties calculated according to the abovementioned detailed rules prove to be higher than them;

Whereas the benefit of this tariff quota should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods<sup>(2)</sup>;

Whereas it is necessary to ensure equal and continuous access for all Community importers to the abovementioned quota and the uninterrupted application of the rate laid down for this quota to all imports of the products concerned into all Member States until this quota is used up; whereas having regard to the principles set out above, the Community nature of the quota can be respected by allocating the Community tariff quota among Member States; whereas, moreover, to this end and in the context of the utilization system, the actual charges against the quota may relate only to products which have been entered for home use and which are accompanied by a certificate of origin;

Whereas, to take account of future import trends for the products in question in the various Member States,

<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 1.

the quotas should be divided into two tranches, the first being allocated among Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial shares; whereas, moreover, the reserve constituted in the manner described above tends to avoid making the system of utilization of the quota excessively rigid, to the detriment of the developing countries concerned and will contribute to achieving the aim already mentioned of improving the generalized preferences system; whereas, to give importers in each Member State some degree of certainty, the first tranche of the Community quota might in this case be fixed at 80% of the full quota.

Whereas the statistical data available cover only a relatively brief period, and they should be weighted on the basis of the estimates which may be made for the quota year; whereas the percentage of the shares in the first tranche may be drawn up as follows:

Germany	20.5%
Benelux	4.9%
France	0.5%
Italy	2.0%
Denmark	1.9%
Ireland	1.0%
United Kingdom	69.2%

Whereas Member States may exhaust their initial shares for the products in question at different rates; whereas to avoid disruption of supplies on this account it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas, however, it seems advisable to permit the Member States to limit the exercise of their total obligation to draw on the reserve amount to a level not exceeding 40% of their initial share; whereas this method of administration calls for close cooperation between Member States and the Commission which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of the Community quota

remaining unused in one Member State when it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 January to 31 December 1977, a Community tariff quota of 45 000 metric tons shall be opened by the Community for the imports of preserved pineapples, other than in slices, half slices or spirals, falling within the following subheadings of the Common Customs Tariff: ex 20.06 B II a) 5, ex 20.06 B II b) 5, ex 20.06 B II c) 1 dd) and ex 20.06 B II c) 2 bb). Within this tariff quota the customs duty shall be suspended at 12%, increased by the levy on sugar where the sugar content exceeds 17% by weight in the case of products falling within subheading ex 20.06 B II a) 5 aa), and 19% by weight in the case of products falling within subheading ex 20.06 B II b) 5 aa).

On importation into Denmark, Ireland and the United Kingdom, there shall be applied to the abovementioned products the customs duty obtained by multiplying, by a coefficient equal to the margin of preferences existing between the duty of 12% given in paragraph 1 and the Common Customs Tariff duties applicable, the duties obtained by reducing by 80% the difference between the lowest duty applied on 1 January 1972 to the developing countries set out in the Annex and the Common Customs Tariff.

However, the duty of 12% given in the first subparagraph shall be applied when the customs duty resulting from the abovementioned calculation is higher than it.

2. The benefit of this tariff quota shall be reserved for the products originating in the countries and territories listed in the Annex. However, the imports already benefiting from exemption of customs duties under another preferential tariff scheme granted by the Community shall not be charged to this quota.

For the purposes of implementing this Regulation the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

*Article 2*

1. A first tranche of 36 000 metric tons shall be allocated among the Member States. The shares which, subject to Article 5, shall be valid until 31 December 1977, shall for each Member State be as follows:

Germany	7 380 metric tons
Benelux	1 764 metric tons
France	180 metric tons
Italy	720 metric tons
Denmark	684 metric tons
Ireland	360 metric tons
United Kingdom	24 912 metric tons

2. The second tranche of 9 000 metric tons shall constitute the reserve.

*Article 3*

1. If a Member State has used 90% or more of its initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share rounded up should the occasion arise to the nearest unit above.

2. If a Member State, after exhausting its initial shares, has used 90% or more of the second share drawn by it, that Member State shall forthwith, by notifying the Commission, draw a third share, equal to 5% of its initial share, rounded up should the occasion arise, to the nearest unit above.

3. If a Member State, after exhausting its second share, has used 90% or more of the third share drawn by it, that Member State shall, under the same conditions, draw a fourth share equal to the third. This process shall continue until the reserve has been exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in

full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

5. Any Member State may limit the sum total of its additional shares to 40% of its initial share, informing the Commission that it is so doing.

#### *Article 4*

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1977.

#### *Article 5*

A Member State which on 15 September 1977 has not exhausted one of its initial shares shall, not later than 1 October 1977, return to the reserve any unused portion in excess of 20% of the initial amount. It may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall, not later than 1 October 1977, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1977 and charged against the Community quotas and of any portion of their initial shares returned to the reserve.

#### *Article 6*

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 15 October 1977, inform the Member State of the amount still in reserve following any return of shares pursuant to Article 5.

It shall ensure that when an amount exhausting the reserve is drawn the amount so drawn does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their cumulative shares of the Community quota.

#### *Article 7*

1. The Member States shall ensure free access to the shares which have been allocated to them for importers of the said goods who are established in their territory.

2. The extent to which a Member State has used up its share shall be determined on the basis of imports of the said goods which have been entered for home use, on the basis of the customs value of the said goods, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).

3. Goods shall qualify for a tariff quota only if the certificate of origin referred to in paragraph 2 is submitted before the date on which the levying of duties is re-introduced.

#### *Article 8*

Member States shall inform the Commission at monthly intervals of imports of the products in question charged against their shares. This information shall show both the value expressed in units of account and the quantity expressed in metric tons.

#### *Article 9*

If the Community finds that products benefiting from the treatment provided for in Article 1 are imported into the Community in such quantities or at such prices that Community producers of products similar to or in direct competition with them suffer or are likely to suffer from serious disadvantage, or that an unfavourable situation is created in the ACP States, the levying of customs duties may be re-introduced in whole or in part on the products in question in respect of the countries or territories which are the cause of the disadvantage. Such measures may also be taken in the case of actual or potential serious disadvantage in a single region of the Community.

#### *Article 10*

1. The Commission may decide, by means of a Regulation, to re-introduce the levying of customs duties for a specified period, in order to ensure that Article 9 is applied.

2. In the event of such action being requested by a Member State, the Commission shall decide within a period of not more than 10 working days after the request has been received and shall inform the Member States of this decision.

3. Any Member State may refer to the Council the measure taken by the Commission, within a period of not more than 10 working days after it has been informed thereof. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, by acting on a qualified majority, amend or rescind the measure in question.

*Article 11*

The provisions of Articles 9 and 10 shall not prejudice the application of the safeguard clauses drawn up in connection with the common agricultural policy pursuant to Article 43 of the Treaty or those drawn up in connection with the common commercial policy pursuant to Article 113 of the Treaty.

*Article 12*

Member States and the Commission shall collaborate closely to ensure that this Regulation is observed.

*Article 13*

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 13 December 1976.

*For the Council*

*The President*

M. van der STOEL

## ANNEX

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan	Guyana	Philippines
Algeria	Haiti	Qatar
Angola	Honduras	Romania
Argentina	India	Rwanda
Bahamas	Indonesia	Sao Tome and Principe
Bahrain	Iran	Saudi Arabia
Bangladesh	Iraq	Senegal
Barbados	Ivory Coast	Seychelles
Bénin	Jamaica	Sierra Leone
Bhutan	Jordan	Singapore
Bolivia	Kenya	Somalia
Botswana	Khmer Republic	Sri Lanka
Brazil	Korea (South)	Sudan
Burma	Kuwait	Surinam
Burundi	Laos	Swaziland
Cameroon	Lebanon	Syria
Cape Verde Islands	Lesotho	Tanzania
Central African Republic	Liberia	Thailand
Chad	Lithuania	Togo
Chile	Malagasy Republic	Tonga
Colombia	Malawi	Trinidad and Tobago
Comoros	Malaysia	Tunisia
Congo, People's Republic of	Maldives Islands	Uganda
Costa Rica	Mali	United Arab Emirates:
Cuba	Mauritania	Abu Dhabi
Cyprus	Mauritius	Dubai
Dominican Republic	Mexico	Ras al Khaimah
Ecuador	Morocco	Fujairah
Egypt, Arab Republic of	Mozambique	Ajman
El Salvador	Nauru	Sharjah
Equatorial Guinea	Nepal	Ummal Qaiwain
Ethiopia	Nicaragua	Upper Volta
Fiji	Niger	Uruguay
Gabon	Nigeria	Venezuela
Gambia	Oman	Vietnam
Ghana	Pakistan	Western Samoa
Grenada	Panama	Yemen, People's Democratic Republic of
Guatemala	Papua New Guinea	Yemen Arab Republic
Guinea	Paraguay	Yugoslavia
Guinea Bissau	Peru	Zaire
		Zambia

## II. COUNTRIES AND TERRITORIES

**dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible**

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean (\*)  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands (\*)  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship (\*)  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands (\*)

**Note:** The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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(\*) Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

(\*) Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

(\*) The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

(\*) Dominica, St Lucia, St Vincent.

## COUNCIL REGULATION (EEC) No 3029/76

of 13 December 1976

opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, in slices, half slices or spirals, originating in developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas in the Joint Declaration of Intent on the development of trade relations with Sri Lanka, India, Malaysia, Pakistan and Singapore (1), the Community declared its readiness to seek solutions to the problems which may arise in the field of trade with the countries referred to;

Whereas in respect of several Asian countries of the Commonwealth and particularly as regards Malaysia, preserved pineapples are an important export product and the flow of trade in such products is likely to be changed as a result of the enlargement of the Community; whereas the system of generalized tariff preferences may constitute a solution to problems of this nature; whereas certain forms of preserved pineapples should therefore be included in the system of generalized preferences;

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on certain processed agricultural products of Chapters 1 to 24 of the Common Customs Tariff originating in developing countries; whereas the preferential treatment proposed in that offer consists, in respect of certain goods which are subject to the trade arrangements laid down in Regulation (EEC) No 1059/69, of a reduction in the fixed component of the charge applicable to such goods by virtue of that Regulation, and, in respect of products which are

subject to the single customs duty, of a reduction in such duty; whereas preferential imports of the products concerned could be effected without quantitative restrictions; whereas it appears appropriate, however, in view of the sensitiveness of the preserved fruit and vegetable sector generally and of the need to safeguard the interests of the ACP States in this field, to lay down for preserved pineapples, in slices, half slices or spirals, special conditions consisting in a reduction of the customs duty applicable to that product within the limits of a Community tariff quota;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas tariff preferences have been applied as from the second half of 1971; whereas it is expedient to continue to apply them throughout 1977;

Whereas it is expedient, therefore, that the Community should open for 1977 in respect of the said products, originating in the countries and territories listed in the Annex, a Community tariff quota limited to 28 000 metric tons and at a customs duty of 15%, increased by the levy on sugar where the sugar content exceeds 17% by weight in the case of products falling within subheading ex 20.06 B II a) 5 aa), and 19% by weight in the case of products falling within subheading ex 20.06 B II b) 5 aa);

(1) OJ No L 73, 27. 3. 1972, p. 195.

Whereas, in accordance with Protocol 23 to the Act of Accession <sup>(1)</sup>, the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas, for the said products, this scheme would, however, involve the application in the new Member States in 1977 of customs duties higher than or very close to those which will be applied by the new Member States to non-member countries in general on the basis of the provisions of the abovementioned Act; whereas this situation would comply neither with the spirit nor with the very nature of the generalized preference scheme; whereas, in order to maintain an equivalent preferential margin for these products also, reduced customs duties should be applied to them, in accordance with detailed rules based on the principle of maintaining, in the new Member States, a preference proportional to that which exists between the duties of the Common Customs Tariff and the duties given in Article 1 to this Regulation; whereas, with a view to granting the beneficiary developing countries the best possible treatment, in accordance with the objectives of the preference scheme, the duties given in the abovementioned Article 1 should also be applied wherever the duties calculated according to the abovementioned detailed rules prove to be higher than them;

Whereas the benefit of this tariff quota should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods <sup>(2)</sup>;

Whereas it is necessary to ensure equal and continuous access for all Community importers to the abovementioned quota and the uninterrupted application of the rate laid down for this quota to all imports of the products concerned into all Member States until this quota is used up; whereas having regard to the principles set out above, the Community nature of the quota can be respected by allocating the Community tariff quota among Member States; whereas, moreover, to this end and in the context of the utilization system, the actual charges against the quota may relate only to products which have been entered for home use and which are accompanied by a certificate of origin;

<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 14

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 1.

Whereas the statistical data available cover only a relatively brief period, and they should be weighted on the basis of the estimates which may be made for the quota year; whereas the percentage of the shares of the quota amount may be drawn up as follows:

Germany	35.1%
Benelux	13.0%
France	1.0%
Italy	2.8%
Denmark	2.7%
Ireland	1.0%
United Kingdom	44.4%

Whereas, without affecting the Community nature of the tariff quota under consideration, it appears possible to provide temporarily for a utilization scheme based on a single allocation among the Member States; whereas, moreover, the allocation set out by this Regulation in no way prejudices the possibility of adopting the general method of allocation of Community tariff quotas comprising the setting up of a reserve share; whereas at this transitional stage it appears feasible that such allocation could be made according to the percentage set out in the above table;

Whereas the percentage for the shares of the Member States in the Community tariff quotas, in view of their duration and their amount, does not appear in this instance to compromise the equal access for Community importers to Community tariff quotas; whereas for this same reason it would appear expedient to allow each Member State to choose the system for administering its share;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of the share allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 January to 31 December 1977, a Community tariff quota of 28 000 metric tons shall be opened by the Community for the imports of preserved pineapples in slices, half slices or spirals, falling within the following subheadings of the Common Customs Tariff: ex 20.06 B II a) 5, ex 20.06

B II b) 5, ex 20.06 B II c) 1 dd) and ex 20.06 B II c) 2 bb). Within this tariff quota the customs duty shall be suspended at 15%, increased by the levy on sugar where the sugar content exceeds 17% by weight in the case of products falling within subheading ex 20.06 B II a) 5 aa), and 19% by weight in the case of products falling within subheading ex 20.06 B II b) 5 aa).

On importation into Denmark, Ireland and the United Kingdom, there shall be applied to the abovementioned products the customs duty obtained by multiplying, by a coefficient equal to the margin of preferences existing between the duty of 15% given in paragraph 1 and the Common Customs Tariff duties applicable, the duties obtained by reducing by 80% the difference between the lowest duty applied on 1 January 1972 to the developing countries set out in the Annex and the Common Customs Tariff.

However, the duty of 15% given in the first subparagraph shall be applied when the customs duty resulting from the abovementioned calculation is higher than it.

2. The benefit of this tariff quota shall be reserved for the products originating in the countries and territories listed in the Annex. However, the imports already benefiting from exemption of customs duties under another preferential tariff scheme granted by the Community shall not be charged to this quota.

For the purposes of implementing this Regulation the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

#### Article 2

The Community tariff quotas mentioned in Article 1 shall be allocated in shares which in respect of each Member State shall be of the amount indicated below:

Germany	9 820 metric tons
Benelux	3 640 metric tons
France	280 metric tons
Italy	780 metric tons
Denmark	770 metric tons
Ireland	280 metric tons
United Kingdom	12 430 metric tons

#### Article 3

1. The Member States shall ensure free access to each of the shares which have been allocated to them for importers of the products concerned who are established on their territory.

2. The extent to which the shares of Member States have been used up shall be determined on the basis of imports of the said goods which have been entered for home use, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).

3. Goods may qualify for a tariff quota only if the certificate of origin referred to in paragraph 2 is submitted before the date on which the levying of duties is re-introduced.

#### Article 4

Member States shall inform the Commission at monthly intervals of imports of the products in question charged against their shares. This information shall cover both the value expressed in units of account and quantity expressed in metric tons.

#### Article 5

If the Community should find that the products benefiting under the arrangements provided for in Article 1 are being imported into the Community in quantities or at prices such as to put or be likely to put Community producers of similar or directly competitive products at a serious disadvantage or to create an unfavourable situation in the ACP States, the customs duties applied within the Community may be re-introduced in part or in full for imports of the products in question from the country or countries or territory or territories which are the cause of such disadvantage. Such measures may also be taken in the event of a serious disadvantage, either actual or foreseeable, which is confined to a single region of the Community.

#### Article 6

1. In order to ensure that Article 5 is applied, the Commission may, by way of a Regulation, re-introduce Common Customs Tariff duties for a fixed period.

2. If the Commission has acted at the request of a Member State, the former shall give its decision within a maximum period of 10 working days from the date of receipt of the request and shall inform the Member State of the action taken.

3. Each Member State may refer the measure taken by the Commission to the Council within a period of 10 working days following the date it was notified. The fact that the matter has been referred to the Council shall not constitute the suspension of the measure. The Council shall meet without delay. Acting on a qualified majority, it may amend or repeal the measure in question.

*Article 7*

The provisions of Articles 5 and 6 shall not prejudice the application of the safeguard clauses drawn up

in connection with the common agricultural policy pursuant to Article 43 of the Treaty or those drawn up in connection with the common commercial policy pursuant to Article 113 of the Treaty.

*Article 8*

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 13 December 1976.

*For the Council*

*The President*

M. van der STOEL

## ANNEX

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan	Guyana	Philippines
Algeria	Haiti	Qatar
Angola	Honduras	Romania
Argentina	India	Rwanda
Bahamas	Indonesia	Sao Tome and Principe
Bahrain	Iran	Saudi Arabia
Bangladesh	Iraq	Senegal
Barbados	Ivory Coast	Seychelles
Bénin	Jamaica	Sierra Leone
Bhutan	Jordan	Singapore
Bolivia	Kenya	Somalia
Botswana	Khmer Republic	Sri Lanka
Brazil	Korea (South)	Sudan
Burma	Kuwait	Surinam
Burundi	Laos	Swaziland
Cameroon	Lebanon	Syria
Cape Verde Islands	Lesotho	Tanzania
Central African Republic	Liberia	Thailand
Chad	Libya	Togo
Chile	Malagasy Republic	Tonga
Colombia	Malawi	Trinidad and Tobago
Comoros	Malaysia	Tunisia
Congo, People's Republic of	Maldives Islands	Uganda
Costa Rica	Mali	United Arab Emirates:
Cuba	Mauritania	Abu Dhabi
Cyprus	Mauritius	Dubai
Dominican Republic	Mexico	Ras al Khaimah
Ecuador	Morocco	Fujairah
Egypt, Arab Republic of	Mozambique	Ajman
El Salvador	Nauru	Sharjah
Equatorial Guinea	Nepal	Ummal Qaiwain
Ethiopia	Nicaragua	Upper Volta
Fiji	Niger	Uruguay
Gabon	Nigeria	Venezuela
Gambia	Oman	Vietnam
Ghana	Pakistan	Western Samoa
Grenada	Panama	Yemen, People's Democratic Republic of
Guatemala	Papua New Guinea	Yemen Arab Republic
Guinea	Paraguay	Yugoslavia
Guinea Bissau	Peru	Zaire
		Zambia

## II. COUNTRIES AND TERRITORIES

**dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible**

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean <sup>(1)</sup>  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands <sup>(2)</sup>  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship <sup>(3)</sup>  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands <sup>(4)</sup>

**Note:** The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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<sup>(1)</sup> Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

<sup>(2)</sup> Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

<sup>(3)</sup> The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

<sup>(4)</sup> Dominica, St Lucia, St Vincent.

## DECISION

## OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL

of 13 December 1976

opening, allocating and providing for the administration of tariff quotas for certain steel products originating in developing countries

(76/908/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

*Article 1*

1. From 1 January to 31 December 1977, the duties applicable in all customs areas of the Community to the products listed in Annex A shall be completely suspended within the framework of Community tariff quotas of amounts which shall be expressed in units of account and which shall be indicated against each product in column 3 of that Annex.

2. These tariff quotas shall be enjoyed solely by products originating in the countries and territories listed in Annex B. However, those imports which already enjoy exemption from customs duties under other preferential tariff arrangements granted by the nine Member States of the Community may not be charged against these tariff quotas. For the purposes of the application of this Decision, the concept of

originating products shall be determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods <sup>(1)</sup>.

3. The amount to be charged in respect of each country or territory referred to in paragraph 2 against each of the tariff quota amounts indicated in column 5 of Annex A shall be limited to the maximum amount given as a percentage in column 4 of Annex A against each category of products.

4. Any amendment to Annex B, in particular by the addition of new countries or territories enjoying tariff preferences, may entail a corresponding adjustment to the maximum amounts expressed as percentages laid down in column 4 of Annex A and to the tariff ceilings and quotas laid down respectively in columns 3 and 5 of Annex A.

*Article 2*

1. The Member States shall administer their tariff quotas in accordance with their own provisions in this respect.

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<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 1.

2. The extent to which a Member State has used up its share shall be determined on the basis of imports of the said goods which have been entered for home use, on the basis of the customs value of the said goods, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).

3. Goods may be imported under the tariff quota only if the certificate of origin mentioned in paragraph 2 is presented before the date on which customs duties are re-introduced.

#### *Article 3*

Each Member State shall re-introduce the levying of duties which have been suspended in respect of a country or territory mentioned in Annex B as soon as it records that the charges against its national quota of the products concerned originating in such country or territory have reached the maximum amount laid down in column 4 of Annex A.

Such re-introduction shall be notified immediately to the Commission, which shall inform the other Member States forthwith. At the request of a Member State or of the Commission, the possible consequences

of such a situation (with regard to the aggregate appearing in column 3 of Annex A) shall be jointly examined immediately.

#### *Article 4*

Member States shall inform the Commission at least monthly of imports of the products in question charged against their quotas.

#### *Article 5*

Member States, in close cooperation with the Commission, shall take all necessary measures to ensure that the above provisions are applied.

#### *Article 6*

The Member States shall take all measures necessary for the implementation of this Decision.

Done at Brussels, 13 December 1976.

*The President*

M. van der STOEL

## ANNEX A

## List of products subject to zero-duty tariff ceilings under the generalized tariff preferences granted to developing countries and territories

CCT heading No (1)	Description (2)	Aggregate of column 5 in u.a. (3)	Maximum amount per country and territory (%) (4)	Volume of shares allocated to Member States in u.a. (5)
73.08	Iron or steel coils for re-rolling	12 091 800	40	Germany 3 325 245 Benelux 1 269 640 France 2 297 440 Italy 1 813 770 Denmark 604 590 Ireland 120 920 United Kingdom 2 660 195
73.10	Bars and rods (including wire rod), of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished (including precision-made); hollow mining drill steel:  A. Not further worked than hot-rolled or extruded  D. Clad or surface-worked (for example, polished, coated) I. Not further worked than clad: a) Hot-rolled or extruded	7 493 900	50	Germany 2 060 810 Benelux 786 860 France 1 423 840 Italy 1 124 090 Denmark 374 700 Ireland 74 940 United Kingdom 1 648 660
73.13	Sheets and plates, of iron or steel, hot-rolled or cold-rolled:  A. 'Electrical' sheets and plates  B. Other sheets and plates: I. Not further worked than hot-rolled II. Not further worked than cold-rolled, of a thickness of: b) More than 1 mm but less than 3 mm c) 1 mm or less III. Not further worked than burnished, polished or glazed IV. Clad, coated or otherwise surface-treated: b) Tinned c) Zinc-coated or lead-coated d) Other (for example, copper-plated, artificially oxidized, lacquered, nickel-plated, varnished, clad, parkerized, printed) V. Otherwise shaped or worked: a) Cut into shapes other than rectangular shapes, but not further worked: 2. Other	23 440 200	30	Germany 6 446 055 Benelux 2 461 220 France 4 453 640 Italy 3 516 030 Denmark 1 172 010 Ireland 2 34 400 United Kingdom 5 156 845

## ANNEX B

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan	Guyana	Philippines
Algeria	Haiti	Qatar
Angola	Honduras	Rwanda
Argentina	India	Sao Tome and Principe
Bahamas	Indonesia	Saudi Arabia
Bahrain	Iran	Senegal
Bangladesh	Iraq	Seychelles
Barbados	Ivory Coast	Sierra Leone
Bénin	Jamaica	Singapore
Bhutan	Jordan	Somalia
Bolivia	Kenya	Sri Lanka
Botswana	Khmer Republic	Sudan
Brazil	Korea (South)	Surinam
Burma	Kuwait	Swaziland
Burundi	Laos	Syria
Cameroon	Lebanon	Tanzania
Cape Verde Islands	Lesotho	Thailand
Central African Republic	Liberia	Togo
Chad	Libya	Tonga
Chile	Malagasy Republic	Trinidad and Tobago
Colombia	Malawi	Tunisia
Comoros	Malaysia	Uganda
Congo, People's Republic of	Maldive Islands	United Arab Emirates:
Costa Rica	Mali	Abu Dhabi
Cuba	Mauritania	Dubai
Cyprus	Mauritius	Ras al Khaimah
Dominican Republic	Mexico	Fujairah
Ecuador	Morocco	Ajman
Egypt, Arab Republic of	Mozambique	Sharjah
El Salvador	Nauru	Ummal Qaiwain
Equatorial Guinea	Nepal	Upper Volta
Ethiopia	Nicaragua	Uruguay
Fiji	Niger	Venezuela
Gabon	Nigeria	Vietnam
Gambia	Oman	Western Samoa
Ghana	Pakistan	Yemen, People's Democratic Republic of
Grenada	Panama	Yemen Arab Republic
Guatemala	Papua New Guinea	Yugoslavia
Guinea	Paraguay	Zaire
Guinea Bissau	Peru	Zambia

## II. COUNTRIES AND TERRITORIES

dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean <sup>(1)</sup>  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands <sup>(2)</sup>  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship <sup>(3)</sup>  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands <sup>(4)</sup>

*Note:* The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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<sup>(1)</sup> Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

<sup>(2)</sup> Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

<sup>(3)</sup> The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

<sup>(4)</sup> Dominica, St Lucia, St Vincent.

## DECISION

## OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

of 13 December 1976

opening tariff preferences for certain steel products originating in developing countries

(76/909/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

*Article 1*

1. From 1 January to 31 December 1977, the duties applicable in the Community to the imports of the products listed in Annex A shall be completely suspended, subject to the provisions of Article 2.

2. This suspension shall be enjoyed solely by products originating in the countries and territories listed in Annex B. For the purposes of the application of this Decision the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods <sup>(1)</sup>.

3. Subject to Article 2, this suspension shall be granted generally up to the limit of a ceiling equal to the amount obtained, in respect of each category of products, by adding together, in units of account, the value for 1974 of cif imports of the products concerned to the Community from the countries and territories enjoying these arrangements, excluding those already enjoying various preferential tariff arrangements granted by the nine Member States of the Community, and 5% of the value of cif imports in 1974 from other countries and from the countries and territories already enjoying such arrangements.

For the particular purpose of the abovementioned calculations, the statistics referring to the year 1974, expressed in EUR, are to be considered as being expressed in units of account of the Common Customs Tariff.

Imports already enjoying exemption from customs duties under such arrangements shall not be charged against the aforementioned ceiling.

4. Subject to Article 2, within each ceiling thus calculated, charges of products originating in any one of the countries or territories listed in Annex B should not exceed a maximum amount equivalent to 50% of this ceiling, except for the specific cases indicated in Annex A.

5. Any amendment to Annex B, in particular by the addition of new countries or territories enjoying tariff preferences, may entail a corresponding adjustment to the ceilings and maximum amounts referred to in paragraphs 3 and 4.

*Article 2*

1. As soon as the ceilings calculated in accordance with the provisions of Article 1 (3) which are laid down for Community imports of products originating in all of the countries and territories referred to in Article 1 (2) are reached at Community level, the Member States may at any time, at the request of any one of them or of the Commission and in respect of the whole of the Community, re-introduce the levying of the corresponding duties on imports of the products in question from all the countries and territories concerned until the end of the period referred to in Article 1 (1).

2. As soon as the maximum amounts calculated in accordance with the provisions of Article 1 (4) which

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 1.

are laid down for the Community imports of products originating in each of the countries and territories referred to in Article 1 (2) and (3) are reached for any one of these countries or territories at Community level, the Member States may at any time, at the request of any of them and in respect of the whole of the Community, re-introduce the levying of the corresponding duties on imports of the products in question from the country or territory concerned until the end of the period referred to in Article 1 (1).

*Article 3*

1. Imports of the said goods shall be charged against the ceilings and maximum amounts as and when they are entered for home use, on the basis of the customs value of the said goods, and are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).
2. Goods may be charged against a ceiling or maximum amount only if the certificate of origin mentioned in paragraph 1 is presented before the date on which the levying of duties is re-introduced.
3. The extent to which ceilings and maximum amounts have been used up shall be recorded at

Community level on the basis of imports charged in the manner laid down in paragraphs 1 and 2.

*Article 4*

Member States, in close cooperation with the Commission, shall take all necessary measures to ensure that the above provisions are applied.

*Article 5*

Member States shall inform the Commission periodically of imports of the products in question charged against the ceilings and maximum amounts laid down in Article 1 (3) and (4).

*Article 6*

The Member States shall take all measures necessary for the implementation of this Decision.

Done at Brussels, 13 December 1976.

*The President*

M. van der STOEL

## ANNEX A

List of products in respect of which the Common Customs Tariff duties are completely suspended under the generalized tariff preferences granted to developing countries and territories

CCT heading No	Description
73.07 <sup>(1)</sup>	<p>Blooms, billets, slabs and sheet bars (including tinplate bars), of iron or steel; pieces roughly shaped by forging, of iron or steel:</p> <p>A. Blooms and billets:</p> <p style="padding-left: 20px;">I. Rolled</p> <p>B. Slabs and sheet bars (including tinplate bars):</p> <p style="padding-left: 20px;">I. Rolled</p>
73.09	Universal plates of iron or steel
73.11 <sup>(2), (3)</sup>	<p>Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished; sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements:</p> <p>A. Angles, shapes and sections:</p> <p style="padding-left: 20px;">I. Not further worked than hot-rolled or extruded</p> <p style="padding-left: 20px;">IV. Clad or surface-worked (for example, polished, coated):</p> <p style="padding-left: 40px;">a) Not further worked than clad:</p> <p style="padding-left: 60px;">1. Hot-rolled or extruded</p> <p>B. Sheet piling</p>
73.12	<p>Hoop and strip, of iron or steel, hot-rolled or cold-rolled:</p> <p>A. Not further worked than hot-rolled</p> <p>B. Not further worked than cold-rolled:</p> <p style="padding-left: 20px;">I. In coils for the manufacture of tinplate</p> <p>C. Clad, coated or otherwise surface-treated:</p> <p style="padding-left: 20px;">III. Tinned:</p> <p style="padding-left: 40px;">a) Tinplate</p> <p style="padding-left: 20px;">V. Other (for example, copper-plated, artificially oxidized, lacquered, nickel-plated, varnished, clad, parkerized, printed):</p> <p style="padding-left: 40px;">a) Not further worked than clad:</p> <p style="padding-left: 60px;">1. Hot-rolled</p>

<sup>(1)</sup> For products covered by heading No 73.07, the ceiling referred to in Article 1 (3) has been lowered to 6 899 000 u.a.

<sup>(2)</sup> For products covered by heading No 73.11 and with respect to Yugoslavia, the maximum amount referred to in Article 1 (4) has been lowered to 594 150 u.a.

<sup>(3)</sup> For products covered by heading No 73.11, the ceiling referred to in Article 1 (3) has been lowered to 3 961 000 u.a.

CCT heading No	Description
73.15 <sup>(1)</sup>	<p>Alloy steel and high carbon steel in the forms mentioned in heading Nos 73.06 to 73.14:</p> <p>A. High carbon steel:</p> <ul style="list-style-type: none"> <li>I. Ingots, blooms, billets, slabs and sheet bars:</li> <li>b) Other: <ul style="list-style-type: none"> <li>2. Blooms, billets, slabs and sheet bars</li> </ul> </li> <li>III. Coils for re-rolling</li> <li>IV. Universal plates</li> <li>V. Bars and rods (including wire rod) and hollow mining drill steel; angles, shapes and sections: <ul style="list-style-type: none"> <li>b) Not further worked than hot-rolled or extruded</li> <li>d) Clad or surface-worked (for example, polished, coated): <ul style="list-style-type: none"> <li>1. Not further worked than clad: <ul style="list-style-type: none"> <li>aa) Hot-rolled or extruded</li> </ul> </li> </ul> </li> </ul> </li> <li>VI. Hoop and strip: <ul style="list-style-type: none"> <li>a) Not further worked than hot-rolled</li> <li>c) Clad, coated or otherwise surface-treated: <ul style="list-style-type: none"> <li>1. Not further worked than clad: <ul style="list-style-type: none"> <li>aa) Hot-rolled</li> </ul> </li> </ul> </li> </ul> </li> <li>VII. Sheets and plates: <ul style="list-style-type: none"> <li>a) Not further worked than hot-rolled</li> <li>b) Not further worked than cold-rolled, of a thickness of: <ul style="list-style-type: none"> <li>2. Less than 3 mm</li> </ul> </li> <li>c) Polished, clad, coated or otherwise surface-treated</li> <li>d) Otherwise shaped or worked: <ul style="list-style-type: none"> <li>1. Cut into shapes other than rectangular shapes, but not further worked</li> </ul> </li> </ul> </li> </ul> <p>B. Alloy steel:</p> <ul style="list-style-type: none"> <li>I. Ingots, blooms, billets, slabs and sheet bars:</li> <li>b) Other: <ul style="list-style-type: none"> <li>2. Blooms, billets, slabs and sheet bars</li> </ul> </li> <li>III. Coils for re-rolling</li> <li>IV. Universal plates</li> <li>V. Bars and rods (including wire rod) and hollow mining drill steel; angles, shapes and sections: <ul style="list-style-type: none"> <li>b) Not further worked than hot-rolled or extruded</li> <li>d) Clad or surface-worked (for example, polished, coated): <ul style="list-style-type: none"> <li>1. Not further worked than clad: <ul style="list-style-type: none"> <li>aa) Hot-rolled or extruded</li> </ul> </li> </ul> </li> </ul> </li> <li>VI. Hoop and strip: <ul style="list-style-type: none"> <li>a) Not further worked than hot-rolled</li> <li>c) Clad, coated or otherwise surface-treated: <ul style="list-style-type: none"> <li>1. Not further worked than clad: <ul style="list-style-type: none"> <li>aa) Hot-rolled</li> </ul> </li> </ul> </li> </ul> </li> <li>VII. Sheets and plates: <ul style="list-style-type: none"> <li>a) 'Electrical' sheets and plates</li> </ul> </li> </ul>

<sup>(1)</sup> For products covered by heading No 73.15, the ceiling referred to in Article 1 (3) has been lowered to 12 224 000 u.a.

CCT heading No	Description
73.15 (*) (cont'd)	b) Other sheets and plates: <ol style="list-style-type: none"> <li>1. Not further worked than hot-rolled</li> <li>2. Not further worked than cold-rolled, of a thickness of:               <ol style="list-style-type: none"> <li>bb) Less than 3 mm</li> </ol> </li> <li>3. Polished, clad, coated or otherwise surface-treated</li> <li>4. Otherwise shaped or worked:               <ol style="list-style-type: none"> <li>aa) Cut into shapes other than rectangular shapes, but not further worked</li> </ol> </li> </ol>
73.16	Railway and tramway track construction material of iron or steel, the following: rails, check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish-plates, chairs, chair-wedges, sole plates (base plates), rail clips, bedplates, ties, and other material specialized for joining or fixing rails: <ol style="list-style-type: none"> <li>A. Rails:               <ol style="list-style-type: none"> <li>II. Other</li> </ol> </li> <li>B. Check-rails</li> <li>C. Sleepers</li> <li>D. Fish-plates and sole plates:               <ol style="list-style-type: none"> <li>I. Rolled</li> </ol> </li> </ol>

## ANNEX B

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan	Guyana	Philippines
Algeria	Haiti	Qatar
Angola	Honduras	Rwanda
Argentina	India	Sao Tome and Principe
Bahamas	Indonesia	Saudi Arabia
Bahrain	Iran	Senegal
Bangladesh	Iraq	Seychelles
Barbados	Ivory Coast	Sierra Leone
Bénin	Jamaica	Singapore
Bhutan	Jordan	Somalia
Bolivia	Kenya	Sri Lanka
Botswana	Khmer Republic	Sudan
Brazil	Korea (South)	Surinam
Burma	Kuwait	Swaziland
Burundi	Laos	Syria
Cameroon	Lebanon	Tanzania
Cape Verde Islands	Lesotho	Thailand
Central African Republic	Liberia	Togo
Chad	Libya	Tonga
Chile	Malagasy Republic	Trinidad and Tobago
Colombia	Malawi	Tunisia
Comoros	Malaysia	Uganda
Congo, People's Republic of	Maldive Islands	United Arab Emirates:
Costa Rica	Mali	Abu Dhabi
Cuba	Mauritania	Dubai
Cyprus	Mauritius	Ras al Khaimah
Dominican Republic	Mexico	Fujairah
Ecuador	Morocco	Ajman
Egypt, Arab Republic of	Mozambique	Sharjah
El Salvador	Nauru	Ummal Qaiwain
Equatorial Guinea	Nepal	Upper Volta
Ethiopia	Nicaragua	Uruguay
Fiji	Niger	Venezuela
Gabon	Nigeria	Vietnam
Gambia	Oman	Western Samoa
Ghana	Pakistan	Yemen, People's Democratic Republic of
Grenada	Panama	Yemen Arab Republic
Guatemala	Papua New Guinea	Yugoslavia
Guinea	Paraguay	Zaire
Guinea Bissau	Peru	Zambia

## II. COUNTRIES AND TERRITORIES

**dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible**

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean (\*)  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands (\*)  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship (\*)  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands (\*)

**Note:** The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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(\*) Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

(\*) Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

(\*) The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

(\*) Dominica, St Lucia, St Vincent.

## COUNCIL REGULATION (EEC) No 328/77

of 14 February 1977

amending the list of the countries and territories in Regulation (EEC) No 706/76 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to Council Regulation (EEC) No 1059/69 of 28 May 1969 laying down trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>(1)</sup>, as last amended by Regulation (EEC) No 3058/75<sup>(2)</sup>, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas Council Regulation (EEC) No 706/76 of 30 March 1976 laid down the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas the Comoros, Seychelles and Surinam, which appear on the list of the countries and territories

contained in Annex I to that Regulation, have become independent;

Whereas the said States acceded to the ACP-EEC Convention of Lomé<sup>(3)</sup> on 16 July, 27 August and 13 September 1976 respectively and should, consequently, be counted among the ACP States referred to in Article 1 of Regulation (EEC) No 706/76; whereas the list in Annex I should, therefore, be adjusted,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following shall be deleted in the Annex to Regulation No 706/76: 'The Comoros', 'Seychelles' and 'Surinam'.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 14 February 1977.

*For the Council*

*The President*

J. SILKIN

<sup>(1)</sup> OJ No L 141, 12. 6. 1969, p. 1.

<sup>(2)</sup> OJ No L 306, 26. 11. 1975, p. 3.

<sup>(3)</sup> OJ No L 25, 30. 1. 1976, p. 2.

## COUNCIL REGULATION (EEC) No 329/77

of 14 February 1977

amending Regulations (EEC) No 1464/76 and (EEC) No 1465/76 on the opening, allocation and administration of Community tariff quotas for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the ACP States and the overseas countries and territories associated with the European Economic Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 136 thereof,

Having regard to Council Decision 76/198/EEC on import arrangements for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Decision 76/198/EEC, the Council, by Regulation (EEC) No 1465/76, opened a Community tariff quota for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community; whereas Surinam belonged to this group of countries; whereas, when the volume of the tariff quota was fixed, Community imports of the said products originating in Surinam were taken into account;

Whereas, on 16 July 1976, Surinam acceded to the ACP-EEC Convention of Lomé<sup>(1)</sup>; whereas the reference to Surinam was accordingly deleted by Decision 77/155/EEC<sup>(2)</sup> from the list in Annex I to Decision 76/568/EEC<sup>(3)</sup>; whereas, therefore, Surinam no longer benefits under the tariff quota; whereas, however, Surinam is now covered by Protocol 7 to the Convention of Lomé, pursuant to which Regulation (EEC) No 1464/76<sup>(4)</sup> opened a Community tariff quota for the same products originating in the ACP States;

Whereas the abovementioned Decision 76/198/EEC and Protocol 7 lay down strict rules for the fixing of the annual quota volumes for the products in question; whereas, therefore, the volumes of the tariff quotas opened by Regulations (EEC) No 1464/76 and (EEC) No 1465/76 should be adjusted; whereas, during the reference year used for the fixing of the volume of the tariff quota for the overseas countries and territories, only the Benelux countries and the Federal Republic of Germany imported quantities of the products in question originating in the said overseas countries and territories; whereas, therefore, the shares allocated to those Member States within the two tariff quotas in question should also be adjusted;

Whereas these measures do not disturb the equilibrium of the markets for the products in question and do not harm interests within the Community,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. In Article 1 of Regulation (EEC) No 1464/76, the volume of the Community tariff quota shall be increased from 162 013 hectolitres to 171 166 hectolitres of pure alcohol.

2. The text of Article 2 of Regulation (EEC) No 1464/76 shall be replaced by the following :

*Article 2*

1. The tariff quota referred to in Article 1 shall be divided into two parts. The first part (125 395 hectolitres of pure alcohol) shall be for United Kingdom consumption. The second part (45 771 hectolitres of pure alcohol) shall be allocated among the other Member States.

(1) OJ No L 25, 30. 1. 1976, p. 1.

(2) OCT/EEC O 191

(3) OJ No L 176, 1. 7. 1976, p. 8.

(4) OJ No L 165, 25. 6. 1976, p. 5.

2. The shares of each of the Member States to which the second part is allocated pursuant to paragraph 1 shall consist of the following quantities :

	<i>(hectolitres of pure alcohol)</i>
Benelux	4 827
Denmark	2 700
Germany	24 643
France	12 051
Ireland	1 000
Italy	550'

*Article 2*

1. In Article 1 of Regulation (EEC) No 1465/76, the volume of the Community tariff shall be fixed at 71 571 hectolitres of pure alcohol.

2. The text of Article 2 of Regulation (EEC) No 1465/76 shall be replaced by the following :

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

Done at Brussels, 14 February 1977.

*Article 2*

The Community tariff quota referred to in Article 1 shall be allocated among the Member States as follows :

	<i>(hectolitres of pure alcohol)</i>
Benelux	3 140
Denmark	160
Germany	68 147
France	8
Ireland	8
Italy	8
United Kingdom	100'

*Article 3*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

*For the Council*

*The President*

J. SILKIN

## COUNCIL DECISION

of 14 February 1977

amending the list of the countries and territories referred to in Decision 76/198/EEC on import arrangements for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community

(77/157/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the recommendation from the Commission,

Whereas Decision 76/198/EEC laid down import arrangements for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community;

Whereas the Comores, Seychelles and Surinam, which appear in the list of the countries and territories contained in the Annex to the said Decision, have become independent;

Whereas these States acceded to the ACP-EEC Convention of Lomé<sup>(1)</sup> on 16 July, 27 August and 13 September 1976 respectively and should consequently be counted among the ACP States to which Protocol

7 on rum annexed to the Convention is applicable; whereas the list in the Annex to Decision 76/198/EEC should, therefore, be adjusted,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following shall be deleted in the Annex to Decision 76/198/EEC: 'The Comores', 'Seychelles' and 'Surinam'.

*Article 2*

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 14 February 1977.

*For the Council*

*The President*

J. SILKIN

(1) OJ No L 25, 30 1 1976, p. 22.

21. 3. 77

Official Journal of the European Communities

No L 73/33

## COUNCIL REGULATION (EEC) No 523/77

of 14 March 1977

**opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, other than in slices, half slices or spirals, originating in developing countries**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas in the Joint Declaration of Intent on the development of trade relations with Sri Lanka, India, Malaysia, Pakistan and Singapore (1), the Community declared its readiness to seek solutions to the problems which may arise in the field of trade with the countries referred to;

Whereas in respect of several Asian countries of the Commonwealth and particularly as regards Malaysia, preserved pineapples are an important export product and the flow of trade in such products is likely to be changed as a result of the enlargement of the Community; whereas the generalized system of tariff preferences may constitute a solution to problems of this nature; whereas certain forms of preserved pineapples should therefore be included in the generalized system of preferences;

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on certain processed agricultural products of Chapters 1 to 24 of the Common Customs Tariff, originating in developing countries; whereas the preferential treatment proposed in that offer consists, in respect of certain goods which are subject to the trade arrangements laid down in Regulation (EEC) No 1059/69, of a reduction in the fixed component of the charge applicable to such goods by virtue of

that Regulation, and, in respect of products which are subject to the single customs duty, of a reduction in such duty; whereas preferential imports of the products concerned could be effected without quantitative restrictions; whereas it appears appropriate, however, in view of the sensitiveness of the preserved fruit and vegetable sector generally and of the need to safeguard the interests of the ACP States in this field, to lay down for preserved pineapples, other than in slices, half slices or spirals, special conditions consisting in a reduction of the customs duty applicable to that product within the limits of a Community tariff quota;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas tariff preferences have been applied as from the second half of 1971; whereas it is expedient to continue to apply them throughout 1977;

Whereas it is expedient, therefore, that the Community should open for 1977 in respect of the said products, originating in the countries and territories listed in the Annex, a Community tariff quota limited to 45 000 tonnes and at a customs duty of 12%, increased by the levy on sugar where the sugar content exceeds 17% by weight in the case of products falling within subheading ex 20.06 B II a) 5 aa), and 19% by weight in the case of products falling within subheading ex 20.06 B II b) 5 aa);

(1) OJ No L 73, 27. 3. 1972, p. 195.

Whereas, in accordance with Protocol 23 to the Act of Accession (1), the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas for the said products this scheme would, however, involve the application in the new Member States in 1977 of customs duties higher than or very close to those which will be applied by the new Member States to non-member countries in general on the basis of the provisions of the abovementioned Act; whereas this situation would comply neither with the spirit nor with the very nature of the generalized preference scheme; whereas, in order to maintain an equivalent preferential margin for these products also, reduced customs duties should be applied to them, in accordance with detailed rules based on the principle of maintaining, in the new Member States, a preference proportional to that which exists between the duties of the Common Customs Tariff and the duties given in Article 1 of this Regulation; whereas, with a view to granting the beneficiary developing countries the best possible treatment, in accordance with the objectives of the preference scheme, the duties given in the abovementioned Article 1 should also be applied wherever the duties calculated according to the abovementioned detailed rules prove to be higher than them;

Whereas the benefit of this tariff quota should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods (2);

Whereas it is necessary to ensure equal and continuous access for all Community importers to the abovementioned quota and the uninterrupted application of the rate laid down for this quota to all imports of the products concerned into all Member States until this quota is used up; whereas, having regard to the principles set out above, the Community nature of the quota can be respected by allocating the Community tariff quota among Member States; whereas, moreover, to this end and in the context of the utilization system, the actual charges against the quota may relate only to products which have been entered for home use and which are accompanied by a certificate of origin;

Whereas, to take account of future import trends for the products in question in the various Member States,

(1) OJ No L 73, 27. 3. 1972, p. 14.

(2) OJ No L 148, 28. 6. 1968, p. 1.

the quotas should be divided into two tranches, the first being allocated among Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial shares; whereas, moreover, the reserve constituted in the manner described above tends to avoid making the system of utilization of the quota excessively rigid, to the detriment of the developing countries concerned, and will contribute to achieving the aim already mentioned of improving the generalized system of preferences; whereas, to give importers in each Member State some degree of certainty, the first tranche of the Community quota might in this case be fixed at 80% of the full quota;

Whereas the statistical data available cover only a relatively brief period, and they should be weighted on the basis of the estimates which may be made for the quota year; whereas the percentage of the shares in the first tranche may be drawn up as follows:

Germany	20.5%
Benelux	4.9%
France	0.5%
Italy	2.0%
Denmark	1.9%
Ireland	1.0%
United Kingdom	69.2%

Whereas Member States may exhaust their initial shares for the products in question at different rates; whereas to avoid disruption of supplies on this account it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas, however, it seems advisable to permit the Member States to limit the exercise of their total obligation to draw on the reserve amount to a level not exceeding 40% of their initial share; whereas this method of administration calls for close cooperation between Member States and the Commission which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other

Member State, it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of the Community quota remaining unused in one Member State when it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. From 1 January to 31 December 1977, a Community tariff quota of 45 000 tonnes shall be opened by the Community for the imports of preserved pineapples, other than in slices, half slices or spirals, falling within the following subheadings of the Common Customs Tariff: ex 20.06 B II a) 5, ex 20.06 B II b) 5, ex 20.06 B II c) 1 dd) and ex 20.06 B II c) 2 bb). Within this tariff quota the customs duty shall be suspended at 12%, increased by the levy on sugar where the sugar content exceeds 17% by weight in the case of products falling within subheading ex 20.06 B II a) 5 aa), and 19% by weight in the case of products falling within subheading ex 20.06 B II b) 5 aa).

On importation into Denmark, Ireland and the United Kingdom, there shall be applied to the abovementioned products the customs duty obtained by multiplying, by a coefficient equal to the margin of preferences existing between the duty of 12% given in paragraph 1 and the Common Customs Tariff duties applicable, the duties obtained by reducing by 80% the difference between the lowest duty applied on 1 January 1972 to the developing countries set out in the Annex and the Common Customs Tariff.

However, the duty of 12% given in the first subparagraph shall be applied when the customs duty resulting from the abovementioned calculation is higher than it.

2. The benefit of this tariff quota shall be reserved for the products originating in the countries and territories listed in the Annex. However, the imports already benefiting from exemption of customs duties

under another preferential tariff scheme granted by the Community shall not be charged to this quota.

For the purposes of implementing this Regulation the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

#### Article 2

1. A first tranche of 36 000 tonnes shall be allocated among the Member States. The shares which, subject to Article 5, shall be valid until 31 December 1977, shall for each Member State be as follows:

Germany	7 380 tonnes,
Benelux	1 764 tonnes,
France	180 tonnes,
Italy	720 tonnes,
Denmark	684 tonnes,
Ireland	360 tonnes,
United Kingdom	24 912 tonnes,

2. The second tranche of 9 000 tonnes shall constitute the reserve.

#### Article 3

1. If a Member State has used 90% or more of its initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share rounded up should the occasion arise to the nearest unit above.

2. If a Member State, after exhausting its initial shares, has used 90% or more of the second share drawn by it, that Member State shall forthwith, by notifying the Commission, draw a third share, equal to 5% of its initial share, rounded up should the occasion arise to the nearest unit above.

3. If a Member State, after exhausting its second share, has used 90% or more of the third share drawn by it, that Member State shall, under the same conditions, draw a fourth share equal to the third. This process shall continue until the reserve has been exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

5. Any Member State may limit the sum total of its additional shares to 40% of its initial share, informing the Commission that it is so doing.

#### *Article 4*

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1977.

#### *Article 5*

A Member State which on 15 September 1977 has not exhausted one of its initial shares shall, not later than 1 October 1977, return to the reserve any unused portion in excess of 20% of the initial amount. It may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall, not later than 1 October 1977, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1977 and charged against the Community quotas and of any portion of their initial shares returned to the reserve.

#### *Article 6*

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 15 October 1977, inform the Member State of the amount still in reserve following any return of shares pursuant to Article 5.

It shall ensure that when an amount exhausting the reserve is drawn the amount so drawn does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

The Member States shall take all appropriate measures to ensure that additional shares drawn

pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their cumulative shares of the Community quota.

#### *Article 7*

1. The Member States shall ensure free access to the shares which have been allocated to them for importers of the said goods who are established in their territory.

2. The extent to which a Member State has used up its share shall be determined on the basis of imports of the said goods which have been entered for home use, on the basis of the customs value of the said goods, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).

3. Goods shall qualify for a tariff quota only if the certificate of origin referred to in paragraph 2 is submitted before the date on which the levying of duties is reintroduced.

#### *Article 8*

Member States shall inform the Commission at monthly intervals of imports of the products in question charged against their shares. This information shall show both the value expressed in units of account and the quantity expressed in tonnes.

#### *Article 9*

If the Community finds that products benefiting from the treatment provided for in Article 1 are imported into the Community in such quantities or at such prices that Community producers of products similar to or in direct competition with them suffer or are likely to suffer from serious disadvantage, or that an unfavourable situation is created in the ACP States, the levying of customs duties may be reintroduced in whole or in part on the products in question in respect of the countries or territories which are the cause of the disadvantage. Such measures may also be taken in the case of actual or potential serious disadvantage in a single region of the Community.

#### *Article 10*

1. The Commission may decide, by means of a Regulation, to reintroduce the levying of customs duties for a specified period, in order to ensure that Article 9 is applied.

2. In the event of such action being requested by a Member State, the Commission shall decide within a period of not more than 10 working days after the request has been received and shall inform the Member States of this decision.

3. Any Member State may refer to the Council the measure taken by the Commission, within a period of not more than 10 working days after it has been informed thereof. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, by acting on a qualified majority, amend or rescind the measure in question.

#### *Article 11*

The provisions of Articles 9 and 10 shall not prejudice the application of the safeguard clauses drawn up in connection with the common agricultural policy pursuant to Article 43 of the Treaty or those drawn up in connection with the common commercial policy pursuant to Article 113 of the Treaty.

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

Done at Brussels, 14 March 1977.

#### *Article 12*

Member States and the Commission shall collaborate closely to ensure that this Regulation is observed.

#### *Article 13*

1. Council Regulation (EEC) No 3028/76 of 13 December 1976 opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, other than in slices, half slices or spirals, originating in developing countries, is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

#### *Article 14*

This Regulation shall enter into force on 1 April 1977.

*For the Council*

*The President*

J. SILKIN

## ANNEX

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan	Haiti	Romania
Algeria	Honduras	Rwanda
Angola	India	Sao Tome and Principe
Argentina	Indonesia	Saudi Arabia
Bahamas	Iran	Senegal
Bahrain	Iraq	Seychelles
Bangladesh	Ivory Coast	Sierra Leone
Barbados	Jamaica	Singapore
Benin	Jordan	Somalia
Bhutan	Kenya	Sri Lanka
Bolivia	Khmer Republic	Sudan
Botswana	Korea (South)	Surinam
Brazil	Kuwait	Swaziland
Burma	Laos	Syria
Burundi	Lebanon	Tanzania
Cameroon	Lesotho	Thailand
Cape Verde Islands	Liberia	Togo
Central African Republic	Libya	Tonga
Chad	Malagasy Republic	Trinidad and Tobago
Chile	Malawi	Tunisia
Colombia	Malaysia	Uganda
Comoros	Maldives Islands	United Arab Emirates:
Congo, People's Republic of	Mali	Abu Dhabi
Costa Rica	Mauritania	Dubai
Cuba	Mauritius	Ras al Khaimah
Cyprus	Mexico	Fujairah
Dominican Republic	Morocco	Ajman
Ecuador	Mozambique	Sharjah
Egypt, Arab Republic of	Nauru	Ummal Qaiwain
El Salvador	Nepal	Upper Volta
Equatorial Guinea	Nicaragua	Uruguay
Ethiopia	Niger	Venezuela
Fiji	Nigeria	Vietnam
Gabon	Oman	Western Samoa
Gambia	Pakistan	Yemen, People's Democratic Republic of
Ghana	Panama	Yemen Arab Republic
Grenada	Papua New Guinea	Yugoslavia
Guatemala	Paraguay	Zaire
Guinea	Peru	Zambia
Guinea Bissau	Philippines	
Guyana	Qatar	

## II. COUNTRIES AND TERRITORIES

**dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible**

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean <sup>(1)</sup>  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands <sup>(2)</sup>  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship <sup>(3)</sup>  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands <sup>(4)</sup>

**Note:** The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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<sup>(1)</sup> Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

<sup>(2)</sup> Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

<sup>(3)</sup> The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

<sup>(4)</sup> Dominica, St Lucia, St Vincent.

## COUNCIL REGULATION (EEC) No 524/77

of 14 March 1977

opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, in slices, half slices or spirals, originating in developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas in the Joint Declaration of Intent on the development of trade relations with Sri Lanka, India, Malaysia, Pakistan and Singapore (1), the Community declared its readiness to seek solutions to the problems which may arise in the field of trade with the countries referred to;

Whereas in respect of several Asian countries of the Commonwealth and particularly as regards Malaysia, preserved pineapples are an important export product and the flow of trade in such products is likely to be changed as a result of the enlargement of the Community; whereas the system of generalized tariff preferences may constitute a solution to problems of this nature; whereas certain forms of preserved pineapples should therefore be included in the system of generalized preferences;

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on certain processed agricultural products of Chapters 1 to 24 of the Common Customs Tariff originating in developing countries; whereas the preferential treatment proposed in that offer consists, in respect of certain goods which are subject to the trade arrangements laid down in Regulation (EEC) No 1059/69, of a reduction in the fixed component of the charge applicable to such goods by virtue of

that Regulation, and, in respect of products which are subject to the single customs duty, of a reduction in such duty; whereas preferential imports of the products concerned could be effected without quantitative restrictions; whereas it appears appropriate, however, in view of the sensitiveness of the preserved fruit and vegetable sector generally and of the need to safeguard the interests of the ACP States in this field, to lay down for preserved pineapples, in slices, half slices or spirals, special conditions consisting in a reduction of the customs duty applicable to that product within the limits of a Community tariff quota;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas tariff preferences have been applied as from the second half of 1971; whereas it is expedient to continue to apply them throughout 1977;

Whereas it is expedient, therefore, that the Community should open for 1977 in respect of the said products, originating in the countries and territories listed in the Annex, a Community tariff quota limited to 28 000 tonnes and at a customs duty of 15%, increased by the levy on sugar where the sugar content exceeds 17% by weight in the case of products falling within subheading ex 20.06 B II a) 5 aa), and 19% by weight in the case of products falling within subheading ex 20.06 B II b) 5 aa);

(1) OJ No L 73, 27. 3. 1972, p. 195.

Whereas, in accordance with Protocol 23 to the Act of Accession<sup>(1)</sup>, the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas, for the said products, this scheme would, however, involve the application in the new Member States in 1977 of customs duties higher than or very close to those which will be applied by the new Member States to non-member countries in general on the basis of the provisions of the abovementioned Act; whereas this situation would comply neither with the spirit nor with the very nature of the generalized preference scheme; whereas, in order to maintain an equivalent preferential margin for these products, also, reduced customs duties should be applied to them, in accordance with detailed rules based on the principle of maintaining, in the new Member States, a preference proportional to that which exists between the duties of the Common Customs Tariff and the duties given in Article 1 to this Regulation; whereas, with a view to granting the beneficiary developing countries the best possible treatment, in accordance with the objectives of the preference scheme, the duties given in the abovementioned Article 1 should also be applied wherever the duties calculated according to the abovementioned detailed rules prove to be higher than them;

Whereas the benefit of this tariff quota should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods<sup>(2)</sup>;

Whereas it is necessary to ensure equal and continuous access for all Community importers to the abovementioned quota and the uninterrupted application of the rate laid down for this quota to all imports of the products concerned into all Member States until this quota is used up; whereas having regard to the principles set out above, the Community nature of the quota can be respected by allocating the Community tariff quota among Member States; whereas, moreover, to this end and in the context of the utilization system, the actual charges against the quota may relate only to products which have been entered for home use and which are accompanied by a certificate of origin;

<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 1.

Whereas the statistical data available cover only a relatively brief period, and they should be weighted on the basis of the estimates which may be made for the quota year; whereas the percentage of the shares of the quota amount may be drawn up as follows:

Germany	35.1%
Benelux	13.0%
France	1.0%
Italy	2.8%
Denmark	2.7%
Ireland	1.0%
United Kingdom	44.4%

Whereas, without affecting the Community nature of the tariff quota under consideration, it appears possible to provide temporarily for a utilization scheme based on a single allocation among the Member States; whereas, moreover, the allocation set out by this Regulation in no way prejudices the possibility of adopting the general method of allocation of Community tariff quotas comprising the setting up of a reserve share; whereas at this transitional stage it appears feasible that such allocation could be made according to the percentage set out in the above table;

Whereas the percentage for the shares of the Member States in the Community tariff quotas, in view of their duration and their amount, does not appear in this instance to compromise the equal access for Community importers to Community tariff quotas; whereas for this same reason it would appear expedient to allow each Member State to choose the system for administering its share;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of the share allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. From 1 January to 31 December 1977, a Community tariff quota of 28 000 tonnes shall be opened by the Community for the imports of preserved pineapples in slices, half slices or spirals, falling within the following subheadings of the Common Customs Tariff: ex 20.06 B II a) 5, ex 20.06

B II b) 5, ex 20.06 B II c) 1 dd) and ex 20.06 B II c) 2 bb). Within this tariff quota the customs duty shall be suspended at 15%, increased by the levy on sugar where the sugar content exceeds 17% by weight in the case of products falling within subheading ex 20.06 B II a) 5 aa), and 19% by weight in the case of products falling within subheading ex 20.06 B II b) 5 aa).

On importation into Denmark, Ireland and the United Kingdom, there shall be applied to the abovementioned products the customs duty obtained by multiplying, by a coefficient equal to the margin of preferences existing between the duty of 15% given in paragraph 1 and the Common Customs Tariff duties applicable, the duties obtained by reducing by 80% the difference between the lowest duty applied on 1 January 1972 to the developing countries set out in the Annex and the Common Customs Tariff.

However, the duty of 15% given in the first subparagraph shall be applied when the customs duty resulting from the abovementioned calculation is higher than it.

2. The benefit of this tariff quota shall be reserved for the products originating in the countries and territories listed in the Annex. However, the imports already benefiting from exemption of customs duties under another preferential tariff scheme granted by the Community shall not be charged to this quota.

For the purpose of implementing this Regulation the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

#### Article 2

The Community tariff quotas mentioned in Article 1 shall be allocated in shares which in respect of each Member State shall be of the amount indicated below:

Germany	9 820 tonnes,
Benelux	3 640 tonnes,
France	280 tonnes,
Italy	780 tonnes,
Denmark	770 tonnes,
Ireland	280 tonnes,
United Kingdom	12 430 tonnes.

#### Article 3

1. The Member States shall ensure free access to each of the shares which have been allocated to them for importers of the products concerned who are established on their territory.

2. The extent to which the shares of Member States have been used up shall be determined on the basis of imports of the said goods which have been entered for home use, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).

3. Goods may qualify for a tariff quota only if the certificate of origin referred to in paragraph 2 is submitted before the date on which the levying of duties is re-introduced.

#### Article 4

Member States shall inform the Commission at monthly intervals of imports of the products in question charged against their shares. This information shall cover both the value expressed in units of account and quantity expressed in tonnes.

#### Article 5

If the Community should find that the products benefiting under the arrangements provided for in Article 1 are being imported into the Community in quantities or at prices such as to put or be likely to put Community producers of similar or directly competitive products at a serious disadvantage or to create an unfavourable situation in the ACP States, the customs duties applied within the Community may be re-introduced in part or in full for imports of the products in question from the country or countries or territory or territories which are the cause of such disadvantage. Such measures may also be taken in the event of a serious disadvantage, either actual or foreseeable, which is confined to a single region of the Community.

#### Article 6

1. In order to ensure that Article 5 is applied, the Commission may, by way of a Regulation, re-introduce Common Customs Tariff duties for a fixed period.

2. If the Commission has acted at the request of a Member State, the former shall give its decision within a maximum period of 10 working days from the date of receipt of the request and shall inform the Member State of the action taken.

3. Each Member State may refer the measure taken by the Commission to the Council within a period of 10 working days following the date it was notified. The fact that the matter has been referred to the Council shall not constitute the suspension of the measure. The Council shall meet without delay. Acting on a qualified majority, it may amend or repeal the measure in question.

#### *Article 7*

The provisions of Articles 5 and 6 shall not prejudice the application of the safeguard clauses drawn up in connection with the common agricultural policy pursuant to Article 43 of the Treaty or those drawn up in connection with the common commercial policy pursuant to Article 113 of the Treaty.

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

Done at Brussels, 14 March 1977.

#### *Article 8*

1. Council Regulation (EEC) No 3029/76 of 13 December 1976 opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, in slices, half slices or spirals, originating in developing countries, is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

#### *Article 9*

This Regulation shall enter into force on 1 April 1977.

*For the Council*

*The President*

J. SILKIN

## ANNEX

## List of developing countries and territories enjoying generalized tariff preferences

## I. INDEPENDENT COUNTRIES

Afghanistan	Guyana	Philippines
Algeria	Haiti	Qatar
Angola	Honduras	Romania
Argentina	India	Rwanda
Bahamas	Indonesia	Sao Tome and Principe
Bahrain	Iran	Saudi Arabia
Bangladesh	Iraq	Senegal
Barbados	Ivory Coast	Seychelles
Bénin	Jamaica	Sierra Leone
Bhutan	Jordan	Singapore
Bolivia	Kenya	Somalia
Botswana	Khmer Republic	Sri Lanka
Brazil	Korea (South)	Sudan
Burma	Kuwait	Surinam
Burundi	Laos	Swaziland
Cameroon	Lebanon	Syria
Cape Verde Islands	Lesotho	Tanzania
Central African Republic	Liberia	Thailand
Chad	Libya	Togo
Chile	Malagasy Republic	Tonga
Colombia	Malawi	Trinidad and Tobago
Comoros	Malaysia	Tunisia
Congo, People's Republic of	Maldives Islands	Uganda
Costa Rica	Mali	United Arab Emirates:
Cuba	Mauritania	Abu Dhabi
Cyprus	Mauritius	Dubai
Dominican Republic	Mexico	Ras al Khaimah
Ecuador	Morocco	Fujairah
Egypt, Arab Republic of	Mozambique	Ajman
El Salvador	Nauru	Sharjah
Equatorial Guinea	Nepal	Ummal Qaiwain
Ethiopia	Nicaragua	Upper Volta
Fiji	Niger	Uruguay
Gabon	Nigeria	Venezuela
Gambia	Oman	Vietnam
Ghana	Pakistan	Western Samoa
Grenada	Panama	Yemen, People's Democratic Republic of
Guatemala	Papua New Guinea	Yemen Arab Republic
Guinea	Paraguay	Yugoslavia
Guinea Bissau	Peru	Zaire
		Zambia

## II. COUNTRIES AND TERRITORIES

**dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible**

Afars and Issas (Territory of the)  
 Australian Antarctic Territory  
 Belize  
 Bermuda  
 British Antarctic Territory  
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)  
 British Pacific Ocean <sup>(1)</sup>  
 Brunei  
 Cayman Islands and Dependencies  
 Christmas Island  
 Cocos (Keeling) Islands  
 Corn Islands and Swan Islands  
 Falkland Islands and Dependencies  
 French Polynesia  
 French Southern and Antarctic Territories  
 Gibraltar  
 Heard Island and McDonald Islands  
 Hong Kong  
 Leeward Islands <sup>(2)</sup>  
 Macao  
 Mayotte  
 Netherlands Antilles  
 New Caledonia and Dependencies  
 Norfolk Island  
 Pacific Islands administered by the United States of America or under United States trusteeship <sup>(3)</sup>  
 Portuguese Timor  
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)  
 Spanish territories in Africa  
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)  
 Turks and Caicos Islands  
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)  
 Wallis and Futuna Islands  
 Windward Islands <sup>(4)</sup>

**Note:** The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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<sup>(1)</sup> Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

<sup>(2)</sup> Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

<sup>(3)</sup> The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

<sup>(4)</sup> Dominica, St Lucia, St Vincent.

**COMMISSION REGULATION (EEC) No 658/77**

**of 29 March 1977**

**re-establishing the levying of customs duties on cotton yarn put up for retail sale, falling within heading No 55.06, originating in developing countries to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3022/76 apply**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3022/76 of 13 December 1976 opening, allocating and providing for the administration of Community tariff preferences for textile products originating in developing countries and territories, and in particular Article 4 thereof,

Whereas Article 2 (1) of that Regulation provides that customs duties may, for each category of products listed in Annex C to that Regulation, be suspended up to a Community ceiling equal to 174 % of the sum arrived at by adding together the tonnage of the products in question, imported into the Community in 1968 and coming from countries listed in Annex D thereof, but not including products coming from countries already covered by various preferential tariff arrangements established by the Community, and 5 % of the 1970 tonnage of such imports coming from other countries and from countries already covered by such arrangements; whereas Article 3 (1) of that Regulation provides that the levying of customs duties may be re-established any time the Community ceiling has been reached;

Whereas, in respect of cotton yarn put up for retail sale, the ceiling, calculated as indicated above, should

be 13 tonnes; whereas on 24 March 1977 the amounts of imports into the Community of the products in question, originating in countries covered by preferential tariff arrangements, reached that ceiling; whereas, bearing in mind the objectives of Regulation (EEC) No 3022/76, which provides that the ceiling should not be exceeded, customs duties should be re-established in respect of the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 3 April 1977, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3022/76, shall be re-established in respect of the following products, imported into the Community:

CCT heading No	Description of goods
55.06	Cotton yarn put up for retail sale

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 29 March 1977.

*For the Commission*  
 Wilhelm HAFERKAMP  
*Vice-President*

31. 3. 77

Official Journal of the European Communities

No L 83/13

**COMMISSION REGULATION (EEC) No 659/77  
of 29 March 1977**

**re-establishing the levying of customs duties on glazed setts, flags and paving, hearth and wall tiles, falling within heading No 69.08, originating in developing countries to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3021/76 apply**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3021/76 of 13 December 1976 establishing preferential tariffs in respect of certain products originating in developing countries, and in particular Article 4 (2) thereof,

Whereas Article 1 (3) of that Regulation provides that the customs duties may, for each category of products, be suspended up to a Community ceiling, expressed in units of account, which will be equal — with the exception of certain products the value of the ceiling for which is given in Annex A, of the Regulation in question — to the sum arrived at by adding together the value of the products in question imported cif into the Community in 1974 and coming from countries and territories covered by those arrangements, but not including products coming from countries and territories already covered by various preferential tariff arrangements established by the Community, and 5% of the value of 1974 cif imports coming from other countries and from countries and territories already covered by such arrangements; however the ceiling resulting from the sum of this addition may in no case exceed 172.5% of that resulting from the substitution of the year 1971 for the year 1974 in the first term of the addition and of the year 1972 for the year 1974 in the second term of the addition;

Whereas Article 2 (1) of that Regulation provides that the customs duties may be re-established at any time once the Community ceiling has been reached;

Whereas, in respect of glazed setts, flags and paving, hearth and wall tiles, the ceiling, calculated as indicated above, should be 3 581 000 units of account; whereas on 23 March 1977 the amounts of imports into the Community of the products in question, originating in countries and territories covered by preferential tariff arrangements, reached that ceiling; whereas, bearing in mind the objectives of Regulation (EEC) No 3021/76 which provides that the ceiling should not be exceeded, customs duties should be re-established in respect of the products in question,

HAS ADOPTED THIS REGULATION :

*Article 1*

As from 3 April 1977, customs duties, suspended in pursuance of Council Regulation (EEC) No 3021/76 shall be re-established in respect of the following products, imported into the Community :

CCT heading No	Description of goods
69.08	Glazed setts, flags and paving, hearth and wall tiles

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 29 March 1977.

*For the Commission*

Wilhelm HAFERKAMP

*Vice-President*

## Table

1

Subject	Pages in the Collected Acts
75/250/EEC : Council Decision of 21 April 1975 on the definition and conversion of the European unit of account used for expressing the amounts of aid mentioned in Article 42 of the ACP-EEC convention of Lomé . . . . .	25 - 25 A
75/491/EEC : Council Decision of 22 July 1975 giving a discharge to the Commission in respect of the implementation of the operations of the Development Fund for the overseas countries and territories (1st Fund) for the financial year 1971 . . . . .	25 B - 26
75/492/EEC : Council Decision of 22 July 1975 giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (2nd EDF) for the financial year 1971 . . . . .	27
75/493/EEC : Council Decision of 22 July 1975 giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (3rd EDF) for the financial year 1971 . . . . .	28
76/165/EEC: Internal Agreement on the financing and administration of Community aid . . . . .	28 A - 28 J

No 2

## Table

2

Subject	Pages in the Collected Acts
76/343/EEC Council Decision of 31 March 1976 on the interim measures applicable to the overseas countries and territories associated with the European Economic Community in matters of establishment, services, payments and capital movements .....	28 K - 28 L
76/569/EEC: Council Decision of 29 June 1976 on the allocation of two million units of account to the French overseas territories pursuant to Article 10 of the Internal Agreement on the Financing and Administration of Community Aid of 11 July 1975 .....	29
76/647/EEC Financial Regulation of 27 July 1976 applicable to the fourth European Development Fund .....	30 - 42
77/156/EEC: Council Decision of 14 February 1977 adjusting the amounts made available to the European Development Fund (1975) for the ACP States on the one hand, and for the overseas countries and territories and the French overseas departments on the other .....	43
77/314/EEC: Council Decision of 5 April 1977 giving a discharge to the Commission in respect of the implementation of the operations of the Development Fund for the overseas countries and territories (1st Fund) for the 1972 financial year .....	44 - 45
77/315/EEC: Council Decision of 5 April 1977 giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (2nd EDF) for the 1972 financial year .....	46 - 47
77/316/EEC: Council Decision of 5 April 1977 giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (3rd EDF) for the 1972 financial year .....	48
77/317/EEC: Council Decision of 5 April 1977 giving a discharge to the Commission in respect of the implementation of the operations of the Development Fund for the overseas countries and territories (1st Fund) for the 1973 financial year .....	49

No 2

## Table

3

Subject	Pages in the Collected Acts
<p>77/318/EEC:  <b>Council Decision of 5 April 1977 giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (2nd EDF) for the 1973 financial year .....</b></p>	50 - 51
<p>77/319/EEC:  <b>Council Decision of 5 April 1977 giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (3rd EDF) for the 1973 financial year .....</b></p>	52 - 53
<p>77/320/EEC:  <b>Council Decision of 5 April 1977 giving a discharge to the Commission in respect of the implementation of the operations of the Development Fund for the overseas countries and territories (1st Fund) for the 1974 financial year .....</b></p>	54
<p>77/321/EEC:  <b>Council Decision of 5 April 1977 giving a discharge to the Commission in respect of the operations of the European Development Fund (1963) (2nd EDF) for the 1974 financial year .....</b></p>	55 - 56
<p>77/322/EEC:  <b>Council Decision of 5 April 1977 giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (3rd EDF) for the 1974 financial year .....</b></p>	57

No 2



## COUNCIL DECISION

of 21 April 1975

on the definition and conversion of the European unit of account used for expressing the amounts of aid mentioned in Article 42 of the ACP-EEC convention of Lomé

(75/250/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the recommendation of the Commission;

Having regard to the report of the Monetary Committee;

Whereas at the signing of the ACP-EEC convention of Lomé on 28 February 1975, the Community declared that the Council would have to define the European unit of account to be used for expressing the amounts of aid mentioned in Article 42 of the said convention;

Whereas the unit of account has been established on the basis of an initial value equivalent to the value fixed by the International Monetary Fund on 28 June 1974 for the special drawing right;

Whereas the unit of account should represent the average of any changes in the value of the currencies of the Member States of the Community,

HEREBY DECIDES:

*Article 1*

The amounts of aid mentioned in Article 42 of the ACP-EEC convention of Lomé shall be expressed in a unit of account, defined as the sum of the following amounts in the currencies of the Member States of the Community:

German mark	0.828
Pound sterling	0.0885
French franc	1.15
Italian lira	109
Dutch guilder	0.286
Belgian franc	3.66
Luxembourg franc	0.14
Danish krone	0.217
Irish pound	0.00759

*Article 2*

The value of the unit of account in any given currency shall be equal to the sum of the equivalent in that currency of the amounts of currency referred to in Article 1. It shall be calculated by the Commission using daily market exchange rates.

The daily values of the unit of account in the various national currencies shall be made available every day and shall be published periodically in the *Official Journal of the European Communities*.

Done at Luxembourg, 21 April 1975.

*For the Council*

*The President*

R RYAN

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## COUNCIL DECISION

of 22 July 1975

giving a discharge to the Commission in respect of the implementation of the operations of the Development Fund for the overseas countries and territories (1st Fund) for the financial year 1971

(75/491/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the implementing convention on the association of the overseas countries and territories with the Community, annexed to the Treaty;

Having regard to Council Regulation No 5<sup>(1)</sup> laying down detailed provisions relating to the collection and transfer of financial contributions, the budgeting and administration of the resources of the Development Fund for the overseas countries and territories, and in particular Article 16 thereof;

Having regard to Council Regulation No 6<sup>(2)</sup> relating to the responsibility of authorizing and accounting officers for the resources of the Development Fund for the overseas countries and territories;

Having regard to the revenue and expenditure accounts, the statement and the summary of the operations of the Development Fund for the overseas countries and territories (1st Fund), as at 31 December 1971;

Having regard to the report of the Audit Board on the accounts for the financial year 1971<sup>(3)</sup>, to which are annexed the Commission's replies to the comments made by the Audit Board, and in particular the second part of this report relating to the Development Funds;

(1) OCT/POD IV 1  
(2) OCT/POD IV 8

<sup>(3)</sup> This report may be obtained from the institutions of the Communities.

Having regard to the Opinion of the European Parliament on the discharge to be given to the Commission in respect of the operations of the European Development Funds for the financial year 1971;

Recalling that, in accordance with the provisions applicable to the implementation of the Development Fund for the overseas countries and territories (1st Fund), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Whereas an advance of 45 335 090 units of account has been paid to the European Development Fund (1963) (2nd EDF);

Whereas the overall implementation by the Commission of the operations of the First Development Fund during the financial year 1971 was such as to entitle it to be given a discharge in respect of the implementation of these operations.

HAS DECIDED AS FOLLOWS:

*Article 1*

The views of the Council on Comments No 208 and No 214 (b) of the Audit Board are as set out in the Annex.

*Article 2*

The Council closes the revenue and expenditure accounts of the Development Fund for the overseas countries and territories as at 31 December 1971 as follows:

Revenue  
at the sum of 581 520 065.62 u.a.

Expenditure (payments)  
at the sum of 536 184 975.67 u.a.

Development Fund for the overseas countries and territories (1st Fund) for the financial year 1971

Done at Brussels, 22 July 1975.

*Article 3*

The Council gives a discharge to the Commission in respect of the implementation of the operations of the

*For the Council*

*The President*

M. RUMOR

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ANNEX

**1. Comment No 208 of the Audit Board concerning delays in liquidating the Development Fund for the overseas countries and territories**

As in the Discharge Decision for the financial year 1970, the Council requests the Commission to endeavour to observe the time limits for implementing each project, so that the work can be completed in accordance with the original terms and estimates.

**2. Comment No 214 (b): Objectivity of technical controllers and consultancy bureaux — incompatibility of duties**

The Council requests the Commission to include a clause in the contracts of technical controllers which will prevent supervisory and consultancy functions from being assumed by one and the same person.

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## COUNCIL DECISION

of 22 July 1975

giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (2nd EDF) for the financial year 1971

(75/492/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to the association convention<sup>(1)</sup> between the European Economic Community and the African States and Madagascar associated with the Community, signed at Yaoundé on 20 July 1963 ;

Having regard to the Council Decision of 25 February 1964<sup>(2)</sup> relating to the association of overseas countries and territories with the European Economic Community ;

Having regard to the Internal Agreement<sup>(3)</sup> on the financing and administration of Community aid, signed at Yaoundé on 20 July 1963, and in particular Article 17 thereof ;

Having regard to the Financial Regulation<sup>(4)</sup> of the European Development Fund set up under the Internal Agreement on the financing and administration of Community aid, and in particular Articles 7 and 8 thereof ;

Having regard to the revenue and expenditure accounts, the statement and the summary of the operations of the European Development Fund (1963) (2nd EDF), as at 31 December 1971 ;

Having regard to the report of the Audit Board on the accounts for the financial year 1971<sup>(5)</sup>, to which report are annexed the Commission's replies to the comments made by the Audit Board ;

Having regard to the Opinion of the European Parliament on the discharge to be given to the Commission in respect of the operations of the European Development Funds for the financial year 1971 ;

Recalling that, in accordance with the provisions applicable to the implementation of the European Development Fund (1963) (2nd EDF), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund ;

Whereas revenue for the financial year 1971 consisted mainly of the contributions of the Member States, amounting to 524 322 000 units of account, and of the Fund's own revenue ; whereas, moreover, an advance of 45 335 090 units of account was granted from the resources of the Development Fund for the overseas countries and territories (1st Fund) ;

Whereas the overall implementation by the Commission of the operations of the European Development Fund during the financial year 1971 was such as to entitle it to be given a discharge in respect of the implementation of these operations,

HAS DECIDED AS FOLLOWS :

*Article 1*

The Council closes the revenue and expenditure accounts of the European Development Fund (1963) on 31 December 1971 as follows :

Revenue

at the sum of 527 365 447.02 u.a.

Expenditure (payments)

at the sum of 503 604 350.67 u.a.

*Article 2*

The Council gives a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (2nd EDF) for the financial year 1971.

Done at Brussels, 22 July 1975.

*For the Council*

*The President*

M. RUMOR

<sup>(1)</sup> OJ No 93, 11. 6. 1964, p. 1431/64.

<sup>(2)</sup> OCT/EEC 0 1

<sup>(3)</sup> OJ No 93, 11. 6. 1964, p. 1493/64.

<sup>(4)</sup> OJ No 93, 11. 6. 1964, p. 1498/64.

<sup>(5)</sup> This report may be obtained from the institutions of the Communities.

## COUNCIL DECISION

of 22 July 1975

giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (3rd EDF) for the financial year 1971

(75/493/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the association convention<sup>(1)</sup> between the European Economic Community and the African States and Madagascar associated with the Community, signed at Yaoundé on 29 July 1969;

Having regard to the Council Decision of 29 September 1970<sup>(2)</sup> on the association of overseas countries and territories with the European Economic Community;

Having regard to the Internal Agreement<sup>(3)</sup> on the financing and administration of Community aid, signed at Yaoundé on 29 July 1969, and in particular Article 22 thereof;

Having regard to the Financial Regulation<sup>(4)</sup> of the European Development Fund (1969) set up under the Internal Agreement on the financing and administration of Community aid, and in particular Articles 7 and 8 thereof;

Having regard to the revenue and expenditure accounts, the statement and the summary of the operations of the European Development Fund (1969) (3rd EDF), as at 31 December 1971;

Having regard to the report of the Audit Board on the accounts for the financial year 1971<sup>(5)</sup>, to which report are annexed the Commission's replies to the comments made by the Audit Board;

Having regard to the Opinion of the European Parliament on the discharge to be given to the Commission in respect of the operations of the European Development Funds for the financial year 1971;

Recalling that, in accordance with the provisions applicable to the implementation of the European Develop-

ment Fund (1969) (3rd EDF), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Whereas expenditure during the financial year 1971 was entirely covered by an advance of 22 603 204 units of account from the resources of the European Development Fund (1963) (2nd EDF);

Whereas the overall implementation by the Commission of the operations of the European Development Fund during the financial year 1971 was such as to entitle it to be given a discharge in respect of the implementation of these operations,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Council closes the revenue and expenditure accounts of the European Development Fund (1969) on 31 December 1971 as follows:

Expenditure (payments)  
at the sum of 22 603 204.28 u.a.

*Article 2*

The Council gives a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (3rd EDF) for the financial year 1971.

Done at Brussels, 22 July 1975.

*For the Council*

*The President*

M. RUMOR

<sup>(1)</sup> OJ No L 282, 28. 12. 1970, p. 2.

<sup>(2)</sup> OCT/EEC 0 43

<sup>(3)</sup> OJ No L 282, 28. 12. 1970, p. 47.

<sup>(4)</sup> OJ No L 31, 8. 2. 1971, p. 1.

<sup>(5)</sup> This report may be obtained from the institutions of the Communities.

## INTERNAL AGREEMENT

## on the financing and administration of Community aid

(76/165/EEC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community (hereinafter called the 'Treaty'),

Whereas the ACP-EEC Convention of Lomé (hereinafter called the 'Convention') set the aggregate amount of Community aid to the ACP States at 3 390 million units of account;

Whereas the representatives of the Governments of the Member States, meeting within the Council, agreed on 16 January 1975 to set at 150 million units of account the amount of aid to be borne by the European Development Fund for the benefit of the overseas countries and territories having special relations with France, the Netherlands and the United Kingdom (hereinafter called 'countries and territories') and the French overseas departments; whereas, provision is also made for loans to the amount of 10 million units of account granted by the European Investment Bank (hereinafter called the 'Bank') from its own resources in the countries and territories and in the French overseas departments;

Whereas in a Decision of 21 April 1975<sup>(1)</sup>, the Council actually defined the unit of account applicable under the Convention;

Whereas, in order to implement the Convention and the Decision concerning the countries and territories (hereinafter called the 'Decision'), a fourth European Development Fund should be established and a procedure should be laid down for the provision of funds and for contributions from Member States to these funds;

Whereas the rules for the management of financial co-operation should be determined, the procedure for programming, examining and approving aid should be decided and the detailed rules for supervising the use of the aid should be defined;

Whereas a Committee of Representatives of the Governments of the Member States should be set up under the auspices of the Commission and a similar committee should be set up under the auspices of the Bank;

Whereas the work done by the Commission and the Bank to apply the Convention and the corresponding provisions of the Decision should be harmonized; whereas it is therefore desirable that, as far as possible, the composition of the Committees set up under the auspices of the Commission and of the Bank should be identical;

Whereas the Council adopted on 16 July 1974 a Resolution on the harmonization and coordination of Member States' cooperation policies;

After consulting the Commission of the European Communities,

HAVE AGREED AS FOLLOWS:

## CHAPTER I

*Article 1*

1. The Member States hereby set up a European Development Fund (1975) (hereinafter called the 'Fund').

2. The Fund shall consist of 3 150 million units of account to be financed by the Member States as follows:

Belgium	196·875 million units of account
Denmark	75·600 million units of account
Germany	817·425 million units of account
France	817·425 million units of account
Ireland	18·900 million units of account
Italy	378·000 million units of account
Luxembourg	6·300 million units of account
Netherlands	250·425 million units of account
United Kingdom	589·050 million units of account

<sup>(1)</sup> OJ No L 104, 24. 4. 1975, p. 35.

3. The amount stated in paragraph 2 shall be allocated as follows:

(a) 3 000 million units of account for the ACP States, comprising:

2 100 million units of account in the form of grants

430 million units of account in the form of special loans

95 million units of account in the form of risk capital

375 million units of account in the form of transfers pursuant to Title II of the Convention;

(b) 130 million units of account for the countries and territories and the French overseas departments, comprising:

65 million units of account in the form of grants

40 million units of account in the form of special loans

5 million units of account in the form of risk capital

20 million units of account as a reserve.

(c) 20 million units of account in the form of transfers for the countries and territories, pursuant to those provisions of the Decision which concern the system for stabilizing export earnings.

4. Where a country or territory which has become independent accedes to the Convention, the amounts indicated in paragraph 3 (b) above shall be reduced and those indicated in paragraph 3 (a) above correspondingly increased by a decision taken by the Council acting unanimously on a proposal from the Commission.

5. In this case, the country concerned will continue to be eligible for the funds provided for in paragraph 3 (c), subject to the management rules laid down in Title II of the Convention.

#### *Article 2*

To the amount laid down in Article 1 (2) shall be added up to 400 million units of account in the form of loans granted by the Bank from its own resources under the conditions laid down by it in accordance with its statute.

These loans shall be allocated as follows:

(a) up to the amount of 390 million units of account, for financing operations to be carried out in the ACP States;

(b) up to the amount of 10 million units of account, for financing operations to be carried out in the countries and territories and the French overseas departments.

#### *Article 3*

The unit of account used for applying this Agreement shall be that defined in the Council Decision of 21 April 1975 on the definition and conversion of the European unit of account used for expressing the amounts of aid mentioned in Article 42 of the ACP-EEC Convention of Lomé.

#### *Article 4*

During the first two years of application of the Convention, an amount of up to 40 million units of account may be committed in the form of risk capital.

The Commission and the Bank shall submit a joint report to the Council on the experience of the first two years. In the light of this report, the Council may review the amount made available to the Bank, within the limit of the ceiling of 100 million units of account laid down in Article 1 (3) (a) and (b), and any sums made available shall be added to the funds earmarked for special loans.

#### *Article 5*

An amount of up to 100 million units of account shall be set aside from the grant aid specified in Article 1 (3) (a) and (b) for financing the interest rate subsidies referred to in Article 5 of Protocol No 2 to the Convention and in the corresponding provisions of the Decision. Any part of this amount not committed by the end of the period during which loans are granted by the Bank shall become available as grant aid again.

The Council may decide, on a proposal from the Commission drawn up in agreement with the Bank, to raise this ceiling.

#### *Article 6*

With the exception of loans granted by the Bank from its own resources, all financial operations undertaken for the benefit of the ACP States, the countries and territories and the French overseas departments shall be carried out in accordance with the conditions laid down in this Agreement and shall be charged to the Fund.

*Article 7*

1. Within one month of the entry into force of the Convention, and subsequently before 1 September each year, the Commission shall draw up estimates of the commitments to be entered into during the budget year, taking into account the Bank's forecasts in respect of the operations which it manages, and shall communicate these estimates to the Council.

2. In the same manner, the Commission shall establish and communicate to the Council the total amount of the payments to be made in the budget year in question. On the basis of this amount and taking into account cash requirements, including those arising from expenditure incurred in implementing the system referred to in Title II of the Convention and in the corresponding provisions of the Decision, the Commission shall draw up a schedule of calls for contributions determining the dates on which payment is due; the detailed rules for payment of such contributions by the Member States shall be determined by the Financial Regulation referred to in Article 30. This schedule shall be submitted by the Commission to the Council, which shall decide thereon by the qualified majority laid down in Article 18 (4).

If the contributions are insufficient to meet the actual requirements of the Fund in the budget year in question, the Commission shall submit proposals for supplementary payments to the Council which shall decide thereon as soon as possible by the qualified majority laid down in Article 18 (4).

3. Until used by the Commission for financing projects, programmes or transfers adopted under the conditions laid down in Articles 11 to 21 and 26 to 30, the funds obtained from the calls for contributions referred to in paragraph 2 shall remain deposited in special accounts opened by each Member State with its Treasury or with such bodies as it may designate, in accordance with the detailed rules laid down by the Financial Regulation referred to in Article 30.

4. From the date on which payment is due and throughout the period of their deposit in the special accounts referred to in paragraph 3, the funds shall retain the value in units of account corresponding to the exchange rate applying in relation to the unit of account on the date when payment fell due. The arrangements for implementing this paragraph will be defined in the Financial Regulation referred to in Article 30.

*Article 8*

1. Any remaining balance of the Fund shall be used up in accordance with the same rules as those laid down in the Convention, the Decision and this Agreement.

2. Upon expiry of this Agreement, Member States shall still be obliged to pay, as provided in Article 7, that portion of their contributions not yet called for.

*Article 9*

1. The Member States undertake to act as guarantor for the Bank, waiving any right to object and in proportion to their contributions to its capital, in respect of all financial commitments arising for its borrowers out of the loan contracts concluded by the Bank in respect of its own resources in implementation of the Convention and the Decision.

2. This guarantee shall cover all risks and shall be restricted to 30% of the total amount of the credits opened by the Bank under the loan contracts.

3. The undertakings arising from paragraphs 1 and 2 shall be the subject of contracts of guarantee between each Member State and the Bank.

4. Should the Community conclude new agreements providing for financing operations by the Bank from its own resources for countries outside the Community, this Article could, under conditions agreed with the Bank, be supplemented in such a way as to make the Member States' guarantee apply globally, according to the percentage set out in paragraph 2, to the loans thus granted to the countries in question.

*Article 10*

1. Payments made to the Bank in respect of special loans granted to the ACP States, the countries and territories and the French overseas departments since 1 June 1964, as well as the proceeds and income from risk capital operations undertaken since 1 February 1971 for the benefit of those States, countries, territories and departments, shall be credited to the Member States in proportion to their contributions to the Fund from which the sums are derived, unless the Council decides unanimously, on a proposal from the Commission, to place them in reserve or allocate them to other operations.

Any commission due to the Bank for managing the loans and operations referred to in the first subparagraph shall be deducted in advance from these sums.

2. The amount of the grants from the Fund, as fixed in Article 1 (3) (a), shall be supplemented by any other revenue accruing to the Fund.

## CHAPTER II

*Article 11*

1. Subject to Articles 18 to 21 and without prejudice to the Bank's responsibilities for the administration of certain forms of aid, the Fund shall be administered by the Commission in accordance with the rules laid down by the Financial Regulation referred to in Article 30.

2. Subject to Articles 22 to 24, risk capital and interest rate subsidies financed from the Fund's resources shall be administered by the Bank on behalf of the Community in accordance with its statute and the rules laid down by the Financial Regulation referred to in Article 30.

*Article 12*

The Commission shall be responsible for implementing the aid policy defined by the Council and the general guidelines for financial and technical co-operation defined by the Council of ACP-EEC Ministers pursuant to Article 41 of the Convention.

*Article 13*

1. The Commission and the Bank shall periodically provide each other with appropriate information on the requests made to them for finance and on preliminary contacts made with them by the relevant bodies of the ACP States, or of the countries and territories or the French overseas departments, or other recipients of aid as provided for in Article 49 of the Convention and in the corresponding provisions of the Decision, before their requests were submitted.

This information shall be provided not later than three months after the request has been made or preliminary contacts have been established.

2. The Commission and the Bank shall keep each other informed of the progress made in appraising requests for finance.

3. The Commission shall channel the information referred to in paragraphs 1 and 2 through its liaison office. In addition, the liaison office shall collect and provide any general information which would promote the harmonization of administrative procedures and the assessment of requests.

*Article 14*

1. The Commission shall appraise projects which, pursuant to Article 43 of the Convention and the

corresponding provisions of the Decision, could be financed by grants or special loans from the Fund's resources.

2. The Bank shall appraise projects which, pursuant to its statute, Article 43 of the Convention and the corresponding provisions of the Decision, could be financed by loans from its own resources, with or without interest rate subsidies, or by risk capital.

3. Projects which come under the industrial, mining or tourism sectors shall be submitted to the Bank, which shall examine whether they are eligible for one of the forms of aid which it administers.

4. Where, in the course of appraisal of a project or programme by the Commission or by the Bank, it is found that such project or programme could not be financed by one of the forms of aid administered by the institution in question, the latter will, with the agreement of the potential recipient, transmit the request to the other institution.

*Article 15*

1. Without prejudice to special instructions which the Bank receives from the Community in respect of the recovery of capital and interest relating to special loans, the Commission shall undertake, on behalf of the Community, the financial execution of operations carried out with the Fund's resources in the form of grants, special loans or transfers; it shall make payments in accordance with the Financial Regulation referred to in Article 30.

2. The Bank shall undertake, on behalf of the Community, the financial execution of operations carried out with the Fund's resources in the form of risk capital. In such cases, the Bank shall act on behalf of and at the risk of the Community. Any resulting rights, and particularly rights as creditor or owner, shall be vested in the Community.

3. The Bank shall undertake the financial execution of operations carried out in the form of loans from its own resources combined with interest rate subsidies from the Fund's resources.

*Article 16*

The Commission shall provide the Member States with information obtained from the ACP States as regards the content and prospects of their development plans, the objectives they have set themselves and projects already identified which are

likely to attain these objectives. This provision shall also apply in respect of the countries and territories and the French overseas departments.

The Commission shall compile this information in collaboration with the Bank as regards matters which concern the latter.

Member States shall at the same time inform the Commission of any bilateral aid they have granted or intend to grant.

Furthermore, the Commission shall forward to the EDF Committee referred to in Article 18 all available information on any other bilateral or multilateral aid granted or envisaged for the ACP States concerned.

To this end, and in order to keep Member States abreast of developments, the Commission shall obtain all relevant information on aid to the ACP States, to the countries and territories and to the French overseas departments which Member States, international institutions and other aid donors have already granted or intend to grant.

Each Member State shall periodically forward to the Commission such information as is available.

#### Article 17

1. In order to implement Article 51 of the Convention, programming missions shall be carried out under the general responsibility of the Commission with the participation of the Bank.

2. Before programming missions are sent out, and on the basis of information provided by the Commission in accordance with Article 16, the general framework of the programming missions shall be determined, possibly according to groups of countries, during exchanges of views between the representatives of the Member States, the Commission and the Bank.

3. Following the programming missions undertaken in the ACP States by the Commission and the Bank, a draft Community indicative aid programme for each ACP State shall be forwarded to the Member States.

These draft programmes shall be the subject of an exchange of views with the representatives of the Member States in order to obtain an opinion.

4. Following the exchanges of views with representatives of the ACP States provided for in Article 51 (3) of the Convention, the representatives of the Member States, the Commission and the Bank may

hold further discussions in order to evolve the necessary guidelines.

5. During the implementation of the indicative aid programmes referred to in Article 51 (2) and (3) of the Convention, exchanges of views shall be held from time to time between the representatives of the Member States, the Commission and the Bank. Taking account of the projects for which the financing has already been decided on and those which still have to be appraised, the Member States shall assess the changes in the Community indicative aid programmes proposed by the recipient countries concerned.

#### Article 18

1. A Committee (hereinafter called the 'EDF Committee'), consisting of representatives of the Governments of the Member States, shall be set up under the auspices of the Commission.

The EDF Committee shall be chaired by a Commission representative, and its secretariat shall be provided by the Commission.

A representative of the Bank shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the EDF Committee.

3. Within the EDF Committee, the votes of the Member States shall be weighted as follows:

Belgium	6
Denmark	3
Germany	25
France	25
Ireland	2
Italy	12
Luxembourg	1
Netherlands	8
United Kingdom	18

4. The EDF Committee shall act by a qualified majority of 69 votes.

#### Article 19

1. The EDF Committee shall give its opinion on financing proposals for projects or programmes financed by grants or special loans, submitted to it by the Commission.

2. The financing proposals for these projects shall explain the relevance of the projects to the development prospects of the country or countries concerned; where appropriate, they shall mention the use to which such countries have put previous Community aid.

They shall include in particular measures promoting, in accordance with Chapter 8 of Protocol No 2 to the Convention and the corresponding provisions of the Decision, participation by national firms of the ACP States, of the countries and territories and of the French overseas departments in carrying out the projects.

3. If the EDF Committee requests substantial changes in the financing proposal or in the absence of a favourable opinion on the latter, the Commission shall consult the representatives of the ACP State or ACP States concerned. In the absence of a favourable opinion, the latter may be consulted by the representatives of the Community, in accordance with Article 54 (3) of the Convention.

4. In the cases mentioned in paragraph 3, the financing proposal, possibly after review or extension, shall be submitted afresh to the EDF Committee at one of its subsequent meetings.

If the Committee still refuses to deliver a favourable opinion, the Commission shall consult afresh the representatives of the ACP State or ACP States concerned, in accordance with Article 54 (3) of the Convention.

#### Article 20

The financing proposals, together with the opinion of the EDF Committee, shall be submitted to the Commission for its decision.

If the Commission decides to differ from the opinion expressed by the Committee, or if the Committee has not delivered a favourable opinion, it shall either withdraw the financing proposal or, at the earliest opportunity, refer the proposal to the Council which shall decide on it according to the same voting procedure as the EDF Committee.

#### Article 21

1. The Commission shall regularly inform the EDF Committee of all requests for financing officially submitted to it by one or more ACP States irrespective of whether these are selected by its departments.

2. The EDF Committee shall be kept informed of the results of work periodically done by the Commission on the evaluation of projects being carried out or completed, particularly in relation to the development objectives set.

#### Article 22

1. A Committee (hereinafter called the 'Article 22 Committee'), consisting of representatives of the Governments of the Member States, shall be set up under the auspices of the Bank.

The Article 22 Committee shall be chaired by the representative of the Member State currently assuming the Presidency of the Board of Governors of the Bank; its secretariat shall be provided by the Bank.

A representative of the Commission shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the Article 22 Committee.

3. Within the Article 22 Committee, the votes of the Member States shall be weighted as provided in Article 18 (3).

4. The Article 22 Committee shall act by a qualified majority of 69 votes.

#### Article 23

1. The Article 22 Committee shall deliver an opinion on requests for loans with interest rate subsidies and on proposals for financing by risk capital which are submitted to it by the Bank.

The Commission representative may, at meetings, submit the Commission's assessment of these proposals. This assessment shall cover conformity of the projects with Community development aid policy, with the objectives of financial and technical co-operation laid down by the Convention and with the general guidelines adopted by the Council of ACP-EEC Ministers.

In addition, the Bank shall inform this Committee of any loans without interest rate subsidies that it intends to grant.

2. The document submitted to the Article 22 Committee by the Bank shall, in particular, explain the relevance of the project to the development prospects of the country or countries concerned and,

where appropriate, indicate the situation as regards loans granted by the Community and holdings acquired by it.

3. Where the Article 22 Committee does not deliver a favourable opinion on a proposal concerning an ACP State or group of ACP States, the Bank shall consult the representatives of the said State or States and the procedure laid down in Article 54 (3) of the Convention shall apply.

4. Where the Article 22 Committee delivers a favourable opinion in respect of a request for a loan with an interest rate subsidy, the request, together with the reasoned opinion of the Committee and the assessment of the Commission representative, shall be submitted for a decision to the Board of Directors of the Bank, which shall act in accordance with the provisions of the Bank's statute.

In the absence of a favourable opinion from the Article 22 Committee, the Bank shall either withdraw the request or decide to uphold it. In the latter event, this request, together with the reasoned opinion of the Committee and the assessment given by the Commission representative, shall be submitted for a decision to the Board of Directors of the Bank, which shall act in accordance with the provisions of the Bank's statute.

5. Where, in respect of a proposal for financing by risk capital, the Article 22 Committee delivers a favourable opinion, the proposal shall be submitted for a decision to the Board of Directors of the Bank which shall act in accordance with the provisions of the Bank's statute.

In the absence of a favourable opinion from the Article 22 Committee, the Bank shall either withdraw the proposal or request that the Member State taking the Chair of the Article 22 Committee bring the matter before the Council as soon as possible.

In the latter case, the proposal shall be submitted to the Council together with the reasoned opinion of the Article 22 Committee and the assessment by the Commission representative.

The Council shall act in accordance with the same voting procedure as the Article 22 Committee.

If the Council decides to confirm the Article 22 Committee's position, the Bank shall withdraw its proposal.

If, however, the Council is in agreement with the Bank's proposal, the Bank shall implement the procedures under its statute.

#### *Article 24*

1. Subject to such adjustments as are necessary to take account of the nature of the operations financed and of the procedures laid down in the statute of the Bank, the latter shall regularly inform the

Article 22 Committee of all requests for financing officially submitted to it, irrespective of whether these are selected by its departments.

2. The Article 22 Committee shall be kept informed of the results of work periodically done by the Bank on the assessment of projects being carried out or completed, particularly in relation to the development objectives set.

#### *Article 25*

1. The Commission and the Bank shall ascertain how the Community aid administered by each of them is used by the ACP States, by the countries and territories and by the French overseas departments or by any other recipients.

2. They shall also ascertain, each for their respective parts and in close collaboration with the relevant authorities of the country or countries concerned, how projects financed with Community aid are used by the recipients.

3. When ascertaining how Community aid and projects are used, as provided for in paragraphs 1 and 2, the Commission and the Bank shall examine the extent to which the objectives referred to in Article 40 (2) of the Convention, in Article 1 of Protocol No 2 to the Convention and in the corresponding provisions of the Decisions have been attained.

4. The Commission shall inform the Council at least once a year of its findings pursuant to paragraphs 1, 2 and 3.

The Council, acting by a qualified majority as laid down in Article 18 (4), shall take the necessary measures.

### CHAPTER III

#### *Article 26*

The system for stabilizing export earnings referred to in Title II of the Convention and in the corresponding provisions of the Decision shall apply only to export earnings for the following calendar years: 1975, 1976, 1977, 1978 and 1979.

#### *Article 27*

The amounts of the transfers referred to in Article 19 (3) and (6) respectively of Title II of the Convention and in the corresponding provisions of the Decision,

and the contributions to the reconstitution of resources mentioned in Article 21 (2) of the Convention and in the corresponding provisions of the Decision, shall be expressed in units of account.

Payments shall be made in the currency of one or more Member States chosen by the Commission after consultation of the ACP State or the relevant authorities of the countries and territories.

#### *Article 28*

To permit cross-checking of the statistics of the Community and of the ACP States as provided in Article 17 of the Convention and the corresponding provisions of the Decision, Member States shall communicate to the Commission, in accordance with procedures to be defined in an implementing regulation to be adopted, all the statistics in their possession which are necessary for the proper functioning of the stabilization system.

#### *Article 29*

The Commission shall forward to the Member States the ACP States' annual reports on the use of the funds. It shall prepare an annual comprehensive report on the operation of the system, indicating in particular its effect on the economic development of the recipient countries and on the development of external trade.

This Article shall also apply in respect of the countries and territories.

### CHAPTER IV

#### *Article 30*

The provisions for implementing this Agreement shall be the subject of a Financial Regulation adopted, upon the entry into force of the Convention, by the Council acting by the qualified majority laid down in Article 18 (4) on the basis of a Commission draft, after the Bank has delivered its opinion on the provisions concerning it.

#### *Article 31*

1. At the close of each financial year, the Commission shall adopt the revenue and expenditure account and the balance sheet of the Fund.

2. Without prejudice to paragraph 4, the Audit Board provided for in Article 206 of the Treaty shall exercise its powers also in respect of the operations of the Fund. The conditions under which this Board exercises its powers shall be laid down in the Financial Regulation referred to in Article 30.

3. The discharge for the financial management of the Fund shall be given to the Commission according to the procedure provided for in Article 206 of the Treaty. However, where the procedure under Article 206 entails a decision by the Council, the Council shall act by the qualified majority laid down in Article 18 (4).

4. The operations financed from the resources of the Fund and managed by the Bank shall be subject to the control and discharge procedures laid down by the statute of the Bank for all its operations. Each year, the Bank shall send the Commission and the Council a report on the execution of operations financed from the resources of the Fund and managed by the Bank.

#### *Article 32*

1. The remaining balance of the Development Fund for the overseas countries and territories established by the Implementing Convention annexed to the Treaty shall continue to be administered as provided in that Implementing Convention and in accordance with the rules and regulations in force on 31 December 1962.

The remaining balance of the Fund set up by the Internal Agreement on the financing and administration of Community aid signed at Yaoundé on 20 July 1963 shall continue to be administered as provided in that Internal Agreement and in accordance with the rules and regulations in force on 31 May 1969.

The remaining balance of the Fund set up by the Internal Agreement on the financing and administration of Community aid signed at Yaoundé on 29 July 1969 shall continue to be administered as provided in that Internal Agreement and in accordance with the rules and regulations in force on 31 January 1975.

2. In the event of the successful completion of projects financed from the Funds referred to in paragraph 1 being jeopardized by a lack of resources due to the remaining balance having been used up, proposals for additional financing may be submitted by the Commission under the conditions laid down in Article 16.

*Article 33*

This Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The Government of each Member State shall notify the Secretariat of the Council of the European Communities when the procedures required for its entry into force have been completed.

This Agreement is concluded for the same duration as the Convention. However, it shall remain in force

for as long as is necessary for all the operations financed under the Convention to be fully executed.

*Article 34*

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German and Italian languages, each of these texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities, which shall transmit a certified copy to each of the Governments of the Signatory States.

Udfærdiget i Bruxelles, den ellefte juli nitten hundrede og femoghalvfjerds.

Geschehen zu Brüssel am elften Juli neunzehnhundertfünfundsiebzig.

Done at Brussels on the eleventh day of July in the year one thousand nine hundred and seventy-five.

Fait à Bruxelles, le onze juillet mil neuf cent soixante-quinze.

Fatto a Bruxelles, addì undici luglio millenovecentosettantacinque.

Gedaan te Brussel, elf juli negentienhonderdvijfenzeventig.

Pour le gouvernement du royaume de Belgique

Voor de Regering van het Koninkrijk België

*J. van der Meulen*

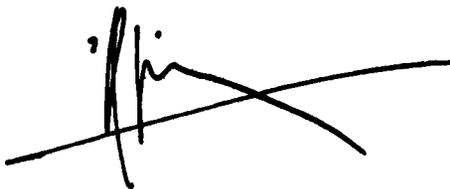
På kongeriget Danmarks vegne

*Lina Enderby*

Für die Regierung der Bundesrepublik Deutschland

*Wolfgang*

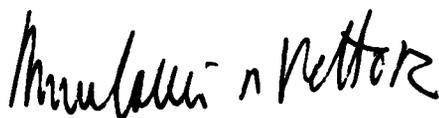
Pour le gouvernement de la République française



For the Government of Ireland



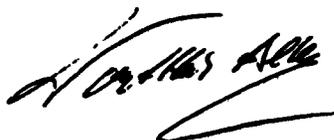
Per il governo della Repubblica italiana



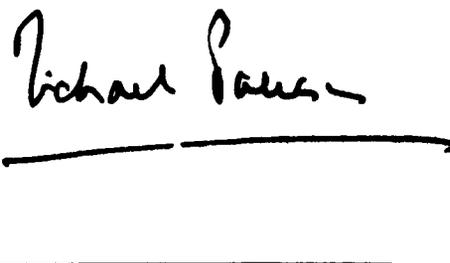
Pour le gouvernement du grand-duché de Luxembourg



Voor de Regering van het Koninkrijk der Nederlanden



For the Government of the United Kingdom of Great Britain and Northern Ireland



31. 3. 76

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## COUNCIL DECISION

of 31 March 1976

on the interim measures applicable to the overseas countries and territories associated with the European Economic Community in matters of establishment, services, payments and capital movements

(76/343/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Whereas the ACP-EEC Convention of Lomé between the African, Caribbean and Pacific States and the European Economic Community enters into force on 1 April 1976 and will incorporate provisions relating to establishment, services, payments and capital movements;

Whereas a Council Decision on the association of the overseas countries and territories to the European Economic Community is envisaged and will include provisions relating to the same areas;

Whereas interim arrangements in matters of establishment, services, payments and capital movements applicable in relations with the overseas countries and territories associated with the European Economic Community, hereinafter called 'the countries and territories', should be laid down, due regard being paid to those laid down for the relations with the ACP States;

Whereas a provision should be laid down to the effect that this Decision will cease to apply as soon

as the proposed Decision on the association of the overseas countries and territories enters into force,

HAS DECIDED AS FOLLOWS:

*Article 1*

As regards the arrangements that may be applied in matters of establishment and provision of services, the relevant authorities of the countries and territories listed in the Annex shall treat nationals and companies or firms of Member States on a non-discriminatory basis.

However, if, for a given activity, a Member State is unable to provide similar benefits to nationals or companies or firms of the French Republic, the Kingdom of the Netherlands or the United Kingdom of Great Britain and Northern Ireland, established in a country or territory, or to companies or firms subject to the laws of the country or territory concerned and established therein, the relevant authorities of that country or territory shall not be bound to respect the obligation contained in the first paragraph.

*Article 2*

For the purposes of this Decision, 'companies or firms' means companies or firms constituted under

civil or commercial law, including cooperative societies and other legal persons governed by public or private law, save for those which are non-profit-making.

For the purposes of the first paragraph of Article 1, 'companies or firms of Member States' means companies or firms formed in accordance with the law of a Member State and whose registered office, central administration or principal place of business is in a Member State; however, a company or firm having only its registered office in a Member State must, in order to set up agencies, branches or subsidiaries therein, be engaged in an activity which has an effective and continuous link with the economy of that Member State.

For the purposes of the second paragraph of Article 1, 'companies or firms of the French Republic, the Kingdom of the Netherlands or the United Kingdom of Great Britain and Northern Ireland, established in a country or territory' means companies or firms formed in accordance with French, Dutch or United Kingdom law, as the case may be, and whose registered office, central administration or principal place of business is in that country or territory; however, a company or firm having only its registered office in a country or territory must, in order to set up agencies, branches or subsidiaries therein, be engaged in an activity which has an effective and continuous link with the economy of that country or territory.

For the purposes of the second paragraph of Article 1, 'companies or firms subject to the laws of the country or territory concerned and established therein' means companies or firms formed under the law of a given country or territory and whose registered office, central administration or principal place of business is in that country or territory; however, a company or firm having only its registered office in that country or territory must, in order to set up agencies, branches or subsidiaries therein, be engaged in an activity which has an effective and continuous link with the economy of that country or territory.

### Article 3

With regard to capital movements linked with investments and to current payments, the relevant authorities of the countries and territories and the Member States shall refrain from taking action in the field of foreign exchange transactions which would be incompatible with their obligations resulting from the application of the provisions of Council Regulation

(EEC) No 1957/75 relating to trade in goods, and of the provisions of this Decision relating to services and establishment.

These obligations shall not however prevent implementation of the necessary protective measures, in conformity with Article 4, should this be justified by reasons relating to serious economic difficulties or severe balance of payments problems.

### Article 4

In respect of foreign exchange transactions linked with investments and current payments, the relevant authorities of the countries and territories on the one hand and the Member States on the other shall avoid, as far as possible, taking discriminatory measures *vis-à-vis* each other or according more favourable treatment to third States, taking full account of the evolving nature of the international monetary system, the existence of specific monetary arrangements and balance of payments problems.

To the extent that such measures or treatment are unavoidable they will be maintained or introduced in accordance with international monetary rules and every effort will be made to minimize any adverse effects on the parties concerned.

### Article 5

This Decision shall enter into force on 1 April 1976.

### Article 6

This Decision shall apply until the proposed Decision on the association of the overseas countries and territories enters into force and until 31 July 1976 at the latest.

### Article 7

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 31 March 1976.

For the Council  
The President  
G. THORN

## ANNEX

## List of the countries and territories referred to in Article 1

(This list does not prejudice the status of these countries and territories now or in the future)

1. Overseas countries of the Kingdom of the Netherlands:
  - the Netherlands Antilles (Aruba, Bonaire, Curaçao, St Martin, Saba, St Eustatius).
2. Overseas territories of the French Republic:
  - Saint Pierre and Miquelon,
  - Mayotte,
  - Territory of the Afars and Issas,
  - New Caledonia and Dependencies,
  - Wallis and Futuna Islands,
  - French Polynesia,
  - French Southern and Antarctic Territories.
3. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland:
  - Belize,
  - Brunei,
  - Associated States in the Caribbean (Antigua, Dominica, St Lucia, St Vincent, St Kitts, Nevis and Anguilla),
  - Cayman Islands,
  - Falkland Islands and Dependencies,
  - Gilbert Islands,
  - Solomon Islands,
  - Turks and Caicos Islands,
  - British Virgin Islands,
  - Montserrat,
  - Pitcairn,
  - St Helena and Dependencies,
  - Seychelles,
  - British Antarctic Territory,
  - British Indian Ocean Territory,
  - Tuvalu.

4. Anglo-French Condominium of the New Hebrides.

5. Countries provisionally covered by this Decision:

- The Comoros,
  - Surinam.
-

## COUNCIL DECISION

of 29 June 1976

on the allocation of two million units of account to the French overseas territories pursuant to Article 10 of the Internal Agreement on the Financing and Administration of Community Aid of 11 July 1975

(76/569/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community,

*Article 1*

Having regard to the ACP-EEC Convention of Lomé, signed on 28 February 1975 <sup>(1)</sup>,

The sum of two million units of account shall be allocated to financial aid for the French overseas territories from the net available funds as shown in the accounts opened in the books of the Bank in accordance with Article 49 (6) of the EDF Financial Regulation of 1 June 1964 and Article 63 of the EDF Financial Regulation of 26 January 1971.

Having regard to Council Decision 76/568/EEC of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community <sup>(2)</sup>,

*Article 2*

Having regard to the Internal Agreement on the Financing and Administration of Community Aid, signed in Brussels on 11 July 1975, and in particular Article 10 (1) thereof,

The funds referred to in Article 1 shall be paid by the Bank to the Commission, at its request, within the limits of the amounts actually available.

Having regard to the proposal from the Commission,

Whereas the Council may decide unanimously to allocate to other operations, on the one hand, payments made to the European Investment Bank in respect of special loans granted to the ACP States, the countries and territories and the French overseas departments since 1 June 1964 and, on the other, the proceeds and income from risk capital operations undertaken since 1 February 1971 for the benefit of those States, countries, territories and departments,

Done at Luxembourg, 29 June 1976,

*For the Council**The President*

G. THORN

<sup>(1)</sup> OJ No L 25, 30. 1. 1976, p. 1.

<sup>(2)</sup> OCT/EEC O 103

20. 8. 76

Official Journal of the European Communities

No L 229/9

## FINANCIAL REGULATION

of 27 July 1976

applicable to the fourth European Development Fund

(76/647/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES.

Having regard to the Treaty establishing the European Economic Community,

Having regard to the ACP-EEC Convention of Lomé<sup>(1)</sup>, signed on 28 February 1975, hereinafter referred to as 'the Convention',

Having regard to Council Decision 76/568/EEC of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community<sup>(2)</sup>,

Having regard to Council Decision 75/250/EEC of 21 April 1975 on the definition and conversion of the European unit of account used for expressing the amounts of aid mentioned in Article 42 of the ACP-EEC Convention of Lomé<sup>(3)</sup>,

Having regard to the Internal Agreement on the financing and administration of Community aid<sup>(4)</sup> signed on 11 July 1975, hereinafter referred to as

'the Internal Agreement', and in particular Article 30 thereof,

Having regard to the draft Financial Regulation presented by the Commission,

Having regard to the opinion of the European Investment Bank, hereinafter referred to as 'the Bank',

Whereas pursuant to Article 1 (1) of the Internal Agreement the Member States have set up a fourth European Development Fund, hereinafter referred to as 'the EDF';

Whereas according to Article 30 of the Internal Agreement the provisions for implementing that Agreement shall be the subject of a Financial Regulation adopted, upon the entry into force of the Convention, by the Council acting by the qualified majority laid down in Article 18 (4) of the said Agreement,

HAS ADOPTED THIS FINANCIAL REGULATION:

## TITLE I

## FINANCIAL ARRANGEMENTS

*Article 1*

1. The financial contributions of the Member States shall be expressed in the European unit of account, hereinafter referred to as 'EUA', referred to in Article 3 of the Internal Agreement and defined by Decision 75/250/EEC. Each Member State shall pay the amount of its contribution in its national currency on the basis of the conversion rate calculated by the Commission pursuant to Article 2 of the said Decision.

2. The financial contributions shall be credited by each Member State to a special account entitled 'Commission of the European Communities — European Development Fund' opened with the Treasury of that Member State or the body designated by it.

3. Upon expiry of the Convention and Decision 76/568/EEC, that part of the contributions which the

Member States remain obliged to make shall be called up by the Commission, as required, on the conditions laid down in this Financial Regulation.

*Article 2*

1. The Council Decision provided for in the first subparagraph of Article 7 (2) of the Internal Agreement and which relates to the schedule of calls for contributions, shall be notified to the Commission by 31 October each year.

2. The annual contributions shall normally be payable:

(a) before 20 January for the requirements of the EDF as forecast for the first seven months of the year in question;

(b) on 1 July for the balance of the annual contribution.

3. Each Member State shall make the payments referred to in paragraph 2 in proportion to its contributions as fixed in Article 1 (2) of the Internal Agreement.

<sup>(1)</sup> OJ No L 25, 30. 1. 1976, p. 1.

<sup>(2)</sup> OCT/EEC O 103

<sup>(3)</sup> OJ No L 104, 24. 4. 1975, p. 35.

<sup>(4)</sup> OJ No L 25, 30. 1. 1976, p. 168.

4. Supplementary payments decided upon pursuant to the second subparagraph of Article 7 (2) of the Internal Agreement shall, unless otherwise decided by the Council, be due and be made within as brief a period as possible, which may not in any case be more than three months.

#### Article 3

1. In each Member State the Commission shall hold, with the bank of issue or the financial institution designated by that Member State, accounts under the same name as that opened pursuant to Article 1 (2).

2. For operations which are not currently undertaken by banks of issue or by post office giro centres, or in order to facilitate the payments which it has to make, the Commission shall open accounts at one or more banks.

3. The signatures of the Commission officials empowered to carry out operations on the EDF's accounts shall be lodged when the accounts are opened or, in the case of officials who are authorized subsequently, when they are designated.

#### Article 4

1. The Commission shall use the funds credited to the accounts referred to in Article 3 to make the necessary payments and transfers.

2. The Commission shall, as far as possible, make any withdrawals from the special accounts referred

to in Article 1 (2) in such a way as to maintain a distribution of its assets amongst the various currencies corresponding to the proportion in which the currencies of the Member States enter into the composition of the EUA.

#### Article 5

By reference to the cash requirements for executing projects and programmes, the authorizing officer shall make the transfers needed to replenish the accounts opened on behalf of the Commission in accordance with Article 32 of Protocol 2 annexed to the Convention, hereinafter referred to as 'Protocol 2', and with Article 3 of this Financial Regulation.

#### Article 6

1. Any transfers of assets from the currency of one Member State into that of another Member State which have been requested by the Commission for the management of the EDF shall be made at the current rate of exchange by the banks of issue or the financial institutions approved by the Member States.

2. Any exchange differences and costs shall be charged against EDF resources.

#### Article 7

The Commission shall communicate to the Council each year a statement of contribution payments and a progress report on EDF operations.

## TITLE II

### MANAGEMENT OF THE EDF

#### SECTION I

#### GENERAL PROVISIONS

#### Article 8

1. The EDF shall be administered financially in accordance with the principle that the authorizing officers and accounting officers are separate individuals. The appropriations shall be administered by the authorizing officers, who alone shall have the power to enter into commitments regarding expenditure, establish sums due to be collected and issue proof of revenue and payments.

2. Collection and payment operations shall be carried out by the accounting officers.

3. An authorizing officer may not exercise the functions of financial controller or accounting officer.

#### Article 9

Within the limit of the appropriations provided for in Article 1 of the Internal Agreement the Commission shall, without prejudice to Article 11 (2) thereof, manage the EDF on its own responsibility under the conditions laid down in the Convention, in Decision 76/568/EEC, in the Internal Agreement and in this Financial Regulation. In accordance with Article 29 (1) of Protocol 2 the Commission shall appoint the chief authorizing officer of the EDF. The latter may have recourse to deputy authorizing

officers, whom he shall appoint subject to approval by the Commission. Each decision to delegate powers shall state the duration and extent of the mandate.

Those to whom powers are delegated may act only within the limits of the powers expressly conferred upon them.

#### *Article 10*

1. The Commission shall appoint the financial controller, who shall be responsible for monitoring the commitment, for authorizing expenditure and for monitoring revenue.

2. The special rules applicable to the financial controller shall be formulated in such a way as to ensure his independence in carrying out his duties. Measures taken in respect of his appointment and promotion, disciplinary action or transfers, and the various methods of interruption or termination of his appointment shall be the subject of reasoned decisions which shall be forwarded to the Council for information.

3. The person concerned or the Commission may institute proceedings before the Court of Justice.

#### *Article 11*

The collection of revenue and the payment of expenditure shall be carried out by an accounting officer appointed by the Commission. Subject to Article 33 (2) this accounting officer alone shall be empowered to manage funds and assets. He shall be responsible for their care.

#### *Article 12*

The Commission may delegate part of the duties of the accounting officer and part of the responsibility for monitoring to authorized agents appointed by it. The rules governing responsibilities adopted under this Title shall apply to such authorized agents within the limits of the powers delegated to them.

The principles of the provisions of this Financial Regulation relating to the monitoring and payment of expenditure shall be applicable to expenditure effected by delegation. Such expenditure may not be finally entered into the EDF accounts until the Commission has verified that the expenditure has been correctly cleared and that the authorization and payment are in order, in accordance with the requirements of this Regulation.

## SECTION II

### REVENUE

#### *Article 13*

1. The recovery of any sum due to the EDF shall give rise to the issue, by the authorizing officer, of a revenue order.

2. Revenue orders shall be transmitted by the authorizing officer to the financial controller and shall be subject to the latter's approval. The purpose of approval by the financial controller shall be to establish that:

- (a) the revenue is correctly credited;
- (b) the revenue order is in order and in conformity with the provisions applicable to the management of the EDF, with all acts taken in implementation of those provisions;
- (c) the principles of sound financial management have been affected.

3. The financial controller may refuse his approval. The authorizing officer may, by means of a decision stating the full reasons therefor and on his sole responsibility, disregard this. The decision of the authorizing officer shall be implemented; it shall be communicated to the financial controller for information. The Commission shall inform the Audit Board provided for in Article 206 of the Treaty of each of these decisions.

4. When the authorizing officer waives the right to draw up a document establishing a debt or to recover sums due, he must inform the financial controller and the Audit Board.

When the financial controller finds that a document establishing a debt has not been drawn up or that a sum due has not been recovered, he shall inform the Commission thereof.

#### *Article 14*

1. The accounting officer shall assume responsibility for revenue orders forwarded to him by the authorizing officer.

2. The accounting officer shall do all in his power to ensure that EDF resources are recovered at the due dates and to ensure that the Community's rights are safeguarded.

3. The accounting officer shall inform the authorizing officer and the financial controller of any revenue not recovered within the time limits laid down.

*Article 15*

A receipt shall be issued in respect of all cash payments made to the accounting officer.

SECTION III

COMMITMENT, CLEARANCE, AUTHORIZATION  
AND PAYMENT OF EXPENDITURE

1. Commitment of expenditure

*Article 16*

1. All measures which may give rise to expenditure payable by the EDF must be preceded by a proposal for commitment of expenditure from the authorizing officer.

2. A provisional commitment may be entered into in respect of current expenditure.

3. An account shall be kept of commitments and authorizations.

*Article 17*

Proposals for commitments shall be referred to the financial controller. They shall in particular show the purpose of the expenditure, the estimated amount involved, the item to which it is to be charged and the name and description of the creditor. They shall be registered after approval by the financial controller.

*Article 18*

1. The purpose of approval by the financial controller shall be to establish that:

- (a) the expenditure has been charged to the correct item;
- (b) appropriations are available;
- (c) the expenditure is in order and in conformity with the provisions applicable to the management of the EDF and with all acts taken in implementation of those provisions, in particular the general and special clauses of the financing agreement relating to the operation;
- (d) the principles of sound financial management have been applied.

2. The financial controller shall take into account any observations made in the discharge decisions.

*Article 19*

1. Where the financial controller withholds his approval he shall furnish a written statement of his reasons therefor. The authorizing officer shall be notified accordingly.

Where approval is withheld and the authorizing officer maintains his proposal, the refusal shall be referred for a decision to the Commission.

2. Except where the availability of appropriations is in doubt, the Commission may, by means of a decision stating the full reasons therefor and on its sole responsibility, overrule such a refusal. This decision shall be implemented; it shall be communicated for information to the financial controller. The Commission shall inform the Audit Board of each of these decisions.

2. Clearance of expenditure

*Article 20*

The purpose of clearance of expenditure by the authorizing officer shall be:

- (a) to verify the existence of the rights of the creditor;
- (b) to determine or verify the existence and the amount of the debt; and
- (c) to verify the conditions under which payment falls due.

*Article 21*

1. Clearance of any expenditure shall be subject to the submission of supporting documents showing the creditor's claim and, where appropriate, the service rendered.

2. However, for certain categories of expenditure, advances may be granted under the conditions laid down by the Commission.

3. The Commission shall lay down the nature and contents of the supporting documents to be enclosed with the payment orders.

4. The authorizing officer empowered to clear expenditure shall personally check the supporting documents or shall, on his own responsibility, ascertain that this has been done.

## 3. Authorization of expenditure

*Article 22*

Authorization shall be the act whereby the authorizing officer, by the issue of a payment order, authorizes the accounting officer to pay an item of expenditure which he has cleared.

*Article 23*

The payment order shall state:

- (a) the item against which payment shall be charged;
- (b) the amount to be paid;
- (c) the name and address of the payee;
- (d) the method of payment;
- (e) the purpose of the expenditure.

The payment order shall be dated and signed by the authorizing officer.

*Article 24*

1. The payment order shall be accompanied by the original supporting documents, which shall bear or be accompanied by the approval of the authorizing officer confirming that the amounts to be paid are correct, the receipt of the supplies or the performance of the service. The payment order shall show the numbers and dates of the relevant approvals of commitment.

2. Copies of the supporting documents, certified as true copies by the authorizing officer, may, in some cases, be accepted in place of the originals.

*Article 25*

1. For payments by instalment, the first payment order shall be accompanied by documents establishing the creditor's right to payment of the instalment in question.

2. Subsequent payment orders shall refer to the supporting documents already furnished and repeat the reference number of the first payment order.

*Article 26*

Payment orders shall be sent to the financial controller for prior approval. This prior approval shall confirm that:

- (a) the payment order was properly issued;

(b) the payment order agrees with the commitment of expenditure and that the amount thereof is correct;

(c) the expenditure is charged to the correct item;

(d) the appropriations are available;

(e) the supporting documents are in order;

(f) the payee is correctly described.

*Article 27*

Should approval be withheld, Article 19 shall apply.

*Article 28*

After approval, the original of the payment order, together with all supporting documents, shall be forwarded to the accounting officer.

## 4. Payment of expenditure

*Article 29*

1. Payment shall be the final act whereby the EDF is discharged of its obligations resulting from carrying out the operations financed.

2. Payment shall be made by the accounting officer within the limits of the funds available.

*Article 30*

In the event of a substantive error or of the validity of the discharge being contested or of failure to observe the formalities prescribed by this Financial Regulation, the accounting officer shall suspend payment.

*Article 31*

1. If payment is suspended, the accounting officer shall give the reasons therefor in a written statement which he shall send forthwith to the authorizing officer and, for information, to the financial controller.

2. Except where the validity of the discharge is contested the authorizing officer may, where payment is suspended, refer the matter to the Commission. The latter may require, in writing and on its own responsibility, that the withholding of payment be disregarded.

*Article 32*

1. Payments shall, as a general rule, be effected through a bank account or a post office giro account. The procedure for opening, administering and using such accounts shall be determined by the Commission.
2. The procedures referred to in paragraph 1 shall in particular require two signatures on cheques and on post office or bank transfer orders, one signature necessarily being that of the accounting officer or of a duly authorized administrator of advance funds; they shall, moreover, determine the expenditure whose payment must necessarily be effected either by cheque or by post office or bank transfer.

*Article 33*

1. For the payment of certain categories of expenditure funds for advances may be set up under the conditions laid down by the Commission.
2. The rules governing the management of the advance funds offices shall in particular concern:
  - (a) the appointment of administrators of advance funds;
  - (b) the nature and maximum amount of each expenditure to be incurred;
  - (c) the maximum amount of the funds which may be advanced;
  - (d) the procedures for the production of supporting documents and the time within which they must be produced;
  - (e) the responsibility of the administrator of advance funds.

*Article 34*

The conversion rates to be used for the calculation in EUA of payments to be made for the purpose of the projects or programmes referred to in Title IV of the Convention and in the corresponding provisions of Decision 76/568/EEC shall be those in force on the effective date of such payments. This date shall correspond to that in which the Commission accounts referred to in Article 32 of Protocol 2 and in Article 3 were debited.

## SECTION IV

**RESPONSIBILITIES OF AUTHORIZING OFFICERS,  
FINANCIAL CONTROLLERS,  
ACCOUNTING OFFICERS AND  
ADMINISTRATORS OF ADVANCE FUNDS**

*Article 35*

Without prejudice to Article 30 (5) of Protocol 2, authorizing officers who, when establishing entitlements to be recovered, when issuing collection

orders, entering into commitments of expenditure or signing payment orders, do so without complying with this Financial Regulation, shall be liable to disciplinary action and, where appropriate, to pay compensation. The same shall apply if they omit to draw up a document establishing a claim or if they neglect to issue revenue orders or are, without justification, late in issuing them.

*Article 36*

Financial controllers render themselves liable to disciplinary action and, where appropriate, to payment of compensation if they allow appropriations to be exceeded or are guilty of serious negligence in carrying out their duties.

*Article 37*

1. Accounting officers shall be liable to disciplinary action and, where appropriate, to payment of compensation as regards payments they make in disregard of Article 31.

They shall render themselves liable to disciplinary action and to payment of compensation as regards any loss or deterioration of the monies, assets and documents in their charge where such loss or deterioration results from an intentional mistake or serious negligence on their part.

Under the same conditions, they shall be responsible for the correct execution of orders received by them in respect of the use and administration of bank and post office giro accounts, and in particular:

- (a) if the payments or recoveries made by them do not agree with the amounts on the payment orders or collection orders;
- (b) if they effect payment to a party other than the entitled payee.

2. Administrators of advance funds shall be liable to disciplinary action and, where appropriate, to payment of compensation:

- (a) if they cannot show due warrant with proper documents for payments made by them;
- (b) if they effect payments to a party other than the entitled payee.

They shall be liable to disciplinary action and to payment of compensation in respect of any loss or deterioration of the monies, assets and documents in their charge as a result of an intentional mistake or serious negligence on their part.

3. Accounting officers and administrators of advance funds shall insure themselves against any financial risks they may incur *vis-à-vis* the Commission under this Article.

The Commission shall cover the relevant insurance costs. It shall specify the categories of officials

qualifying as accounting officers or administrators of advance funds and the terms on which it shall cover the insurance costs borne by the accounting officers or administrators of advance funds in order to protect themselves against the risks involved in their duties.

4. A special indemnity shall be granted to accounting officers and administrators of advance funds.

The sums corresponding to this indemnity shall be credited each month to an account opened by the Commission on behalf of each of these officials in order to establish a guarantee fund to cover any cash or bank shortage for which the person concerned might render himself liable, in so far as such a shortage has not been covered by refunds from insurance companies.

The credit balance in these guarantee accounts shall be paid over to the persons concerned after they terminate their appointment as accounting officer or administrator of advance funds and after they have been given final discharge for their financial administration.

#### *Article 38*

The liability of authorizing officers, financial controllers, accounting officers and administrators of advance funds to payment of compensation and disciplinary action may be determined in accordance with Articles 22 and 86 to 89 of the Staff Regulations of officials of the European Communities.

#### *Article 39*

The Commission shall be allowed a period of two years from the date on which the account for revenue and expenditure is submitted to take a decision on the final discharge to be given to accounting officers for the transactions relating thereto.

### TITLE III

#### IMPLEMENTING MEASURES

##### SECTION I

##### EXECUTION OF EDF OPERATIONS

#### *Article 43*

The Commission shall, in respect of those resources of the EDF which it administers, inform the Council

##### SECTION V

##### ACCOUNTS

#### *Article 40*

1. The accounts shall be kept, expressed in EUA, by the double entry method and on the basis of the calendar year. They shall show all revenue and expenditure between 1 January and 31 December of each year and shall include the supporting documents.

2. The revenue and expenditure account and the balance sheet shall be drawn up in EUA.

#### *Article 41*

1. Entries shall be made on the basis of an accounting system comprising a nomenclature of budgetary items which makes a clear distinction between the accounts which permit the balance sheet to be drawn up and those which permit the revenue and expenditure account to be drawn up. These entries shall be recorded in books or on cards, which must make it possible to draw up a general monthly balance.

2. The accounting system shall be set out in a Commission Decision.

##### SECTION VI

##### GENERAL PROVISIONS

#### *Article 42*

The Audit Board shall be notified of the appointment of the authorizing officer, the financial controller, the accounting officer and of the administrator of advance funds, of any delegation of powers pursuant to Articles 9 and 12 and of the accounting system referred to in Article 41.

each year of the results of invitations to tender for the preceding year. Where appropriate it shall notify the Council of any measures it has taken or proposes to take to improve the terms of competition for participation in invitations to tender issued by the EDF.

In its report, the Commission shall provide the Council with information enabling it to assess

whether the measures taken by the Commission have actually afforded all firms of the various Member States, of the ACP States and of the associated countries and territories equal opportunity of access to works and supply contracts financed by the EDF.

#### *Article 44*

Under Article 19 of Protocol 2 and the corresponding provisions of Decision 76/568/EEC, a favourable opinion from the EDF Committee shall be required for the award of contracts by direct agreement or after restricted invitations to tender and for the performance thereof through public works departments.

However, where they are justified by urgency and by unforeseen circumstances, the above exceptions to the rules governing competition may be authorized by the Commission without a prior opinion from the EDF Committee. In that event, the Commission shall immediately inform the EDF Committee thereof.

#### *Article 45*

1. Tenders for supply contracts financed by the EDF shall be drawn up and payments made, at the option of the tenderer, in EUA, in the currency of the recipient State, country or territory, in the currency of the country of his registered place of business or in that of the country producing the supplies.

2. Tenders for works contracts and for technical assistance contracts and contracts for the supervision of works financed by the EDF shall be drawn up and payments made in the currency of the recipient State, country or territory. However, the tenderer may request in his tender that a justified part of the nominal amount of his tender be paid in the currency of the country of his registered place of business on the basis of the conversion rate in force on the first day of the month preceding the month in which the date set for the opening of tenders falls. He may also draw up that part in EUA on the basis of the conversion rate stipulated above.

3. Tenders for study contracts financed by the EDF shall be drawn up and payments made at the option of the contractor either in EUA or in the currency of the country in which the contractor has his registered place of business.

However, that part of the services provided which corresponds to expenditure in the currency of the recipient State, country or territory shall be paid in that currency. Where the sums to be paid in the

various currencies are defined by reference to another currency the conversion shall be effected on the basis of the rate specified in the contract.

4. Where tenders are drawn up in EUA, payments connected with the debt shall, as appropriate, be made in the currency of a Member State or in the currency of a recipient State, country or territory specified in the contract on the basis of the equivalent value of the EUA on the day preceding payment.

5. Where payment is made in a currency other than the currency of the recipient State, country or territory or other than the currency of the country where the contractor has his registered place of business, it must be through the intermediary of an approved bank or agency, established in the country where the contractor has his registered place of business.

## SECTION II

### FINANCIAL COMMITMENTS

#### *Article 46*

Where the EDF's resources managed by the Commission are involved a financing agreement shall be drawn up and concluded in EUA between the Commission, acting for the Community, and the Government of the recipient State or the competent authority of the recipient country or territory for any project or programme on which a financing decision is taken.

The financing agreement shall specify the details of the EDF's financial commitment, the arrangements for and terms of the financing, and the persons or institutions responsible for supervision, payments and recoveries.

#### *Article 47*

No expenditure in excess of the amount laid down in the financing agreement may be charged to the EDF unless a decision has been taken to commit additional funds thereto under the conditions laid down in Articles 16 to 19 and in Article 56.

The request for the commitment of additional funds shall be addressed to the Commission and examined under the conditions laid down in Article 33 of Protocol 2.

*Article 48*

The transfer agreement referred to in Article 22 of the Convention and in the corresponding provisions of Decision 76/568/EEC shall state the data on which calculation of the annual transfer in EUA is based, the currencies in which the transfer of this amount is to be made and, where appropriate, the conditions for the reconstitution of the resources made available to the stabilization system referred to in Title II of the Convention.

SECTION III  
SPECIAL LOANS

*Article 49*

1. A decision to grant special loans shall set the limit to the Community's commitment. Contracts relating to such loans, drawn up jointly with the Bank for the parts which concern the latter, shall be concluded by the Commission on behalf of the Community.

2. The amounts of the appropriations corresponding to each loan granted shall be expressed in EUA. If an appropriation is cancelled before all or part of the payments relating thereto have been made the unpaid part shall be regarded as not having been granted.

3. Loans shall be paid in the currency or currencies of the Member States as fixed by the Commission after consultation with the borrower. By way of derogation from Article 34, the sums paid shall be charged against the appropriations on the basis of the conversion rates in force, on the day preceding that of payment, between the EUA and the currency or currencies used for the payment.

4. Reimbursements and interest payments shall be credited to the Community's account with the Bank. The Bank shall recover such reimbursements and interest payments by virtue of special terms of reference conferred upon by the Commission, acting for the Community, after consulting the EDF Committee.

5. The amounts to be reimbursed and interest due in respect of special loans shall be expressed in EUA.

Reimbursements and interest payments shall be made in one or more of the currencies of the Member States, chosen by the borrower.

6. The rates for converting EUA into the currencies of the Member States for the purpose of paying sums due in the form of reimbursements, interest payments and any commission due shall be those in force on the 10th day preceding payment.

SECTION IV  
RISK CAPITAL

*Article 50*

1. Any decision to grant risk capital shall set a limit in EUA to the Community's commitment and financial responsibilities and to the extent of the rights in the company attaching to such operations.

The instruments giving effect to risk capital operations shall be concluded by the Bank acting as the Community's authorized agent.

2. The Bank, acting for and on behalf of the Community, shall manage the operations referred to in paragraph 1 which have been the subject of a financing decision by the Board of Directors of the Bank.

3. Following the signing of each contract, the Bank shall communicate to the Commission the estimated dates and amounts of the calls for funds. Whenever called upon by the Bank to do so, the Commission shall pay to it the amount it needs for carrying out risk capital operations in the currency or currencies fixed by the Bank.

4. Payments relating to receipts, income and repayments in respect of risk capital operations shall be made to the Bank for the Community.

*Article 51*

The quasi-capital aid referred to in Article 4 of Protocol 2 and in the corresponding provisions of Decision 76/568/EEC shall serve to finance:

- primarily, fixed investments in public, private or semi-public firms,
- secondarily, specific studies for the preparation of projects and assistance for firms during the starting-up period.

Where such aid is granted to a consultancy firm it shall normally, on execution of the project, be incorporated in the capital or quasi-capital assistance to which the promoting firm may also be entitled for the execution of the project.

## SECTION V

## SUBSIDIZED LOANS FROM THE BANK

*Article 52*

1. Pursuant to Article 5 of Protocol 2 and the corresponding provisions of Decision 76/568/EEC, the aggregate amount of interest rate subsidies on loans from the Bank shall be calculated in EUA in terms of its current value on the effective date of signing of the loan contract, on the basis of a compound interest rate fixed by the Council and the Bank in agreement with the Commission.

For periods of less than one month the calculation shall be made on the basis of simple interest.

2. The Bank shall make the calculation of current value referred to in paragraph 1 by reference to the following two schedules:

- (a) an estimated schedule for paying out and repaying the loan;
- (b) an estimated schedule for the amounts required to cover the interest rate subsidies when they fall due.

The Bank shall communicate to the Commission as soon as possible the schedules and the total amount of the interest rate subsidies at their current value on the date fixed for the signing of the loan contract.

Where the actual schedule for paying out the loan proves to differ appreciably from the estimated schedule, the amount of the subsidy on the interest paid to the Bank shall be recalculated.

Should the date fixed for the signing be changed the Bank shall revise the calculation of the current value and shall forthwith communicate to the Commission the total amount of the interest rate subsidies at their current value on the new date fixed for the signing together with the appropriate grounds therefor.

3. The up-dated total amount of the interest rate subsidy shall be paid to the Bank by the Commission on the date on which the loan contract is signed.

4. If all or part of an appropriation which has been opened is cancelled or all or part of a loan which has been made is repaid in advance the Bank shall pay back into the special account opened with the Bank in the name of the Community under Article 68 an amount corresponding to that part of the appropriation which has been cancelled or that part of the loan which has been repaid, plus the compound interest, up-dated at the same rate as that stipulated in paragraph 1, for the period between the date of payment of the up-dated total amount of the interest rate subsidies and the date of repayment. The latter date may not be more than 30 days after the complete or partial cancellation or advance repayment of the subsidized loan.

5. All payments provided for in this Article shall be expressed in EUA and movements of funds relating thereto shall be made in the currencies of the Member States on the basis of the composition of the EUA.

## SECTION VI

MANAGEMENT OF THE EXPORT EARNINGS  
STABILIZATION SYSTEM*Article 53*

1. For the calculation in EUA of the reference level and of the actual earnings referred to in Article 19 (1) and (2) respectively of the Convention and in the corresponding provisions of Decision 76/568/EEC, the exchange rates applicable shall be the average rates in force in the periods to which the amounts concerned refer.

2. For the purposes of payments relating to the transfers referred to in Article 19 (3) and (6) of the Convention and in the corresponding provisions of Decision 76/568/EEC, the conversion rates to be used between the EUA and the currency or currencies used for payment shall be those in force on the day preceding payment.

3. For the purposes of payments relating to the contributions towards the reconstitution of resources referred to in Article 21 (2) of the Convention and in the corresponding provisions of Decision 76/568/EEC, the conversion rates to be used between the EUA and the currency or currencies used for payment shall be those in force on the 10th day preceding payment.

*Article 54*

In the event of advance use of the following year's instalment, the advances referred to in Article 19 (6) of the Convention and in the corresponding provisions of Decision 76/568/EEC shall be reduced proportionately.

## SECTION VII

## EXECUTIVE AGENTS

## Chapter I

## The chief authorizing officer

*Article 55*

1. The chief authorizing officer of the EDF, referred to in Article 29 of Protocol 2, shall take all measures necessary for the implementation of the provisions of Chapter 8 of Protocol 2 and of the corresponding provisions of Decision 76/568/EEC.

2. The chief authorizing officer shall ensure, before the publication of an invitation to tender, that the documents relating to tenders do not contain any direct or indirect discriminatory provisions. He shall ensure that tenders are compared under equal conditions and in particular that the import duties or taxation of the recipient State, country or territory do not constitute an obstacle to participation in invitations to tender.

3. The chief authorizing officer may suspend the publication of a notice of invitation to tender where it is found that corrections must be made to the specifications or other replacement documents. To this end, he shall inform the relevant authorities of the recipient State, country or territory of his observations.

4. The chief authorizing officer shall ensure that when a contractor is designated and a contract is awarded Articles 18 and 20 of Protocol 2 are respected.

Where he deems it appropriate, the chief authorizing officer shall consult experts chosen for their technical competence and their independence *vis-à-vis* the firms concerned by the award of the contract.

*Article 56*

Under Article 33 (3) of Protocol 2 and the corresponding provisions of Decision 76/568/EEC

decisions to commit the additional funds required to cover any excess expenditure incurred under a project shall be taken:

- in accordance with the procedures laid down in Articles 19 and 20 of the Internal Agreement where the excess expenditure is higher than a ceiling of 15 % of the original commitment set out in the financing decision,
- by the chief authorizing officer of the EDF where the excess expenditure is equal to or lower than the 15 % ceiling.

## Chapter II

## The national authorizing officer

*Article 57*

In the performance of his duties, the national authorizing officer shall comply with the provisions of this Financial Regulation regarding commitment, clearance and authorization of expenditure.

*Article 58*

Where the chief authorizing officer of the EDF is aware of delays in the procedures relating to projects financed by the EDF he shall, in conjunction with the national authorizing officer, make all contacts necessary to remedy the situation.

If, for any reason whatsoever, services have been rendered but further delay in the clearance, authorization or payment entails difficulties likely to call into question the full performance of the contract, the chief authorizing officer may take all appropriate measures to resolve these difficulties, to remedy, where necessary, the financial consequences of the resultant situation and, more generally, to enable the project or projects to be completed under the best economic conditions. He shall inform the national authorizing officer of such measures as soon as possible. If payments are thus made directly by the Commission to the beneficiary of the contract the Community shall automatically acquire that beneficiary's rights as creditor *vis-à-vis* the national authorities.

## Chapter III

**The Commission delegate***Article 59*

During the performance of operations, the delegate shall verify on the spot and on the basis of records, that work carried out or services rendered tally with their descriptions as given in the financing agreements, contracts or estimates.

*Article 60*

The delegate shall comply with this Financial Regulation in the performance of his duties.

*Article 61*

In the event of failure to comply with this Financial Regulation, of misconduct or gross negligence in the performance of his duties, the delegate shall be answerable to the Commission.

## Chapter IV

**The paying agent***Article 62*

In the performance of his duties, the paying agent referred to in Article 32 of Protocol 2 shall comply with this Financial Regulation.

*Article 63*

In the event of failure to observe the provisions in force of misconduct or of gross negligence which entail financial loss for the Community, the paying agent shall be held financially responsible under the conditions and in accordance with the terms laid down in the contract binding him to the Commission.

## SECTION VIII

**PRESENTING AND AUDITING ACCOUNTS***Article 64*

1. The balance sheet and revenue and expenditure account, expressed in EUA, shall be adopted by the

Commission at the close of each financial year. Without prejudice to Article 31 (4) of the Internal Agreement, they shall be submitted no later than 31 March of the following financial year together with documentary evidence, for examination by the Audit Board.

2. The powers conferred upon the Audit Board shall be exercised by its members, who shall take collective action and assume collective responsibility.

The Audit Board may instruct one or more of its members to carry out certain tasks or certain audits. Any member or members so instructed may on his or their initiative seek assistance from officers of the board.

The tasks delegated to such officers must be specifically laid down and limited to the time necessary for their completion. The board itself or one of its members shall notify these tasks to the authorities with whom the relevant officers are to carry out their work.

*Article 65*

1. The audit carried out by the Audit Board shall be based on records and, if necessary, performed on the spot. It shall be concerned with operations and projects financed from EDF resources managed by the Commission and its purpose shall be to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner with regard to the provisions applicable, and that the financial management has been sound.

2. In the performance of its task the Audit Board may, under the conditions laid down in paragraph 4, consult all documents and information relating to the financial management of the departments subject to its inspection; it has the power to hear any official responsible for revenue and expenditure operations and to use any of the auditing procedures appropriate to those departments.

3. The Audit Board shall ensure that all securities and cash on deposit or in hand are checked against vouchers signed by the depositaries or against official memoranda of cash and securities held. The board may itself carry out such checks.

4. The Commission shall provide the Audit Board with all the facilities and information which the latter deems necessary for the performance of its task.

In particular, it shall place at the disposal of the Audit Board all documents concerning the conclusion of contracts and all accounts in cash or materials, all accounting records or supporting documents and the administrative documents pertaining thereto, as well as all documents relating to revenue and expenditure.

To this end, officials subject to audit by the Audit Board shall in particular:

- (a) make available for inspection their cash in hand, any other cash, securities and all types of assets, the supporting documents in respect of their management of the funds of which they are the depositaries and any books, registers and other documents relating thereto;
- (b) present the correspondence or any other document required for the full implementation of the audits.

The information referred to under (b) may be requested only by the Audit Board or by one of its members, and such request shall be in writing.

The Audit Board shall be empowered to audit the documents in respect of EDF revenue and expenditure which are held by the Commission's departments and, in particular, by the department responsible for decisions on such revenue and expenditure.

#### *Article 66*

1. Any comments which the Audit Board considers should appear in the annual report provided for in Article 206 of the Treaty shall be communicated to the Commission.

The Commission shall forward its replies to the Audit Board. The Audit Board shall attach to its report an assessment of the soundness of the financial management.

2. The Audit Board shall conclude its report on the accounts for the preceding financial year not later than 15 July.

The revenue and expenditure account, the balance sheet and the report of the Audit Board, together with the replies to the comments, shall be submitted by the Commission to the European Parliament and the Council not later than 31 October.

3. The European Parliament and the Council may request the Audit Board to forward, in addition to the annual report, reports or analyses in respect of specific problems relating to operations which have been closed.

The Audit Board may, on its own initiative, place similar reports or analyses before the European Parliament or the Council.

#### *Article 67*

1. Before 30 April of the following year the Commission shall be given a discharge in respect of the financial management of the EDF for the past year, in accordance with Article 31 (3) of the Internal Agreement.

2. The Commission shall take all appropriate steps to act on the comments appearing in the decision giving discharge. At the request of the European Parliament or the Council it shall report on the measures taken in the light of these comments and in particular on the instructions given to those of its departments which are responsible for the management of the EDF. This report shall also be forwarded to the Audit Board.

Subject to the second sentence of the preceding paragraph the Commission must, in an Annex to the revenue and expenditure account for the next financial year, give an account of the measures taken further to the comments appearing in the decision giving discharge.

3. The revenue and expenditure account and balance sheet for each financial year and the decision giving the discharge shall be published in the *Official Journal of the European Communities*.

### SECTION IX

#### GENERAL AND FINAL PROVISIONS

#### *Article 68*

The sums collected by the Bank either in the form of repayments, interest or charges in respect of special loans or in the form of products, revenue or repayments from risk capital operations shall be centralized in a special account opened with the Bank on behalf of the Community.

Repayments in respect of interest rate subsidies received shall also be centralized in this account.

#### *Article 69*

This Regulation shall be applicable for the same period as the Internal Agreement.

Done at Brussels, 27 July 1976.

*For the Council*

*The President*

M. van der STOEL

## COUNCIL DECISION

of 14 February 1977

adjusting the amounts made available to the European Development Fund (1975) for the ACP States on the one hand, and for the overseas countries and territories and the French overseas departments on the other

(77/156/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Internal Agreement on the financing and administration of Community aid<sup>(1)</sup> signed on 11 July 1975, hereinafter called the 'Internal Agreement', and in particular Article 1 (4) thereof,

Having regard to the proposal from the Commission,

Whereas the Republic of Surinam, the Republic of the Seychelles and the Comoro State, which are former overseas countries and territories associated with the Community by virtue of Decision 76/568/EEC, having become independent, requested to accede to the Convention of Lomé pursuant to Article 89 thereof; whereas the ACP-EEC Council of Ministers approved these requests at its first meeting; whereas these States deposited their instruments of accession with the General Secretariat of the Council and thus acceded to the ACP-EEC Convention of Lomé on 16 July, 27 August and 13 September 1976 respectively;

Whereas, therefore, in accordance with Article 1 (4) of the Internal Agreement, the amounts provided for the overseas countries and territories in Article 1 (3) (b) of the said Internal Agreement should be reduced and those provided for the ACP States in subparagraph (a) of that paragraph correspondingly increased,

HAS DECIDED AS FOLLOWS:

*Article 1*

The text of Article 1 (3) (a) and (b) of the Internal Agreement shall be replaced by the following text:

- (a) 3 031.60 million European units of account for the ACP States, comprising:
  - 2 124 million European units of account in the form of grants,
  - 436.60 million European units of account in the form of special loans,
  - 96 million European units of account in the form of risk capital,
  - 375 million European units of account in the form of transfers pursuant to Title II of the Convention;
- (b) 98.40 million European units of account for the countries and territories and the French overseas departments, comprising:
  - 45 million European units of account in the form of grants,
  - 34.40 million European units of account in the form of special loans,
  - 4 million European units of account in the form of risk capital,
  - 15 million European units of account in the form of a reserve.

*Article 2*

This Decision shall enter into force on 16 July 1976.

*Article 3*

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 14 February 1977.

*For the Council*

*The President*

J. SILKIN

<sup>(1)</sup> OJ No L 25, 30. 1. 1976, p. 168.

## COUNCIL DECISION

of 5 April 1977

giving a discharge to the Commission in respect of the implementation of the operations of the Development Fund for the overseas countries and territories (1st Fund) for the 1972 financial year

(77/314/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Implementing Convention on the association of the overseas countries and territories with the Community, annexed to the Treaty,

Having regard to Regulation No 5 laying down detailed provisions relating to the collection and transfer of financial contributions, the budgeting and administration of the resources of the Development Fund for the overseas countries and territories <sup>(1)</sup>, and in particular Article 16 thereof,

Having regard to Regulation No 6 relating to the responsibility of authorizing and accounting officers for the resources of the Development Fund for the overseas countries and territories <sup>(2)</sup>,

Having regard to the revenue and expenditure accounts, the statement and the summary of operations of the Development Fund for the overseas countries and territories (1st Fund) as at 31 December 1972,

Having regard to the report of the Audit Board on the accounts for the 1972 financial year, to which report are annexed the Commission's replies to the comments made by the Audit Board, and in particular the second part of that report, which deals with the Development Funds,

Having regard to the opinion of the European Parliament of 14 December 1976,

Recalling that, in accordance with the provisions applicable to the implementation of the Development Fund for the overseas countries and territories (1st Fund), only the Council, acting by a qualified majority, shall give a dis-

charge to the Commission in respect of the financial administration of the Fund;

Whereas an advance of 35 216 819.37 units of account has been paid to the European Development Fund (1963) (2nd EDF);

Whereas the overall implementation by the Commission of the 1972 operations of the first Development Fund during the 1972 financial year was such as to warrant its being given a discharge in respect of the implementation of those operations,

HAS DECIDED AS FOLLOWS:

*Article 1*

The position of the Council on comment 70 in the report of the Audit Board for the 1972 financial year is as set out in the Annex.

*Article 2*

The Council closes the revenue and expenditure accounts of the Development Fund for the overseas countries and territories (1st Fund) as at 31 December 1972 as follows:

**Revenue**

at the sum of 581 520 065.62 units of account;

**Expenditure (payments)**

at the sum of 546 303 246.25 units of account.

(1) OCT-FOD IV 1

(2) OCT-FOD IV 8

*Article 3*

Done at Luxembourg, 5 April 1977.

The Council hereby gives a discharge to the Commission in respect of the implementation of the operations of the Development Fund for the overseas countries and territories (1st Fund) for the 1972 financial year.

*For the Council*

*The President*

D. OWEN

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ANNEX

**The position of the Council on comment 70 of the Audit Board concerning the enforcement of the responsibilities assumed by the consultancy bureaux**

THE COUNCIL calls upon the Commission to continue its efforts to forestall and impose sanctions on the consequences, for the execution of projects, of the delays, shortcomings or omissions of certain studies.

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28. 4. 77

Official Journal of the European Communities

No L 105/39

## COUNCIL DECISION

of 5 April 1977

giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (2nd EDF) for the 1972 financial year

(77/315/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community <sup>(1)</sup>, signed at Yaoundé on 20 July 1963,

Having regard to Council Decision 64/349/EEC of 25 February 1964 relating to the association of the overseas countries and territories with the European Economic Community <sup>(2)</sup>,

Having regard to the Internal Agreement on the financing and administration of Community aid <sup>(3)</sup>, signed at Yaoundé on 20 July 1963, and in particular Article 17 thereof,

Having regard to Financial Regulation 64/356/EEC of the European Development Fund set up under the Internal Agreement on the financing and administration of Community aid <sup>(4)</sup>, and in particular Articles 7 and 8 thereof,

Having regard to the revenue and expenditure accounts, the statement and the summary of operations of the European Development Fund (1963) (2nd EDF) as at 31 December 1972,

Having regard to the report of the Audit Board on the accounts for the financial year 1972, to which report are annexed the Commission's replies to the comments made by the Audit Board,

Having regard to the opinion of the European Parliament of 14 December 1976,

Recalling that, in accordance with the provisions applicable to the implementation of the European Development Fund (1963) (2nd EDF), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Whereas revenue for the 1972 financial year consisted mainly of the contributions of the Member States, amounting to 697 895 134.28 units of account, and of miscellaneous revenue of the Fund; whereas, moreover, an advance of 35 216 819.37 units of account was granted from the resources of the Development Fund for the overseas countries and territories (1st Fund);

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1963) (2nd EDF) during the 1972 financial year was such as to warrant its being given a discharge in respect of the implementation of those operations,

HAS DECIDED AS FOLLOWS:

*Article 1*

The position of the Council on comments 80 and 81 in the report of the Audit Board for the 1972 financial year is as set out in the Annex.

*Article 2*

The Council closes the revenue and expenditure accounts of the European Development Fund (1963) (2nd EDF) as at 31 December 1972 as follows:

**Revenue**

at the sum of 701 448 955.20 units of account;

**Expenditure (payments)**

at the sum of 582 204 786.41 units of account.

<sup>(1)</sup> OJ No 93, 11. 6. 1964, p. 1431/64.

(2) OCT/EEC 1

<sup>(3)</sup> OJ No 93, 11. 6. 1964, p. 1493/64.

<sup>(4)</sup> OJ No 93, 11. 6. 1964, p. 1498/64.

*Article 3*

Done at Luxembourg, 5 April 1977.

The Council hereby gives a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (2nd EDF) for the 1972 financial year.

*For the Council*

*The President*

D. OWEN

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ANNEX

**Position of the Council on comments 80 and 81 of the Audit Board on price support operations**

THE COUNCIL calls upon the Commission to submit with all speed a comprehensive report on the management and operation of the fund for the support of oil products set up in 1971 and on any conclusions to be drawn for similar operations.

THE COUNCIL requests the Commission to take the necessary steps to pay the advance granted to the equalization fund of the OCAM Sugar Agreement.

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## COUNCIL DECISION

of 5 April 1977

giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (3rd EDF) for the 1972 financial year

(77/316/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community <sup>(1)</sup>, signed at Yaoundé on 29 July 1969,

Having regard to Council Decision 70/549/EEC of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community <sup>(2)</sup>,

Having regard to the Internal Agreement on the financing and administration of Community aid <sup>(3)</sup>, signed at Yaoundé on 29 July 1969, and in particular Article 22 thereof,

Having regard to Financial Regulation 71/68/EEC of the European Development Fund (1969) set up under the Internal Agreement on the financing and administration of Community aid <sup>(4)</sup>, and in particular Articles 7 and 8 thereof,

Having regard to the revenue and expenditure accounts, the statement and the summary of operations of the European Development Fund (1969) (3rd EDF) as at 31 December 1972,

Having regard to the report of the Audit Board on the accounts for the 1972 financial year, to which report are annexed the Commission's replies to the comments made by the Audit Board,

Having regard to the opinion of the European Parliament of 14 December 1976,

Recalling that, in accordance with the provisions applicable to the implementation of the European Development Fund (1969) (3rd EDF), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Whereas expenditure relating to the 1972 financial year was largely covered by an advance of 67 798 757.26 units of account from the resources of the European Development Fund (1963) (2nd EDF) and by miscellaneous revenue of the Fund;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1969) (3rd EDF) during the 1972 financial year was such as to warrant its being given a discharge in respect of the implementation of those operations,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Council closes the revenue and expenditure accounts of the European Development Fund (1969) (3rd EDF) as at 31 December 1972 as follows:

**Expenditure (payments)**

at the sum of 65 642 527.84 units of account.

*Article 2*

The Council hereby gives a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (3rd EDF) for the 1972 financial year.

Done at Luxembourg, 5 April 1977.

*For the Council*

*The President*

D. OWEN

<sup>(1)</sup> OJ No L 282, 28. 12. 1970, p. 2.

<sup>(2)</sup> OCT/EEC O 43

<sup>(3)</sup> OJ No L 282, 28. 12. 1970, p. 47.

<sup>(4)</sup> OJ No L 31, 8. 2. 1971, p. 1.

## COUNCIL DECISION

of 5 April 1977

**giving a discharge to the Commission in respect of the implementation of the operations of the Development Fund for the overseas countries and territories (1st Fund) for the 1973 financial year**

(77/317/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Implementing Convention on the association of the overseas countries and territories with the Community, annexed to the Treaty,

Having regard to Regulation No 5 laying down detailed provisions relating to the collection and transfer of financial contributions, the budgeting and administration of the resources of the Development Fund for the overseas countries and territories <sup>(1)</sup>, and in particular Article 16 thereof,

Having regard to Regulation No 6 relating to the responsibility of authorizing and accounting officers for the resources of the Development Fund for the overseas countries and territories <sup>(2)</sup>,

Having regard to the Council Decision of 30 May 1972 on the transfer and utilization of the unexpended balance of the Development Fund for the overseas countries and territories set up by the Implementing Convention annexed to the Treaty establishing the European Economic Community,

Having regard to the revenue and expenditure accounts, the statement and the summary of operations of the Development Fund for the overseas countries and territories (1st Fund) as at 31 December 1973 <sup>(3)</sup>,

Having regard to the report of the Audit Board on the accounts for the 1973 financial year, to which report are annexed the Commission's replies to the comments made by the Audit Board, and in particular the second part of this report, which deals with the Development Funds,

Having regard to the opinion of the European Parliament of 14 December 1976,

- (1) OCT-FOD/EEC IV 1  
(2) OCT-FOD/EEC IV 8

<sup>(3)</sup> OJ No C 148, 27. 11.1974, p. 15.

Recalling that, in accordance with the provisions applicable to the implementation of the Development Fund for the overseas countries and territories (1st Fund), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Whereas an advance of 25 331 479.75 units of account has been paid to the European Development Fund (1963) (2nd EDF);

Whereas the overall implementation by the Commission of the operations of the first Development Fund during the 1973 financial year was such as to warrant its being given a discharge in respect of the implementation of these operations,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Council closes the revenue and expenditure accounts of the Development Fund for the overseas countries and territories (1st Fund) as at 31 December 1973 as follows:

**Revenue**

at the sum of 581 520 065.62 units of account;

**Expenditure (payments)**

at the sum of 556 188 585.87 units of account.

*Article 2*

The Council hereby gives a discharge to the Commission in respect of the implementation of the operations of the Development Fund for the overseas countries and territories (1st Fund) for the 1973 financial year.

Done at Luxembourg, 5 April 1977.

*For the Council*

*The President*

D. OWEN

28. 4. 77

Official Journal of the European Communities

No L 105/43

## COUNCIL DECISION

of 5 April 1977

giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (2nd EDF) for the 1973 financial year

(77/318/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community<sup>(1)</sup>, signed at Yaoundé on 20 July 1963,

Having regard to Council Decision 64/349/EEC of 25 February 1964 relating to the association of the overseas countries and territories with the European Economic Community<sup>(2)</sup>,

Having regard to the Internal Agreement on the financing and administration of Community aid<sup>(3)</sup>, signed at Yaoundé on 20 July 1963, and in particular Article 17 thereof,

Having regard to Financial Regulation 64/356/EEC of the European Development Fund set up under the Internal Agreement on the financing and administration of Community aid<sup>(4)</sup>, and in particular Articles 7 and 8 thereof,

Having regard to the Council Decision of 30 May 1972 on the transfer and utilization of the unexpended balances of the Development Fund for the overseas countries and territories set up by the Implementing Convention annexed to the Treaty establishing the European Economic Community,

Having regard to the revenue and expenditure accounts, the statement and the summary of operations of the European Development Fund (1963) (2nd EDF) as at 31 December 1973<sup>(5)</sup>,

Having regard to the report of the Audit Board on the accounts for the financial year 1973, to which report are an-

nexed the Commission's replies to the comments made by the Audit Board,

Having regard to the opinion of the European Parliament of 14 December 1976,

Recalling that, in accordance with the provisions applicable to the implementation of the European Development Fund (1963) (2nd EDF), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Whereas revenue for the 1973 financial year consisted mainly of the contributions of the Member States, amounting to 724 534 024.54 units of account, and of miscellaneous revenue of the Fund; whereas, moreover, an advance of 25 331 472.75 units of account was granted from the resources of the Development Fund for the overseas countries and territories (1st Fund);

Whereas, pursuant to the abovementioned Council Decision of 30 May 1972, the amount 9 015 638.83 units of account was transferred as the unexpended balance from the first Fund to the second EDF;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1963) (2nd EDF) during the 1973 financial year was such as to warrant its being given a discharge in respect of the implementation of those operations,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Council closes the revenue and expenditure accounts of the European Development Fund (1963) (2nd EDF) as at 31 December 1973 as follows:

**Revenue**

at the sum of 728 005 544.61 units of account;

**Expenditure (payments)**

at the sum of 631 666 809.15 units of account.

<sup>(1)</sup> OJ No 93, 11. 6. 1964, p. 1431/64.

(2) OCT/EEC 0 1

<sup>(3)</sup> OJ No 93, 11. 6. 1964, p. 1493/64.

<sup>(4)</sup> OJ No 93, 11. 6. 1964, p. 1498/64.

<sup>(5)</sup> OJ No C 148, 27. 11. 1974, p. 15.

*Article 2*

Done at Luxembourg, 5 April 1977.

The Council hereby gives a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (2nd EDF) for the 1973 financial year.

*For the Council*

*The President*

D. OWEN

28. 4. 77

Official Journal of the European Communities

No L 105/45

## COUNCIL DECISION

of 5 April 1977

giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (3rd EDF) for the 1973 financial year

(77/319/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community<sup>(1)</sup>, signed at Yaoundé on 29 July 1969,

Having regard to Council Decision 70/549/EEC of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community<sup>(2)</sup>,

Having regard to the Internal Agreement on the financing and administration of Community aid<sup>(3)</sup>, signed at Yaoundé on 29 July 1969, and in particular Article 22 thereof,

Having regard to Financial Regulation 71/68/EEC of the European Development Fund (1969) set up under the Internal Agreement on the financing and administration of Community aid<sup>(4)</sup>, and in particular Articles 7 and 8 thereof,

Having regard to the revenue and expenditure accounts, the statement and the summary of operations of the European Development Fund (1969) (3rd EDF) as at 31 December 1973<sup>(5)</sup>,

Having regard to the report of the Audit Board on the accounts for the financial year 1973, to which report are annexed the Commission's replies to the comments made by the Audit Board,

Having regard to the opinion of the European Parliament of 14 December 1976,

Recalling that, in accordance with the provisions applicable to the implementation of the European Development Fund (1969) (3rd EDF), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Whereas revenue for the 1973 financial year consisted mainly of the contributions of the Member States, amounting to 126 391 146.75 units of account, and of miscellaneous revenue of the Fund; whereas, moreover, an advance of 44 474 776.19 units of account was granted from the resources of the European Development Fund (1963) (2nd EDF);

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1969) (3rd EDF) during the 1973 financial year was such as to warrant its being given a discharge in respect of the implementation of those operations,

HAS DECIDED AS FOLLOWS:

*Article 1*

The position of the Council on comment 140 in the report of the Audit Board for the 1973 financial year is as set out in the Annex.

*Article 2*

The Council closes the revenue and expenditure accounts of the European Development Fund (1969) (3rd EDF) as at 31 December 1973 as follows:

**Revenue**

at the sum of 171 489 793.54 units of account;

**Expenditure (payments)**

at the sum of 163 789 469.33 units of account.

(1) OJ No L 282, 28. 12. 1970, p. 2.

(2) OCT/EEC O 43

(3) OJ No L 282, 28. 12. 1970, p. 47.

(4) OJ No L 31, 8. 2. 1971, p. 1.

(5) OJ No C 148, 27. 11. 1974, p. 15.

*Article 3*

Done at Luxembourg, 5 April 1977.

The Council hereby gives a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (3rd EDF) for the 1973 financial year.

*For the Council*

*The President*

D. OWEN

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ANNEX

**Position of the Council on comment 140 of the Audit Board on resident and technical supervision**

THE COUNCIL calls upon the Commission to ensure the progressive absorption of EAC officials on special contracts into the established staff of the Commission.

It notes that the Commission does not intend to replace EAC employees absorbed in this way by issuing further special contracts.

On this occasion, the Council calls upon the Commission to submit to it, as soon as possible, a full report on its delegation staff policy in the framework of contractual relations with the ACP States and the Mediterranean countries.

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## COUNCIL DECISION

of 5 April 1977

giving a discharge to the Commission in respect of the implementation of the operations of the Development Fund for the overseas countries and territories (1st Fund) for the 1974 financial year

(77/320/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Implementing Convention on the association of the overseas countries and territories with the Community, annexed to the Treaty,

Having regard to Regulation No 5 laying down detailed provisions relating to the collection and transfer of financial contributions, the budgeting and administration of the resources of the Development Fund for the overseas countries and territories<sup>(1)</sup>, and in particular Article 16 thereof,

Having regard to Regulation No 6 relating to the responsibility of authorizing and accounting officers for the resources of the Development Fund for the overseas countries and territories<sup>(2)</sup>,

Having regard to the Council Decision of 30 May 1972 on the transfer and utilization of the unexpended balances of the Development Fund for the overseas countries and territories set up by the Implementing Convention annexed to the Treaty establishing the European Economic Community,

Having regard to the revenue and expenditure accounts, the statement and the summary of operations of the Development Fund for the overseas countries and territories (1st Fund) as at 31 December 1974<sup>(3)</sup>,

Having regard to the report of the Audit Board on the accounts for the 1974 financial year, to which report are annexed the Commission's replies to the comments made by the Audit Board, and in particular the second part of this report, which deals with the Development Funds,

Having regard to the opinion of the European Parliament of 14 December 1976,

Recalling that, in accordance with the provisions applicable to the implementation of the Development Fund for the overseas countries and territories (1st Fund), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Whereas an advance of 19 543 038 39 units of account has been paid to the European Development Fund (1963) (2nd EDF);

Whereas the overall implementation by the Commission of the operations of the first Development Fund during the 1974 financial year was such as to warrant its being given a discharge in respect of the implementation of those operations,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Council closes the revenue and expenditure accounts of the Development Fund for the overseas countries and territories (1st Fund) as at 31 December 1974 as follows:

**Revenue**

at the sum of 581 250 000·00 units of account;

**Expenditure (payments)**

at the sum of 561 706 961·61 units of account.

*Article 2*

The Council hereby gives a discharge to the Commission in respect of the implementation of the operations of the Development Fund for the overseas countries and territories (1st Fund) for the 1974 financial year.

Done at Luxembourg, 5 April 1977.

*For the Council*

*The President*

D. OWEN

(1) OCT-FOD/EEC IV 1  
(2) OCT-FOD/EEC IV 8

(3) OJ No C 73, 29. 3. 1976, p. 36.

## COUNCIL DECISION

of 5 April 1977

giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (2nd EDF) for the 1974 financial year

(77/321/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community<sup>(1)</sup>, signed at Yaoundé on 20 July 1963,

Having regard to Council Decision 64/349/EEC of 25 February 1964 relating to the association of the overseas countries and territories with the European Economic Community<sup>(2)</sup>,

Having regard to the Internal Agreement on the financing and administration of Community aid<sup>(3)</sup>, signed at Yaoundé on 20 July 1963, and in particular Article 17 thereof,

Having regard to Financial Regulation 64/356/EEC of the European Development Fund set up under the Internal Agreement on the financing and administration of Community aid<sup>(4)</sup>, and in particular Articles 7 and 8 thereof,

Having regard to the Council Decision of 30 May 1972 on the transfer and utilization of the unexpended balances of the Development Fund for the overseas countries and territories set up by the Implementing Convention annexed to the Treaty establishing the European Economic Community,

Having regard to the revenue and expenditure accounts, the statement and the summary of operations of the European Development Fund (1963) (2nd EDF) as at 31 December 1974<sup>(5)</sup>,

Having regard to the report of the Audit Board on the accounts for the financial year 1974, to which report are an-

nexed the Commission's replies to the comments made by the Audit Board,

Having regard to the opinion of the European Parliament of 14 December 1976,

Recalling that, in accordance with the provisions applicable to the implementation of the European Development Fund (1963) (2nd EDF), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Whereas revenue for the 1974 financial year consisted mainly of the contributions of the Member States, amounting to 724 534 024.54 units of account, and of miscellaneous revenue of the Fund; whereas, moreover, an advance of 19 543 038.39 units of account was granted from the resources of the Development Fund for the overseas countries and territories (1st Fund);

Whereas pursuant to the abovementioned Council Decision of 30 May 1972 an amount of 9 963 387.32 units of account was transferred as the unexpended balance from the first Fund to the second European Development Fund;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1963) (2nd EDF) during the 1974 financial year was such as to warrant its being given a discharge in respect of the implementation of these operations;

HAS DECIDED AS FOLLOWS:

*Article 1*

The Council closes the revenue and expenditure accounts of the European Development Fund (1963) (2nd EDF) as at 31 December 1974 as follows:

**Revenue**

at the sum of 726 275 610.23 units of account;

**Expenditure (payments)**

at the sum of 657 536 594.00 units of account.

<sup>(1)</sup> OJ No 93, 11. 6. 1964, p. 1431/64.

(2) OCT/EEC 0 1

<sup>(3)</sup> OJ No 93, 11. 6. 1964, p. 1493/64.

<sup>(4)</sup> OJ No 93, 11. 6. 1964, p. 1498/64.

<sup>(5)</sup> OJ No C 73, 29. 3. 1976, p. 36.

*Article 2*

Done at Luxembourg, 5 April 1977.

The Council hereby gives a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (2nd EDF) for the 1974 financial year.

*For the Council*

*The President*

D. OWEN

## COUNCIL DECISION

of 5 April 1977

giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (3rd EDF) for the 1974 financial year

(77/322/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community <sup>(1)</sup>, signed at Yaoundé on 29 July 1969,

Having regard to Council Decision 70/549/EEC of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community <sup>(2)</sup>,

Having regard to the Internal Agreement on the financing and administration of Community aid <sup>(3)</sup>, signed at Yaoundé on 29 July 1969, and in particular Article 22 thereof,

Having regard to Financial Regulation 71/68/EEC of the European Development Fund (1969) set up under the Internal Agreement on the financing and administration of Community aid <sup>(4)</sup>, and in particular Articles 7 and 8 thereof,

Having regard to the revenue and expenditure accounts, the statement and the summary of operations of the European Development Fund (1969) (3rd EDF) as at 31 December 1974 <sup>(5)</sup>,

Having regard to the report of the Audit Board on the accounts for the 1974 financial year, to which report are annexed the Commission's replies to the comments made by the Audit Board,

Having regard to the opinion of the European Parliament of 14 December 1976,

Recalling that, in accordance with the provisions applicable to the implementation of the European Development Fund (1969) (3rd EDF), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Whereas revenue for the 1974 financial year consisted mainly of the contributions of the Member States, amounting to 268 301 701.61 units of account, and of miscellaneous revenue of the Fund; whereas, moreover, an advance of 89 965 223.06 units of account was granted from the resources of the previous Funds;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1969) (3rd EDF) during the 1974 financial year was such as to warrant its being given a discharge in respect of the implementation of those operations,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Council closes the revenue and expenditure accounts of the European Development Fund (1969) (3rd EDF) as at 31 December 1974 as follows:

**Revenue**

at the sum of 360 641 648.63 units of account;

**Expenditure (payments)**

at the sum of 304 425 111.35 units of account.

*Article 2*

The Council hereby gives a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (3rd EDF) for the 1974 financial year.

Done at Luxembourg, 5 April 1977.

*For the Council**The President*

D. OWEN

<sup>(1)</sup> OJ No L 282, 28. 12. 1970, p. 2.

(2) OCT/EEC 0 43

<sup>(3)</sup> OJ No L 282, 28. 12. 1970, p. 47.<sup>(4)</sup> OJ No L 31, 8. 2. 1971, p. 1.<sup>(5)</sup> OJ No C 73, 29. 3. 1976, p. 36.

## Table

1

Subject	Pages in the Collected Acts
<p>76/343/EEC:</p> <p>Council Decision of 31 March 1976 on the interim measures applicable to the overseas countries and territories associated with the European Economic Community in matters of establishment, services, payments and capital movements .....</p>	<p>1 - 3</p>

**COUNCIL DECISION****of 31 March 1976****on the interim measures applicable to the overseas countries and territories associated with the European Economic Community in matters of establishment, services, payments and capital movements****(76/343/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Whereas the ACP-EEC Convention of Lomé between the African, Caribbean and Pacific States and the European Economic Community enters into force on 1 April 1976 and will incorporate provisions relating to establishment, services, payments and capital movements;

Whereas a Council Decision on the association of the overseas countries and territories to the European Economic Community is envisaged and will include provisions relating to the same areas;

Whereas interim arrangements in matters of establishment, services, payments and capital movements applicable in relations with the overseas countries and territories associated with the European Economic Community, hereinafter called 'the countries and territories', should be laid down, due regard being paid to those laid down for the relations with the ACP States;

Whereas a provision should be laid down to the effect that this Decision will cease to apply as soon

as the proposed Decision on the association of the overseas countries and territories enters into force,

HAS DECIDED AS FOLLOWS:

*Article 1*

As regards the arrangements that may be applied in matters of establishment and provision of services, the relevant authorities of the countries and territories listed in the Annex shall treat nationals and companies or firms of Member States on a non-discriminatory basis.

However, if, for a given activity, a Member State is unable to provide similar benefits to nationals or companies or firms of the French Republic, the Kingdom of the Netherlands or the United Kingdom of Great Britain and Northern Ireland, established in a country or territory, or to companies or firms subject to the laws of the country or territory concerned and established therein, the relevant authorities of that country or territory shall not be bound to respect the obligation contained in the first paragraph.

*Article 2*

For the purposes of this Decision, 'companies or firms' means companies or firms constituted under

civil or commercial law, including cooperative societies and other legal persons governed by public or private law, save for those which are non-profit-making.

For the purposes of the first paragraph of Article 1, 'companies or firms of Member States' means companies or firms formed in accordance with the law of a Member State and whose registered office, central administration or principal place of business is in a Member State; however, a company or firm having only its registered office in a Member State must, in order to set up agencies, branches or subsidiaries therein, be engaged in an activity which has an effective and continuous link with the economy of that Member State.

For the purposes of the second paragraph of Article 1, 'companies or firms of the French Republic, the Kingdom of the Netherlands or the United Kingdom of Great Britain and Northern Ireland, established in a country or territory' means companies or firms formed in accordance with French, Dutch or United Kingdom law, as the case may be, and whose registered office, central administration or principal place of business is in that country or territory; however, a company or firm having only its registered office in a country or territory must, in order to set up agencies, branches or subsidiaries therein, be engaged in an activity which has an effective and continuous link with the economy of that country or territory.

For the purposes of the second paragraph of Article 1, 'companies or firms subject to the laws of the country or territory concerned and established therein' means companies or firms formed under the law of a given country or territory and whose registered office, central administration or principal place of business is in that country or territory; however, a company or firm having only its registered office in that country or territory must, in order to set up agencies, branches or subsidiaries therein, be engaged in an activity which has an effective and continuous link with the economy of that country or territory.

### Article 3

With regard to capital movements linked with investments and to current payments, the relevant authorities of the countries and territories and the Member States shall refrain from taking action in the field of foreign exchange transactions which would be incompatible with their obligations resulting from the application of the provisions of Council Regulation

(EEC) No 1957/75 relating to trade in goods, and of the provisions of this Decision relating to services and establishment.

These obligations shall not however prevent implementation of the necessary protective measures, in conformity with Article 4, should this be justified by reasons relating to serious economic difficulties or severe balance of payments problems.

### Article 4

In respect of foreign exchange transactions linked with investments and current payments, the relevant authorities of the countries and territories on the one hand and the Member States on the other shall avoid, as far as possible, taking discriminatory measures *vis-à-vis* each other or according more favourable treatment to third States, taking full account of the evolving nature of the international monetary system, the existence of specific monetary arrangements and balance of payments problems.

To the extent that such measures or treatment are unavoidable they will be maintained or introduced in accordance with international monetary rules and every effort will be made to minimize any adverse effects on the parties concerned.

### Article 5

This Decision shall enter into force on 1 April 1976.

### Article 6

This Decision shall apply until the proposed Decision on the association of the overseas countries and territories enters into force and until 31 July 1976 at the latest.

### Article 7

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 31 March 1976.

For the Council  
The President  
G. THORN

## ANNEX

## List of the countries and territories referred to in Article 1

(This list does not prejudice the status of these countries and territories now or in the future)

1. Overseas countries of the Kingdom of the Netherlands:
    - the Netherlands Antilles (Aruba, Bonaire, Curaçao, St Martin, Saba, St Eustatius).
  2. Overseas territories of the French Republic:
    - Saint Pierre and Miquelon,
    - Mayotte,
    - Territory of the Afars and Issas,
    - New Caledonia and Dependencies,
    - Wallis and Futuna Islands,
    - French Polynesia,
    - French Southern and Antarctic Territories.
  3. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland:
    - Belize,
    - Brunei,
    - Associated States in the Caribbean (Antigua, Dominica, St Lucia, St Vincent, St Kitts, Nevis and Anguilla),
    - Cayman Islands,
    - Falkland Islands and Dependencies,
    - Gilbert Islands,
    - Solomon Islands,
    - Turks and Caicos Islands,
    - British Virgin Islands,
    - Montserrat,
    - Pitcairn,
    - St Helena and Dependencies,
    - Seychelles,
    - British Antarctic Territory,
    - British Indian Ocean Territory,
    - Tuvalu.
  4. Anglo-French Condominium of the New Hebrides.
  5. Countries provisionally covered by this Decision:
    - The Comoros,
    - Surinam.
-

French overseas departments

Subdivision :

- 0 - General - Blank
- I - (not applicable) - Blank
- II - Trade
- III - Financial and technical co-operation
- IV - Establishment, payments and capital movements - Blank
- V - Freedom of movement for workers



## Table

2

Subject	Pages in the Collected Acts
Regulation (EEC) No 239/73 of the Council of 31 January 1973 on the marketing <b>price</b> for sugar imported into the United Kingdom under the terms of the Commonwealth Sugar Agreement and on measures to assist the marketing of sugars produced in the French overseas departments . . . . .	13 - 14
74/15/EEC :	
Commission Decision of 19 October 1973 authorizing the French Republic to exclude from the implementation of Council Regulation (EEC) No 2810/73 the products referred to in the said Regulation, imported into the Department of Réunion . . . . .	15
Regulation (EEC) No 2624/75 of the Council of 13 October 1975 fixing the amounts applicable to raw cane sugar from the French overseas departments and the differential charge on raw preferential sugar . . . . .	16
Regulation (EEC) No 2821/75 of the Commission of 30 October 1975 laying down certain detailed rules for granting the amount provided for the refining of raw sugar produced in the French overseas departments . . . . .	17 - 18
Council Regulation (EEC) No 1488/76 of 22 June 1976 laying down provisions for the introduction of a system of minimum stocks in the sugar sector	18 A - 18 B
Council Regulation (EEC) No 1490/76 of 22 June 1976 fixing, for the 1976/77 sugar marketing year, the differential charge to be levied on raw preferential sugar and the differential amount to be granted in respect of raw cane sugar from the French overseas departments . . . . .	19 - 20
Council Regulation (EEC) No 1491/76 of 22 June 1976 laying down, for the 1976/77 sugar marketing year, measures to facilitate the disposal of sugar produced in the French overseas departments . . . . .	21
Commission Regulation (EEC) No 1764/76 of 22 July 1976 laying down certain detailed rules for granting the differential amount and the subsidy provided for the refinery of raw sugar produced in the French overseas departments . . . . .	22 - 23
Council Regulation (EEC) No 1014/77 of 16 May 1977 laying down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200-mile zone off the coast of the French department of Guyana . . . . .	24 - 25

## REGULATION (EEC) No 239/73 OF THE COUNCIL

of 31 January 1973

on the marketing price for sugar imported into the United Kingdom under the terms of the Commonwealth Sugar Agreement and on measures to assist the marketing of sugars produced in the French overseas departments

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty concerning the Accession of the new Member States to the European Economic Community and to the European Atomic Energy Community and in particular paragraph 5 of Protocol No 17 annexed to the Act<sup>(1)</sup> appended to that Treaty;

Having regard to Council Regulation No 1009/67/EEC<sup>(2)</sup> of 18 December 1967 on the common organization of the market in sugar, as last amended by the Act and in particular Article 9 (7) first indent thereof;

Having regard to the proposal from the Commission;

Whereas Protocol No 17 annexed to the above-mentioned Act authorizes the United Kingdom to import, under special conditions, certain quantities of sugar from the exporting countries and territories referred to in the Commonwealth Sugar Agreement;

Whereas paragraph 3 of the said protocol provides that the price at which the sugar in question is marketed in the United Kingdom shall be fixed at a level such as to allow the quantities in question effectively to be marketed without prejudicing the marketing of Community sugar; whereas these quantities refer to raw cane sugar;

Whereas Article 9 (5) of Regulation No 1009/67/EEC provides for suitable measures to be taken if difficulties are encountered in the marketing of sugar produced in the French overseas departments; whereas when the common organization of the market in sugar was first applied such difficulties in marketing were accounted for by Council Regula-

tion (EEC) No 911/69<sup>(3)</sup> of 13 May 1969 on measures to assist the marketing of sugar produced in the French overseas departments by which France was authorized to grant national aid for the refining of such sugar; whereas that French national aid should be replaced from now on by Community aid applicable in the Community as originally constituted;

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The marketing price of sugar imported into the United Kingdom pursuant to Protocol No 17 of the Act shall be fixed per 100 kilogrammes of raw cane sugar:

- (a) at 14.88 units of account for the period from 1 February 1973 to 30 June 1973;
- (b) at 15.78 units of account for the period from 1 July 1973 to 30 June 1974;
- (c) at 16.68 units of account for the period from 1 July 1974 to 28 February 1975.

2. This marketing price shall apply to raw sugar of the standard quality, in bulk, cif, free out, United Kingdom ports.

*Article 2*

During the period from 1 February 1973 to 28 February 1975 a subsidy shall be granted to any refiner who processes, within the framework of the maximum quota, raw sugar produced in the French overseas departments and in an undertaking belonging to him situated in one of the Member States of the Community as originally constituted.

<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(2)</sup> OJ No 308, 18. 12. 1967, p. 1.

<sup>(3)</sup> OJ No L 118, 17. 5. 1969, p. 1.

*Article 3*

The subsidy referred to in Article 2 per 100 kilogrammes of white sugar produced from the raw sugar referred to in the said Article shall be equal to:

- (a) 0.93 units of account during the period from 1 February 1973 to 30 June 1973;
- (b) 0.68 units of account for the 1973/74 sugar marketing year;

- (c) 0.43 units of account during the period from 1 July 1974 to 28 February 1975.

*Article 4*

Regulation (EEC) No 911/69 shall be repealed.

*Article 5*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

**Done at Brussels, 31 January 1973.**

*For the Council*

*The President*

A. LAVENS

**COMMISSION DECISION**

of 19 October 1973

authorizing the French Republic to exclude from the implementation of Council Regulation (EEC) No 2810/73 the products referred to in the said Regulation, imported into the Department of Réunion

(Only the French text is authentic)

(74/15/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Internal Agreement of 29 July 1969<sup>(1)</sup> on the measures to be taken and the procedures to be followed to implement the Convention of Association between the European Economic Community and the African and Malgasy States associated with that Community, in particular Article 5 (1) ;

Whereas Council Regulation (EEC) No 2810/73<sup>(2)</sup> of 15 October 1973 on the implementation of Decision No 46/73 of the Association Council set up by the Convention of Association between the European Economic Community and the African and Malgasy States associated with that Community, authorizes a derogation for 1973 and 1974 from the definition of the concept of originating products to take account of the special situation of Mauritius in regard to certain industrial textile products ;

Whereas importation of these textile products into the Department of Réunion in implementation of Regulation (EEC) No 2810/73 could cause difficulties by a change in the economic situation, in particular hindering the industrialization of this Island ;

Whereas Article 16 (2) of the Convention of Association between the European Economic Community

and the African and Malgasy States associated with that Community provides that Member States could be authorized to take protective measures in respect of certain products,

HAS ADOPTED THIS DECISION :

*Article 1*

The French Republic shall be authorized to exclude from the implementation of Council Regulation (EEC) No 2810/73 products referred to in that Regulation imported into the Department of Réunion.

*Article 2*

This Decision shall apply as from 1 July 1973.

*Article 3*

This Decision is addressed to the French Republic.

Done at Brussels, 19 October 1973.

*For the Commission*

*The President*

François-Xavier ORTOLI

<sup>(1)</sup> OJ No L 282, 28. 12. 1970, p. 44.

<sup>(2)</sup> OJ No L 290, 17. 10. 1973, p. 3.

**REGULATION (EEC) No 2624/75 OF THE COUNCIL  
of 13 October 1975**

**fixing the amounts applicable to raw cane sugar from the French overseas departments and the differential charge on raw preferential sugar**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 3330/74<sup>(1)</sup> of 19 December 1974 on the common organization of the market in sugar, as amended by Regulation (EEC) No 2623/75<sup>(2)</sup>, and in particular Articles 9 (5) and 47 thereof ;

Having regard to the proposal from the Commission ;

Whereas in application of Article 9 (3) third subparagraph of Regulation (EEC) No 3330/74 for the period from 1 March 1975 to 30 June 1976 an amount may be granted for the raw sugar produced in the French overseas departments within the maximum quota and refined either in a refinery or in some other production unit situated in the Community ; whereas, with a view to establishing the level of this amount, it is appropriate to take into account, for a first part of the said period, the last amount of the subsidy granted on this sugar when refined before 1 March 1975 and, for the remainder of the period, the amount of the differential charge fixed for raw preferential sugar by this Regulation ;

Whereas it is necessary to fix the differential charge having regard to the prices fixed for the sugar marketing year 1975/76 and to the refining margins taken into account in the determination of those prices ; whereas, having regard to traditional patterns of trade, it is appropriate to provide that in the application of paragraph 2 (b) of Article 46 of Regulation (EEC) No 3330/74 the charge shall not apply to a

certain quantity of raw preferential sugar refined in Ireland,

HAS ADOPTED THIS REGULATION :

*Article 1*

The amount referred to in the third subparagraph of Article 9 (3) of Regulation (EEC) No 3330/74 shall be, per 100 kilogrammes of sugar expressed as white sugar :

- 1.07 unit of account for the period from 1 March 1975 to 30 June 1975,
- 1.20 unit of account for the period from 1 July 1975 to 30 June 1976.

*Article 2*

For the period from 1 November 1975 to 30 June 1976 the differential charge referred to in Article 46 of Regulation (EEC) No 3330/74 shall be fixed at 1.20 unit of account per 100 kilogrammes of sugar expressed as white sugar by reference to a raw sugar yield calculated by doubling the degree of polarization of this sugar and deducting 100 therefrom. Nevertheless, this charge shall not apply to raw preferential sugar refined during this period in Ireland up to a maximum quantity of 30 000 metric tons of sugar expressed as white sugar.

*Article 3*

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 13 October 1975.

*For the Council*

*The President*

G. MARCORA

<sup>(1)</sup> OJ No L 359, 31. 12. 1974, p. 1

<sup>(2)</sup> OJ No L 268, 17.10.1975

**REGULATION (EEC) No 2821/75 OF THE COMMISSION**  
of 30 October 1975

laying down certain detailed rules for granting the amount provided for the refining of raw sugar produced in the French overseas departments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 3330/74<sup>(1)</sup> of 19 December 1974 on the common organization of the market in sugar, as amended by Regulation (EEC) No 2623/75<sup>(2)</sup>, and in particular Articles 9 (6) and 34 thereof;

Whereas the third subparagraph of Article 9 (3) of Regulation (EEC) No 3330/74 provides that for the period 1 March 1975 to 30 June 1976 an amount may be granted for the raw sugar produced in the French overseas departments within the maximum quota and refined either in a refinery or in some other production unit situated in the Community; whereas by Council Regulation (EEC) No 2624/75 of 13 October 1975 fixing the amounts applicable to raw sugar from the French overseas departments and the differential charge on raw preferential sugar, this amount has been fixed per 100 kilogrammes of white sugar at 1.07 units of account for the period from 1 March to 30 June 1975 and at 1.20 units of account for the period 1 July 1975 to 30 June 1976; whereas in order to grant these amounts it is necessary to convert the amounts applicable to raw sugar and to provide appropriate measures for conversion and control; whereas in order to provide up-to-date knowledge of the quantities of refined sugar in question, provision should be made for periodic communications thereof;

Whereas because of the retrospective granting of the said amounts, special provisions should be made to cover the sugar in question refined in the Community during the period 1 March to 31 October 1975;

Whereas the present Regulation laying down the relevant detailed rules, Commission Regulation (EEC) No 689/73<sup>(3)</sup> of 9 March 1973 laying down certain detailed rules necessary for the application of the subsidy provided for the refining of raw sugar

produced in the French overseas departments, as amended by Regulation (EEC) No 2880/74<sup>(4)</sup>, should be repealed;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The amounts referred to in Article 1 of Regulation (EEC) No 2624/75, converted into amounts per 100 kilogrammes of standard quality raw sugar, are:

- (a) 0.984 unit of account for raw sugar refined during the period 1 March to 30 June 1975;
- (b) 1.104 units of account for raw sugar refined during the period 1 July 1975 to 30 June 1976.

2. For raw sugar of a quality other than the standard quality the amounts referred to in paragraph 1 shall be adjusted by a conversion factor. This conversion factor shall be equal to the yield of such raw sugar, divided by 92. The yield shall be calculated in accordance with Article 1 of Council Regulation (EEC) No 431/68<sup>(5)</sup> of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar.

*Article 2*

On application by the person concerned, which shall be submitted before the sugar is refined, the amounts referred to in Article 1 shall be paid by the Member State in whose territory the raw sugar is refined. The applicant must prove that the raw sugar in question was produced in the French overseas departments. The Member State concerned shall put this sugar under customs control, or under an administrative control offering equivalent guarantees.

<sup>(1)</sup> OJ No L 359, 31. 12. 1974, p. 1.

<sup>(2)</sup> OJ No L 268, 17. 10. 1975, p. 1.

**(3) FOD/EEC III 1**

**(4) FOD/EEC III 3**

<sup>(5)</sup> OJ No L 89, 10. 4. 1968, p. 3.

*Article 3*

The Member State referred to in Article 2 shall inform the Commission each month, within the two months following the month in question, of the quantities in respect of which the amount referred to in Article 1 has been granted. For the purpose of such communications the quantities shall be converted into quantities of standard quality raw sugar.

*Article 4*

By way of derogation from Article 2, the amounts provided for in Article 1 in respect of those quantities

of raw cane sugar which a Member State declares to have been produced in the French overseas departments and refined in its territory during the period 1 March to 31 October 1975, shall be paid by such Member State.

*Article 5*

Regulation (EEC) No 689/73 is hereby repealed.

*Article 6*

This Regulation shall enter into force on 1 November 1975.

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

Done at Brussels, 30 October 1975.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

## COUNCIL REGULATION (EEC) No 1488/76

of 22 June 1976

## laying down provisions for the introduction of a system of minimum stocks in the sugar sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar (1), as last amended by Regulation (EEC) No 1487/76, and in particular Article 18 (3) thereof,

Having regard to the proposal from the Commission,

Whereas in view of the aims of the common agricultural policy, in particular the stabilization of markets, the maintenance of reasonable prices for the supplies to consumers and the safeguarding of normal supplies for the entire Community and each of its regions, Article 18 of Regulation (EEC) No 3330/74 provides for the establishment of a system of minimum stocks; whereas the said Article lays down that the minimum stock shall in principle be equal to 10% of the basic quota for each undertaking or to 10% of an undertaking's production where its production is smaller than its basic quota; whereas as regards preferential sugar, the said Article provides that the minimum stock must in principle be equal to 10% of the quantity of preferential sugar refined by an undertaking during a period to be determined, whereas, therefore, the stock must be held under certain conditions by the manufacturer and the refiner of the sugar in question; whereas it is necessary to apply this system in such a way as to take account of the existing structures in the sugar sector; whereas the criteria for proper utilization of the minimum stock need to be laid down;

Whereas in order to ensure effective administration of this system, provision should be made for the adoption of implementing provisions in accordance with the procedure laid down in Article 36 of Regulation (EEC) No 3330/74,

HAS ADOPTED THIS REGULATION:

*Article 1*

Without prejudice to the other provisions of this Regulation and in so far as the goods concerned are those

(1) OJ No L 359, 31. 12. 1974, p. 1

to which Article 8 of Regulation (EEC) No 3330/74 applies

- (a) each sugar manufacturer shall, each month of the calendar year, hold in stock a quantity of sugar which may not be less than 10% of his actual production, within the limits of the basic quota of his undertaking, during the 12 months immediately preceding the month in question,
- (b) each refiner of preferential sugar shall, each month of the calendar year, hold in stock a quantity of sugar which may not be less than 10% of the preferential sugar refined in his undertaking during the 12 months immediately preceding the month in question

*Article 2*

Without prejudice to Article 3 the minimum stock may only be the property of the manufacturer or refiner in question and must be unencumbered by any commitments that might impede the aims of Article 18 of Regulation (EEC) No 3330/74

*Article 3*

Raw sugar or syrups produced prior to the crystallizing stage by an undertaking which has a basic quota as part of its minimum stock and which are intended for processing into white sugar by another undertaking:

- (a) may be sold to the processor, on condition that the latter undertakes, with respect to the quantity of the product in question, to meet the obligations specified in Articles 1 (a) and 2;
- or
- (b) at the request of the manufacturer who produced them they shall not be subject to the obligation referred to in Article 1 (a), in return for the reimbursement by the manufacturer on a flat-rate basis of the profit resulting from taking account of storage costs for the minimum stock in fixing sugar prices.

*Article 4*

Where the supplies of sugar required by the Community can no longer be ensured under normal condi-

tion, provision may be made for the owner of the minimum stock to be released in whole or in part from the obligation to stock the sugar in question.

*Article 5*

Where the market position so requires or where action to release sugar taken in accordance with Article 4 is ineffective, the Council, acting by a qualified majority on a proposal from the Commission, shall adopt appropriate measures to ensure that the necessary quantities are taken out of stock to supply the Community or one or more Community regions under normal conditions.

*Article 6*

When sugar from the minimum stock is marketed under conditions other than those provided for by the rules of the minimum stock system, a charge shall be levied in respect of the quantity of sugar marketed.

This amount shall be calculated on the basis of:

- (a) a sum representing the profit resulting from taking account of the costs involved in maintaining the minimum stock in fixing sugar prices,

and

- (b) the difference between the threshold price and the intervention price fixed for white sugar for the sugar marketing year in question, plus a fixed amount of two units of account per 100 kilogrammes.

*Article 7*

Detailed rules for the application of this Regulation, in particular the amount laid down in Article 6, and any derogations from Article 2 shall be adopted in accordance with the procedure laid down in Article 36 of Regulation (EEC) No 3330/74.

*Article 8*

1. This Regulation shall enter into force on 1 July 1976.
2. This Regulation shall apply from the 1976/77 sugar marketing year:
  - to the French departments of Guadeloupe and Martinique, as from 1 June 1977,
  - to the other regions of the Community, as from 1 February 1977.

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

Done at Luxembourg, 22 June 1976.

*For the Council*

*The President*

J. HAMILIUS

26. 6. 76

Official Journal of the European Communities

No L 167/15

## COUNCIL REGULATION (EEC) No 1490/76

of 22 June 1976

**fixing, for the 1976/77 sugar marketing year, the differential charge to be levied on raw preferential sugar and the differential amount to be granted in respect of raw cane sugar from the French overseas departments**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar<sup>(1)</sup>, as last amended by Regulation (EEC) No 1487/76<sup>(2)</sup>, and in particular Articles 9 (5) and 47 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Article 46 (1) of Regulation (EEC) No 3330/74 provides that where there is a difference between, on the one hand, the raw sugar refining margin used to determine the intervention and threshold prices for raw sugar and, on the other hand, the margin necessary for the refining of raw preferential sugar, a differential charge to be made on the latter sugar shall be fixed for the sugar marketing year in question ;

Whereas the bulk of the raw preferential sugar cannot be refined unless use is made of the refineries defined in Article 9 (7) of Regulation (EEC) No 3330/74 ; whereas the margin required for the refining of the said sugar in such refineries is greater, according to the information at present to hand, than that taken into account when determining the intervention and threshold prices for raw sugar for the 1976/77 sugar marketing year ; whereas a differential charge should therefore be fixed for that year ; whereas the amount thereof may be fixed at a flat rate of 1.20 units of account per 100 kilogrammes of sugar expressed as white sugar, taking into account the differences in some of the components of the refining costs for the raw sugar in question ;

Whereas Article 46 (2) (b) of Regulation (EEC) No 3330/74 makes provision for the non-application of the whole of the differential charge, or part of that charge, to any raw preferential sugar which is imported into regions of the Community and refined there in a production unit other than a refinery as defined in Article 9 (7) of that Regulation ; whereas, having regard to the traditional patterns of supplies of the said sugar to Ireland, a total quantity of 30 000 metric tons of that sugar expressed as white sugar

imported and refined in that region between 1 November 1975 and 30 June 1976 was exempted from the differential charge ; whereas, for the same reasons, that exemption should be continued in respect of Ireland for the 1976/77 sugar marketing year ;

Whereas the second subparagraph of Article 9 (3) of Regulation (EEC) No 3330/74 provides, in particular, that where a differential charge has been fixed, a differential amount equal to that charge shall be granted in respect of the raw sugar produced in the French overseas departments and refined in a refinery defined in paragraph 7 of that Article and situated in the Community ; whereas that amount should therefore be fixed at 1.20 units of account per 100 kilogrammes of white sugar,

HAS ADOPTED THIS REGULATION.

*Article 1*

This Regulation shall apply to the 1976/77 sugar marketing year.

*Article 2*

The differential charge provided for in Article 46 (1) of Regulation (EEC) No 3330/74 shall be fixed at 1.20 units of account per 100 kilogrammes of sugar expressed as white sugar by reference to a raw sugar yield calculated by doubling the degree of polarization of that sugar and deducting 100 therefrom. Nevertheless, this charge shall not apply to raw preferential sugar refined during the 1976/77 sugar marketing year in Ireland up to a maximum quantity of 30 000 metric tons of sugar expressed as white sugar.

*Article 3*

The differential amount provided for in the second subparagraph of Article 9 (3) of Regulation (EEC) No 3330/74 shall be fixed at 1.20 units of account per 100 kilogrammes of white sugar.

*Article 4*

This Regulation shall enter into force on 1 July 1976.

<sup>(1)</sup> OJ No L 359, 31. 12. 1974, p. 1.

<sup>(2)</sup> OJ No L 167, 26.6.1976

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

Done at Luxembourg, 22 June 1976.

*For the Council*

*The President*

J. HAMILIUS

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26. 6. 76

Official Journal of the European Communities

No L 167/17

**COUNCIL REGULATION (EEC) No 1491/76**

of 22 June 1976

**laying down, for the 1976/77 sugar marketing year, measures to facilitate the disposal of sugar produced in the French overseas departments**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar<sup>(1)</sup>, as last amended by Regulation (EEC) No 1487/76<sup>(2)</sup>, and in particular Article 9 (5) thereof,

Having regard to the proposal from the Commission,

Whereas Article 9 (3) of Regulation (EEC) No 3330/74 provides that appropriate measures are to be taken in the event of difficulties arising in the disposal of sugar produced in the French overseas departments; whereas the existence of such difficulties has been recognized in the past and appropriate Community measures have already been taken; whereas these difficulties still remain;

Whereas the economic relationship between the French overseas departments and the European regions of the Community requires that the bulk of the sugar from the French overseas departments should be disposed of in those regions;

Whereas a subsidy should be granted for the refining of the sugar concerned to ensure that these quantities

are disposed of in those regions; whereas the amount of the subsidy should be determined on the basis of the value of the raw sugar delivered at the place of refining, the outlets after processing, the necessary refining margin for sugar refined in a refinery as defined in Article 9 (7) of Regulation (EEC) No 3330/74 and the differential amount fixed by Council Regulation (EEC) No 1490/76 of 22 June 1976 fixing, for the 1976/77 sugar marketing year, the differential charge to be levied on raw preferential sugar and the differential amount to be granted in respect of raw cane sugar from the French overseas departments,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation shall apply for the 1976/77 sugar marketing year.

*Article 2*

1. Within the maximum quota a subsidy shall be granted for raw sugar produced in the French overseas departments and refined in the Community.

2. The subsidy referred to in paragraph 1 shall be 1.29 units of account per 100 kilogrammes of sugar expressed as white sugar.

*Article 3*

This Regulation shall enter into force on 1 July 1976.

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

Done at Luxembourg, 22 June 1976.

*For the Council*

*The President*

J. HAMILIUS

<sup>(1)</sup> OJ No L 359, 31. 12. 1974, p. 1.

<sup>(2)</sup> OJ No L 167, 26.6.1976

## COMMISSION REGULATION (EEC) No 1764/76

of 22 July 1976

laying down certain detailed rules for granting the differential amount and the subsidy provided for the refinery of raw sugar produced in the French overseas departments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar<sup>(1)</sup>, as last amended by Regulation (EEC) No 1487/76<sup>(2)</sup>, and in particular Articles 9 (6) and 34 thereof,

Whereas Council Regulation (EEC) No 1490/76 of 22 June 1976 fixing, for the 1976/77 sugar marketing year, the differential charge to be levied on raw preferential sugar and the differential amount to be granted in respect of raw cane sugar from the French overseas departments<sup>(3)</sup>, has fixed the differential amount referred to in the second subparagraph of Article 9 (3) of Regulation (EEC) No 3330/74 at 1.20 units of account per 100 kilogrammes of white sugar for the 1976/77 sugar marketing year;

Whereas Council Regulation (EEC) No 1491/76 of 22 June 1976 laying down, for the 1976/77 sugar marketing year, measures to facilitate the disposal of sugar produced in the French overseas departments has for the 1976/77 sugar marketing year specified a subsidy per 100 kilogrammes white sugar of 1.29 units of account as an appropriate measure within the meaning of Article 9 (3) of Regulation (EEC) No 3330/74;

Whereas in order to grant these amounts it is necessary to convert the amounts applicable to raw sugar and to lay down appropriate measures for conversion and control;

Whereas, in order that a regular check may be kept upon the quantities of sugar refined, provision should be made for periodic communication of those quantities;

Whereas Commission Regulation (EEC) No 2821/75 of 30 October 1975 laying down certain detailed rules

for granting the amounts provided for the refining of raw sugar produced in the French overseas departments should be repealed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The amounts referred to in Article 3 of Regulation (EEC) No 1490/76 and in Article 2 (2) of Regulation (EEC) No 1491/76, converted into amounts per 100 kilogrammes of standard quality raw sugar, shall be respectively:

- (a) 1.104 units of accounts;
- (b) 1.187 units of account.

2. Quantities of raw sugar of a quality other than the standard quality shall be adjusted by a conversion factor. This conversion factor shall be equal to the yield of such raw sugar, divided by 92. The yield shall be calculated in accordance with Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar<sup>(4)</sup>.

*Article 2*

On application by the person concerned, which shall be submitted before the sugar in question is refined, the amounts referred to in Article 1 shall be paid by the Member State in whose territory the raw sugar has been refined.

The applicant must prove that the raw sugar in question was produced in the French overseas departments. The Member State concerned shall put this sugar under customs control or under an administrative control offering equivalent guarantees.

<sup>(1)</sup> OJ No L 359, 31. 12. 1974, p. 1.

<sup>(2)</sup> OJ No L 167, 26. 6. 1976, p. 9.

<sup>(3)</sup> OJ No L 167, 26. 6. 1976, p. 15.

<sup>(4)</sup> OJ No L 89, 10. 4. 1968, p. 3.

*Article 3*

The Member State referred to in Article 2 shall inform the Commission each month, within the two months following the month in question, of the quantities in respect of which the amount referred to in Article 1 has been granted. For the purpose of such communications these quantities shall be converted into quantities of standard quality raw sugar.

*Article 4*

Regulation (EEC) No 2821/75 is hereby repealed.

*Article 5*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 July 1976.

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

Done at Brussels, 22 July 1976.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

17. 5. 77

Official Journal of the European Communities

No L 123/1

## COUNCIL REGULATION (EEC) No 1014/77

of 16 May 1977

**laying down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200-mile zone off the coast of the French department of Guyana**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession,

Having regard to the proposal from the Commission,

Whereas on 3 November 1976 the Council adopted a set of resolutions concerning certain external and internal aspects of the common fisheries policy;

Whereas strict measures must be taken to preserve the state of fish stocks in the zone extending up to 200 nautical miles from the base lines off the coast of the French department of Guyana; whereas, to that end, strict supervision should forthwith be exercised over fishing in that zone and access thereto restricted to vessels flying the flag of non-member countries duly authorized to fish for specified species under conditions previously laid down, by virtue of agreement to be concluded between the Community and the non-member countries concerned;

Whereas, pending the conclusion of such agreements, interim measures should be adopted for the conservation and management of fishery resources applicable to vessels flying the flags of Brazil, Korea, the United States of America, Japan and Surinam,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Fishing within the zone extending up to 200 nautical miles from the base lines off the coast of the French department of Guyana by vessels flying the

flag of Brazil, Korea, Japan or Surinam shall be subject to the granting of a licence, on behalf of the Community, by the authorities of the Member State holding the Presidency of the Council.

2. Article 3 of Council Regulation (EEC) No 373/77 of 24 February 1977 laying down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries<sup>(1)</sup>, shall apply to catches made by the United States of America in the zone referred to in paragraph 1 under the conditions laid down in Articles 2 and 3 of the present Regulation.

3. Subject to paragraph 2, the licences referred to in paragraph 1 shall be valid only until 30 June 1977.

*Article 2*

1. When an application for a licence is submitted to the authorities referred to in Article 1, the following information must be supplied:

- (a) name of the vessel;
- (b) registration number and external identification letters and numbers;
- (c) port of registration;
- (d) gross tonnage and overall length;
- (e) call sign.

2. The number of licences which may be issued is given in the Annex hereto.

3. Each licence shall be valid for one vessel only for a period corresponding to the application of Article 1 and for fishing for shrimps within the geographical limits given in Article 1.

<sup>(1)</sup> OJ No L 53, 25. 2. 1977, p. 1.

*Article 3*

The French Republic shall take the necessary measures to ensure the enforcement of Articles 1 and 2 including, in particular, regular inspection of the vessels of non-member countries.

The French Republic and the Commission shall communicate the information required for implementing this Regulation, in particular, information regarding the monitoring of the volume of catches

made by vessels flying the flag of the non-member countries concerned.

*Article 4*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 May 1977.

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

Done at Brussels, 16 May 1977.

*For the Council*

*The President*

D. OWEN

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*ANNEX*

**Maximum number of licences which may be issued**

— vessels flying the flag of Brazil :	18
— vessels flying the flag of Korea :	12
— vessels flying the flag of the United States of America :	65
— vessels flying the flag of Japan :	16
— vessels flying the flag of Surinam :	5

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## Table

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Subject	Pages in the Collected Acts
Regulation (EEC) No 689/73 of the Commission of 9 March 1973 laying down certain detailed rules necessary for the application of the subsidy provided for the refining of raw sugar produced in the French overseas departments . . . . .	1 - 2
Regulation (EEC) No 2880/74 of the Commission of 18 November 1974 amending Regulation (EEC) No 689/73 laying down certain detailed rules necessary for the application of the subsidy provided for the refining of raw sugar produced in the French overseas departments . . . . .	3
75/186/EEC: Council Decision of 18 March 1975 to apply Regulation (EEC) No 724/75 establishing a European Regional Fund to the French overseas departments . . . . .	4
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13. 3. 73

Official Journal of the European Communities

No L 66/21

**REGULATION (EEC) No 689/73 OF THE COMMISSION**  
**of 9 March 1973**

laying down certain detailed rules necessary for the application of the subsidy provided  
 for the refining of raw sugar produced in the French overseas departments

THE COMMISSION OF THE EUROPEAN  
 COMMUNITIES,

HAS ADOPTED THIS REGULATION :

*Article 1*

Having regard to the Treaty establishing the European Economic Community ;

1. The amounts of subsidy specified in Article 3 of Regulation (EEC) No 239/73, converted into amounts for 100 kilogrammes of standard quality raw sugar, are :

Having regard to Council Regulation No 1009/67/EEC <sup>(1)</sup> of 18 December 1967 on the common organization of the market in sugar, as last amended by Regulation (EEC) No 174/73 <sup>(2)</sup>, and in particular Articles 9 (8) and 38 thereof ;

- (a) 0.86 units of account for raw sugar refined between 1 February 1973 and 30 June 1973, inclusive ;
- (b) 0.63 units of account for raw sugar refined during the 1973/74 marketing year ;
- (c) 0.40 units of account for raw sugar refined between 1 July 1974 and 28 February 1975 inclusive.

Whereas, in Article 2 of Council Regulation (EEC) No 239/73 <sup>(3)</sup> of 31 January 1973 on the marketing price for sugar imported into the United Kingdom under the terms of the Commonwealth Sugar Agreement and on measures to assist the marketing of sugar produced in the French overseas departments, a subsidy is provided for raw sugar produced in the French overseas departments and refined in the Community as originally constituted ; whereas certain provisions should be made to regulate the procedure for granting such subsidy ; whereas it must be ensured that, in trade in such sugar, competition is not distorted by the granting of other aids, even where these take the form of an exemption in whole or in part from a charge ;

2. For raw sugar of a quality other than the standard quality the amounts specified in paragraph 1 shall be adjusted by a conversion factor. This conversion factor shall be equal to the yield of such raw sugar divided by 92. The yield shall be calculated in accordance with Article 1 of Council Regulation (EEC) No 431/68 <sup>(4)</sup> of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar.

*Article 2*

Whereas the amounts specified in Article 3 of Regulation (EEC) No 239/73 are for 100 kilogrammes of white sugar ; whereas for administrative purposes connected with the granting of the subsidy those amounts should be converted into amounts for 100 kilogrammes of raw sugar and provision should be made for the necessary adjustments where the yield differ from that of the standard quality ;

The subsidy provided for in Article 2 of Regulation (EEC) No 239/73 shall be granted to any refiner who processes raw sugar into white sugar in one of the Member States of the Community as originally constituted. The subsidy shall be granted, on application from the refiner to be submitted before the sugar is refined, by the Member State in whose territory the raw sugar is processed. The applicant shall prove that the raw sugar in question was produced in the French overseas departments. The concerned Member State takes this sugar under customs control, or under an administrative inspection offering equivalent guarantees.

Whereas provision should be made for regular communication which would help to ascertain how much of the sugar involved is being refined ;

*Article 3*

Whereas the Management Committee for Sugar has not delivered an opinion within the time limit set by its Chairman ;

All other aids concerning the refining of the sugar specified in Article 2 of Regulation (EEC) No

<sup>(1)</sup> OJ No 308, 18. 12. 1967, p. 1.

<sup>(2)</sup> OJ No L 25, 30. 1. 1973, p. 1.

<sup>(3)</sup> OJ No L 29, 1. 2. 1973, p. 14.

<sup>(4)</sup> OJ No L 89, 10. 4. 1968, p. 3.

239/73, even in the form of exemption in whole or in part from any charge, is prohibited.

*Article 4*

Each of the Member States specified in Article 2 shall inform the Commission for each month within the next two months of the quantities on which the subsidy specified in Article 1 has been granted ; for

the purposes of such communications the quantities shall be converted into standard quality raw sugar.

*Article 5*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*. It shall apply from 1 February 1973.

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

Done at Brussels, 9 March 1973.

*For the Commission*

*The President*

François-Xavier ORTOLI

## REGULATION (EEC) No 2880/74 OF THE COMMISSION

of 18 November 1974

**amending Regulation (EEC) No 689/73 laying down certain detailed rules necessary for the application of the subsidy provided for the refining of raw sugar produced in the French overseas departments**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 1009/67/EEC<sup>(1)</sup> of 18 December 1967 on the common organization of the market in sugar, as last amended by Regulation (EEC) No 2476/74<sup>(2)</sup>, and in particular Article 9 (8) thereof;

Whereas Article 3 of Council Regulation (EEC) No 239/73<sup>(3)</sup> of 31 January 1973, on the marketing price for sugar imported into the United Kingdom under the terms of the Commonwealth Sugar Agreement and on measures to assist the marketing of sugars produced in the French overseas departments fixed an amount of 0.43 unit of account per 100 kilogrammes of white sugar as the refining subsidy for the period from 1 July 1974 to 28 February 1975; whereas this amount has been varied by Council Regulation (EEC) No 1601/74<sup>(4)</sup> of 29 April 1974 and by Commission Regulation (EEC) No 2518/74<sup>(5)</sup> of 4 October 1974;

Whereas by Commission Regulation (EEC) No 689/73 of 9 March 1973 laying down certain detailed rules necessary for the application of the subsidy provided for the refining of raw sugar produced in the French overseas departments the orig-

inal amount was converted so as to apply to 100 kilogrammes of raw sugar of standard quality; whereas it is therefore necessary to adjust this converted amount;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 (c) of Regulation (EEC) No 689/73 is replaced by the following:

- (c) 0.86 unit of account for raw sugar refined between 1 July 1974 and 6 October 1974 inclusive;
- (d) 0.97 unit of account for raw sugar refined between 7 October 1974 and 28 February 1975 inclusive.

*Article 2*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 1974.

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

Done at Brussels, 18 November 1974.

*For the Commission*

*The President*

François-Xavier ORTOLI

<sup>(1)</sup> OJ No 308, 18. 12. 1967, p. 1.

<sup>(2)</sup> OJ No L 264, 1. 10. 1974, p. 70.

<sup>(3)</sup> FOD/EEC II 13

<sup>(4)</sup> OJ No L 172, 27. 6. 1974, p. 6.

<sup>(5)</sup> OJ No L 270, 5. 10. 1974, p. 1.

**COUNCIL DECISION**

of 18 March 1975

**to apply Regulation (EEC) No 724/75 establishing a European Regional Development Fund to the French overseas departments**

(75/186/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 227 (2) thereof ;

Having regard to the proposal from the Commission ;

Whereas, pursuant to the second subparagraph of Article 227 (2) of the Treaty, the Council shall determine the conditions under which the provisions of the Treaty other than those listed in the first subparagraph of Article 227 (2) are to apply to the French overseas departments and in particular the provisions of Council Regulation (EEC) No 724/75<sup>(1)</sup> of 18 March 1975 establishing a European Regional Development Fund, adopted pursuant to Article 235 of the Treaty ;

Whereas the contributions of the European Regional Development Fund are such as to promote the economic and social development of these departments,

HAS DECIDED AS FOLLOWS :

*Article 1*

Council Regulation (EEC) No 724/75 of 18 March 1975 establishing a European Regional Development Fund and provisions adopted in application of this Regulation shall apply to the French overseas departments.

*Article 2*

This Decision shall be published in the *Official Journal of the European Communities*.

This Decision shall enter into force on the date Regulation (EEC) No 724/75 establishing a European Regional Development Fund enters into force.

Done at Brussels, 18 March 1975.

*For the Council**The President*

R. RYAN

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<sup>(1)</sup> OJ No L 73, 21.3.1975

## INTERNAL AGREEMENT

on the financing and administration of Community aid

(76/165/EEC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community (hereinafter called the 'Treaty'),

Whereas the ACP-EEC Convention of Lomé (hereinafter called the 'Convention') set the aggregate amount of Community aid to the ACP States at 3 390 million units of account;

Whereas the representatives of the Governments of the Member States, meeting within the Council, agreed on 16 January 1975 to set at 150 million units of account the amount of aid to be borne by the European Development Fund for the benefit of the overseas countries and territories having special relations with France, the Netherlands and the United Kingdom (hereinafter called 'countries and territories') and the French overseas departments; whereas, provision is also made for loans to the amount of 10 million units of account granted by the European Investment Bank (hereinafter called the 'Bank') from its own resources in the countries and territories and in the French overseas departments;

Whereas in a Decision of 21 April 1975 <sup>(1)</sup>, the Council actually defined the unit of account applicable under the Convention;

Whereas, in order to implement the Convention and the Decision concerning the countries and territories (hereinafter called the 'Decision'), a fourth European Development Fund should be established and a procedure should be laid down for the provision of funds and for contributions from Member States to these funds;

Whereas the rules for the management of financial co-operation should be determined, the procedure for programming, examining and approving aid should be decided and the detailed rules for supervising the use of the aid should be defined;

Whereas a Committee of Representatives of the Governments of the Member States should be set up under the auspices of the Commission and a similar committee should be set up under the auspices of the Bank;

Whereas the work done by the Commission and the Bank to apply the Convention and the corresponding provisions of the Decision should be harmonized; whereas it is therefore desirable that, as far as possible, the composition of the Committees set up under the auspices of the Commission and of the Bank should be identical;

Whereas the Council adopted on 16 July 1974 a Resolution on the harmonization and coordination of Member States' cooperation policies;

After consulting the Commission of the European Communities,

HAVE AGREED AS FOLLOWS:

## CHAPTER I

## Article 1

1. The Member States hereby set up a European Development Fund (1975) (hereinafter called the 'Fund').

2. The Fund shall consist of 3 150 million units of account to be financed by the Member States as follows:

Belgium	196·875 million units of account
Denmark	75·600 million units of account
Germany	817·425 million units of account
France	817·425 million units of account
Ireland	18·900 million units of account
Italy	378·000 million units of account
Luxembourg	6·300 million units of account
Netherlands	250·425 million units of account
United Kingdom	589·050 million units of account

<sup>(1)</sup> OJ No L 104, 24. 4. 1975, p. 35.

3. The amount stated in paragraph 2 shall be allocated as follows:

(a) 3 000 million units of account for the ACP States, comprising:

2 100 million units of account in the form of grants

430 million units of account in the form of special loans

95 million units of account in the form of risk capital

375 million units of account in the form of transfers pursuant to Title II of the Convention;

(b) 130 million units of account for the countries and territories and the French overseas departments, comprising:

65 million units of account in the form of grants

40 million units of account in the form of special loans

5 million units of account in the form of risk capital

20 million units of account as a reserve.

(c) 20 million units of account in the form of transfers for the countries and territories, pursuant to those provisions of the Decision which concern the system for stabilizing export earnings.

4. Where a country or territory which has become independent accedes to the Convention, the amounts indicated in paragraph 3 (b) above shall be reduced and those indicated in paragraph 3 (a) above correspondingly increased by a decision taken by the Council acting unanimously on a proposal from the Commission.

5. In this case, the country concerned will continue to be eligible for the funds provided for in paragraph 3 (c), subject to the management rules laid down in Title II of the Convention.

#### *Article 2*

To the amount laid down in Article 1 (2) shall be added up to 400 million units of account in the form of loans granted by the Bank from its own resources under the conditions laid down by it in accordance with its statute.

These loans shall be allocated as follows:

(a) up to the amount of 390 million units of account, for financing operations to be carried out in the ACP States;

(b) up to the amount of 10 million units of account, for financing operations to be carried out in the countries and territories and the French overseas departments.

#### *Article 3*

The unit of account used for applying this Agreement shall be that defined in the Council Decision of 21 April 1975 on the definition and conversion of the European unit of account used for expressing the amounts of aid mentioned in Article 42 of the ACP-EEC Convention of Lomé.

#### *Article 4*

During the first two years of application of the Convention, an amount of up to 40 million units of account may be committed in the form of risk capital.

The Commission and the Bank shall submit a joint report to the Council on the experience of the first two years. In the light of this report, the Council may review the amount made available to the Bank, within the limit of the ceiling of 100 million units of account laid down in Article 1 (3) (a) and (b), and any sums made available shall be added to the funds earmarked for special loans.

#### *Article 5*

An amount of up to 100 million units of account shall be set aside from the grant aid specified in Article 1 (3) (a) and (b) for financing the interest rate subsidies referred to in Article 5 of Protocol No 2 to the Convention and in the corresponding provisions of the Decision. Any part of this amount not committed by the end of the period during which loans are granted by the Bank shall become available as grant aid again.

The Council may decide, on a proposal from the Commission drawn up in agreement with the Bank, to raise this ceiling.

#### *Article 6*

With the exception of loans granted by the Bank from its own resources, all financial operations undertaken for the benefit of the ACP States, the countries and territories and the French overseas departments shall be carried out in accordance with the conditions laid down in this Agreement and shall be charged to the Fund.

*Article 7*

1. Within one month of the entry into force of the Convention, and subsequently before 1 September each year, the Commission shall draw up estimates of the commitments to be entered into during the budget year, taking into account the Bank's forecasts in respect of the operations which it manages, and shall communicate these estimates to the Council.
2. In the same manner, the Commission shall establish and communicate to the Council the total amount of the payments to be made in the budget year in question. On the basis of this amount and taking into account cash requirements, including those arising from expenditure incurred in implementing the system referred to in Title II of the Convention and in the corresponding provisions of the Decision, the Commission shall draw up a schedule of calls for contributions determining the dates on which payment is due; the detailed rules for payment of such contributions by the Member States shall be determined by the Financial Regulation referred to in Article 30. This schedule shall be submitted by the Commission to the Council, which shall decide thereon by the qualified majority laid down in Article 18 (4).

If the contributions are insufficient to meet the actual requirements of the Fund in the budget year in question, the Commission shall submit proposals for supplementary payments to the Council which shall decide thereon as soon as possible by the qualified majority laid down in Article 18 (4).

3. Until used by the Commission for financing projects, programmes or transfers adopted under the conditions laid down in Articles 11 to 21 and 26 to 30, the funds obtained from the calls for contributions referred to in paragraph 2 shall remain deposited in special accounts opened by each Member State with its Treasury or with such bodies as it may designate, in accordance with the detailed rules laid down by the Financial Regulation referred to in Article 30.
4. From the date on which payment is due and throughout the period of their deposit in the special accounts referred to in paragraph 3, the funds shall retain the value in units of account corresponding to the exchange rate applying in relation to the unit of account on the date when payment fell due. The arrangements for implementing this paragraph will be defined in the Financial Regulation referred to in Article 30.

*Article 8*

1. Any remaining balance of the Fund shall be used up in accordance with the same rules as those laid down in the Convention, the Decision and this Agreement,

2. Upon expiry of this Agreement, Member States shall still be obliged to pay, as provided in Article 7, that portion of their contributions not yet called for.

*Article 9*

1. The Member States undertake to act as guarantor for the Bank, waiving any right to object and in proportion to their contributions to its capital, in respect of all financial commitments arising for its borrowers out of the loan contracts concluded by the Bank in respect of its own resources in implementation of the Convention and the Decision.
2. This guarantee shall cover all risks and shall be restricted to 30% of the total amount of the credits opened by the Bank under the loan contracts.
3. The undertakings arising from paragraphs 1 and 2 shall be the subject of contracts of guarantee between each Member State and the Bank.
4. Should the Community conclude new agreements providing for financing operations by the Bank from its own resources for countries outside the Community, this Article could, under conditions agreed with the Bank, be supplemented in such a way as to make the Member States' guarantee apply globally, according to the percentage set out in paragraph 2, to the loans thus granted to the countries in question.

*Article 10*

1. Payments made to the Bank in respect of special loans granted to the ACP States, the countries and territories and the French overseas departments since 1 June 1964, as well as the proceeds and income from risk capital operations undertaken since 1 February 1971 for the benefit of those States, countries, territories and departments, shall be credited to the Member States in proportion to their contributions to the Fund from which the sums are derived, unless the Council decides unanimously, on a proposal from the Commission, to place them in reserve or allocate them to other operations.

Any commission due to the Bank for managing the loans and operations referred to in the first subparagraph shall be deducted in advance from these sums.

2. The amount of the grants from the Fund, as fixed in Article 1 (3) (a), shall be supplemented by any other revenue accruing to the Fund.

## CHAPTER II

*Article 11*

1. Subject to Articles 18 to 21 and without prejudice to the Bank's responsibilities for the administration of certain forms of aid, the Fund shall be administered by the Commission in accordance with the rules laid down by the Financial Regulation referred to in Article 30.

2. Subject to Articles 22 to 24, risk capital and interest rate subsidies financed from the Fund's resources shall be administered by the Bank on behalf of the Community in accordance with its statute and the rules laid down by the Financial Regulation referred to in Article 30.

*Article 12*

The Commission shall be responsible for implementing the aid policy defined by the Council and the general guidelines for financial and technical co-operation defined by the Council of ACP-EEC Ministers pursuant to Article 41 of the Convention.

*Article 13*

1. The Commission and the Bank shall periodically provide each other with appropriate information on the requests made to them for finance and on preliminary contacts made with them by the relevant bodies of the ACP States, or of the countries and territories or the French overseas departments, or other recipients of aid as provided for in Article 49 of the Convention and in the corresponding provisions of the Decision, before their requests were submitted.

This information shall be provided not later than three months after the request has been made or preliminary contacts have been established.

2. The Commission and the Bank shall keep each other informed of the progress made in appraising requests for finance.

3. The Commission shall channel the information referred to in paragraphs 1 and 2 through its liaison office. In addition, the liaison office shall collect and provide any general information which would promote the harmonization of administrative procedures and the assessment of requests.

*Article 14*

1. The Commission shall appraise projects which, pursuant to Article 43 of the Convention and the

corresponding provisions of the Decision, could be financed by grants or special loans from the Fund's resources.

2. The Bank shall appraise projects which, pursuant to its statute, Article 43 of the Convention and the corresponding provisions of the Decision, could be financed by loans from its own resources, with or without interest rate subsidies, or by risk capital.

3. Projects which come under the industrial, mining or tourism sectors shall be submitted to the Bank, which shall examine whether they are eligible for one of the forms of aid which it administers.

4. Where, in the course of appraisal of a project or programme by the Commission or by the Bank, it is found that such project or programme could not be financed by one of the forms of aid administered by the institution in question, the latter will, with the agreement of the potential recipient, transmit the request to the other institution.

*Article 15*

1. Without prejudice to special instructions which the Bank receives from the Community in respect of the recovery of capital and interest relating to special loans, the Commission shall undertake, on behalf of the Community, the financial execution of operations carried out with the Fund's resources in the form of grants, special loans or transfers; it shall make payments in accordance with the Financial Regulation referred to in Article 30.

2. The Bank shall undertake, on behalf of the Community, the financial execution of operations carried out with the Fund's resources in the form of risk capital. In such cases, the Bank shall act on behalf of and at the risk of the Community. Any resulting rights, and particularly rights as creditor or owner, shall be vested in the Community.

3. The Bank shall undertake the financial execution of operations carried out in the form of loans from its own resources combined with interest rate subsidies from the Fund's resources.

*Article 16*

The Commission shall provide the Member States with information obtained from the ACP States as regards the content and prospects of their development plans, the objectives they have set themselves and projects already identified which are

likely to attain these objectives. This provision shall also apply in respect of the countries and territories and the French overseas departments.

The Commission shall compile this information in collaboration with the Bank as regards matters which concern the latter.

Member States shall at the same time inform the Commission of any bilateral aid they have granted or intend to grant.

Furthermore, the Commission shall forward to the EDF Committee referred to in Article 18 all available information on any other bilateral or multilateral aid granted or envisaged for the ACP States concerned.

To this end, and in order to keep Member States abreast of developments, the Commission shall obtain all relevant information on aid to the ACP States, to the countries and territories and to the French overseas departments which Member States, international institutions and other aid donors have already granted or intend to grant.

Each Member State shall periodically forward to the Commission such information as is available.

#### Article 17

1. In order to implement Article 51 of the Convention, programming missions shall be carried out under the general responsibility of the Commission with the participation of the Bank.

2. Before programming missions are sent out, and on the basis of information provided by the Commission in accordance with Article 16, the general framework of the programming missions shall be determined, possibly according to groups of countries, during exchanges of views between the representatives of the Member States, the Commission and the Bank.

3. Following the programming missions undertaken in the ACP States by the Commission and the Bank, a draft Community indicative aid programme for each ACP State shall be forwarded to the Member States.

These draft programmes shall be the subject of an exchange of views with the representatives of the Member States in order to obtain an opinion.

4. Following the exchanges of views with representatives of the ACP States provided for in Article 51 (3) of the Convention, the representatives of the Member States, the Commission and the Bank may

hold further discussions in order to evolve the necessary guidelines.

5. During the implementation of the indicative aid programmes referred to in Article 51 (2) and (3) of the Convention, exchanges of views shall be held from time to time between the representatives of the Member States, the Commission and the Bank. Taking account of the projects for which the financing has already been decided on and those which still have to be appraised, the Member States shall assess the changes in the Community indicative aid programmes proposed by the recipient countries concerned.

#### Article 18

1. A Committee (hereinafter called the 'EDF Committee'), consisting of representatives of the Governments of the Member States, shall be set up under the auspices of the Commission.

The EDF Committee shall be chaired by a Commission representative, and its secretariat shall be provided by the Commission.

A representative of the Bank shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the EDF Committee.

3. Within the EDF Committee, the votes of the Member States shall be weighted as follows:

Belgium	6
Denmark	3
Germany	25
France	25
Ireland	2
Italy	12
Luxembourg	1
Netherlands	8
United Kingdom	18

4. The EDF Committee shall act by a qualified majority of 69 votes.

#### Article 19

1. The EDF Committee shall give its opinion on financing proposals for projects or programmes financed by grants or special loans, submitted to it by the Commission.

2. The financing proposals for these projects shall explain the relevance of the projects to the development prospects of the country or countries concerned; where appropriate, they shall mention the use to which such countries have put previous Community aid.

They shall include in particular measures promoting, in accordance with Chapter 8 of Protocol No 2 to the Convention and the corresponding provisions of the Decision, participation by national firms of the ACP States, of the countries and territories and of the French overseas departments in carrying out the projects.

3. If the EDF Committee requests substantial changes in the financing proposal or in the absence of a favourable opinion on the latter, the Commission shall consult the representatives of the ACP State or ACP States concerned. In the absence of a favourable opinion, the latter may be consulted by the representatives of the Community, in accordance with Article 54 (3) of the Convention.

4. In the cases mentioned in paragraph 3, the financing proposal, possibly after review or extension, shall be submitted afresh to the EDF Committee at one of its subsequent meetings.

If the Committee still refuses to deliver a favourable opinion, the Commission shall consult afresh the representatives of the ACP State or ACP States concerned, in accordance with Article 54 (3) of the Convention.

#### Article 20

The financing proposals, together with the opinion of the EDF Committee, shall be submitted to the Commission for its decision.

If the Commission decides to differ from the opinion expressed by the Committee, or if the Committee has not delivered a favourable opinion, it shall either withdraw the financing proposal or, at the earliest opportunity, refer the proposal to the Council which shall decide on it according to the same voting procedure as the EDF Committee.

#### Article 21

1. The Commission shall regularly inform the EDF Committee of all requests for financing officially submitted to it by one or more ACP States irrespective of whether these are selected by its departments.

2. The EDF Committee shall be kept informed of the results of work periodically done by the Commission on the evaluation of projects being carried out or completed, particularly in relation to the development objectives set.

#### Article 22

1. A Committee (hereinafter called the 'Article 22 Committee'), consisting of representatives of the Governments of the Member States, shall be set up under the auspices of the Bank.

The Article 22 Committee shall be chaired by the representative of the Member State currently assuming the Presidency of the Board of Governors of the Bank; its secretariat shall be provided by the Bank.

A representative of the Commission shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the Article 22 Committee.

3. Within the Article 22 Committee, the votes of the Member States shall be weighted as provided in Article 18 (3).

4. The Article 22 Committee shall act by a qualified majority of 69 votes.

#### Article 23

1. The Article 22 Committee shall deliver an opinion on requests for loans with interest rate subsidies and on proposals for financing by risk capital which are submitted to it by the Bank.

The Commission representative may, at meetings, submit the Commission's assessment of these proposals. This assessment shall cover conformity of the projects with Community development aid policy, with the objectives of financial and technical co-operation laid down by the Convention and with the general guidelines adopted by the Council of ACP-EEC Ministers.

In addition, the Bank shall inform this Committee of any loans without interest rate subsidies that it intends to grant.

2. The document submitted to the Article 22 Committee by the Bank shall, in particular, explain the relevance of the project to the development prospects of the country or countries concerned and,

where appropriate, indicate the situation as regards loans granted by the Community and holdings acquired by it.

3. Where the Article 22 Committee does not deliver a favourable opinion on a proposal concerning an ACP State or group of ACP States, the Bank shall consult the representatives of the said State or States and the procedure laid down in Article 54 (3) of the Convention shall apply.

4. Where the Article 22 Committee delivers a favourable opinion in respect of a request for a loan with an interest rate subsidy, the request, together with the reasoned opinion of the Committee and the assessment of the Commission representative, shall be submitted for a decision to the Board of Directors of the Bank, which shall act in accordance with the provisions of the Bank's statute.

In the absence of a favourable opinion from the Article 22 Committee, the Bank shall either withdraw the request or decide to uphold it. In the latter event, this request, together with the reasoned opinion of the Committee and the assessment given by the Commission representative, shall be submitted for a decision to the Board of Directors of the Bank, which shall act in accordance with the provisions of the Bank's statute.

5. Where, in respect of a proposal for financing by risk capital, the Article 22 Committee delivers a favourable opinion, the proposal shall be submitted for a decision to the Board of Directors of the Bank which shall act in accordance with the provisions of the Bank's statute.

In the absence of a favourable opinion from the Article 22 Committee, the Bank shall either withdraw the proposal or request that the Member State taking the Chair of the Article 22 Committee bring the matter before the Council as soon as possible.

In the latter case, the proposal shall be submitted to the Council together with the reasoned opinion of the Article 22 Committee and the assessment by the Commission representative.

The Council shall act in accordance with the same voting procedure as the Article 22 Committee.

If the Council decides to confirm the Article 22 Committee's position, the Bank shall withdraw its proposal.

If, however, the Council is in agreement with the Bank's proposal, the Bank shall implement the procedures under its statute.

#### *Article 24*

1. Subject to such adjustments as are necessary to take account of the nature of the operations financed and of the procedures laid down in the statute of the Bank, the latter shall regularly inform the

Article 22 Committee of all requests for financing officially submitted to it, irrespective of whether these are selected by its departments.

2. The Article 22 Committee shall be kept informed of the results of work periodically done by the Bank on the assessment of projects being carried out or completed, particularly in relation to the development objectives set.

#### *Article 25*

1. The Commission and the Bank shall ascertain how the Community aid administered by each of them is used by the ACP States, by the countries and territories and by the French overseas departments or by any other recipients.

2. They shall also ascertain, each for their respective parts and in close collaboration with the relevant authorities of the country or countries concerned, how projects financed with Community aid are used by the recipients.

3. When ascertaining how Community aid and projects are used, as provided for in paragraphs 1 and 2, the Commission and the Bank shall examine the extent to which the objectives referred to in Article 40 (2) of the Convention, in Article 1 of Protocol No 2 to the Convention and in the corresponding provisions of the Decisions have been attained.

4. The Commission shall inform the Council at least once a year of its findings pursuant to paragraphs 1, 2 and 3.

The Council, acting by a qualified majority as laid down in Article 18 (4), shall take the necessary measures.

### CHAPTER III

#### *Article 26*

The system for stabilizing export earnings referred to in Title II of the Convention and in the corresponding provisions of the Decision shall apply only to export earnings for the following calendar years: 1975, 1976, 1977, 1978 and 1979.

#### *Article 27*

The amounts of the transfers referred to in Article 19 (3) and (6) respectively of Title II of the Convention and in the corresponding provisions of the Decision,

and the contributions to the reconstitution of resources mentioned in Article 21 (2) of the Convention and in the corresponding provisions of the Decision, shall be expressed in units of account.

Payments shall be made in the currency of one or more Member States chosen by the Commission after consultation of the ACP State or the relevant authorities of the countries and territories.

#### *Article 28*

To permit cross-checking of the statistics of the Community and of the ACP States as provided in Article 17 of the Convention and the corresponding provisions of the Decision, Member States shall communicate to the Commission, in accordance with procedures to be defined in an implementing regulation to be adopted, all the statistics in their possession which are necessary for the proper functioning of the stabilization system.

#### *Article 29*

The Commission shall forward to the Member States the ACP States' annual reports on the use of the funds. It shall prepare an annual comprehensive report on the operation of the system, indicating in particular its effect on the economic development of the recipient countries and on the development of external trade.

This Article shall also apply in respect of the countries and territories.

### CHAPTER IV

#### *Article 30*

The provisions for implementing this Agreement shall be the subject of a Financial Regulation adopted, upon the entry into force of the Convention, by the Council acting by the qualified majority laid down in Article 18 (4) on the basis of a Commission draft, after the Bank has delivered its opinion on the provisions concerning it.

#### *Article 31*

1. At the close of each financial year, the Commission shall adopt the revenue and expenditure account and the balance sheet of the Fund.

2. Without prejudice to paragraph 4, the Audit Board provided for in Article 206 of the Treaty shall exercise its powers also in respect of the operations of the Fund. The conditions under which this Board exercises its powers shall be laid down in the Financial Regulation referred to in Article 30.

3. The discharge for the financial management of the Fund shall be given to the Commission according to the procedure provided for in Article 206 of the Treaty. However, where the procedure under Article 206 entails a decision by the Council, the Council shall act by the qualified majority laid down in Article 18 (4).

4. The operations financed from the resources of the Fund and managed by the Bank shall be subject to the control and discharge procedures laid down by the statute of the Bank for all its operations. Each year, the Bank shall send the Commission and the Council a report on the execution of operations financed from the resources of the Fund and managed by the Bank.

#### *Article 32*

1. The remaining balance of the Development Fund for the overseas countries and territories established by the Implementing Convention annexed to the Treaty shall continue to be administered as provided in that Implementing Convention and in accordance with the rules and regulations in force on 31 December 1962.

The remaining balance of the Fund set up by the Internal Agreement on the financing and administration of Community aid signed at Yaoundé on 20 July 1963 shall continue to be administered as provided in that Internal Agreement and in accordance with the rules and regulations in force on 31 May 1969.

The remaining balance of the Fund set up by the Internal Agreement on the financing and administration of Community aid signed at Yaoundé on 29 July 1969 shall continue to be administered as provided in that Internal Agreement and in accordance with the rules and regulations in force on 31 January 1975.

2. In the event of the successful completion of projects financed from the Funds referred to in paragraph 1 being jeopardized by a lack of resources due to the remaining balance having been used up, proposals for additional financing may be submitted by the Commission under the conditions laid down in Article 16.

*Article 33*

This Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The Government of each Member State shall notify the Secretariat of the Council of the European Communities when the procedures required for its entry into force have been completed.

This Agreement is concluded for the same duration as the Convention. However, it shall remain in force

for as long as is necessary for all the operations financed under the Convention to be fully executed.

*Article 34*

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German and Italian languages, each of these texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities, which shall transmit a certified copy to each of the Governments of the Signatory States.

Udfærdiget i Bruxelles, den ellefte juli nitten hundrede og femoghalvfjerds.

Geschehen zu Brüssel am elften Juli neunzehnhundertfünfundsiebzig.

Done at Brussels on the eleventh day of July in the year one thousand nine hundred and seventy-five.

Fait à Bruxelles, le onze juillet mil neuf cent soixante-quinze.

Fatto a Bruxelles, addì undici luglio millenovecentosettantacinque.

Gedaan te Brussel, elf juli negentienhonderdvijfenzeventig.

Pour le gouvernement du royaume de Belgique

Voor de Regering van het Koninkrijk België

*J. van der Meulen*

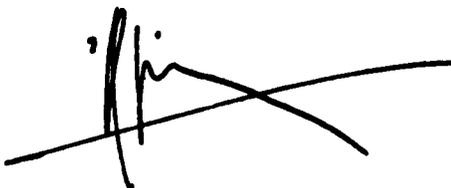
På kongeriget Danmarks vegne

*W. E. E. E.*

Für die Regierung der Bundesrepublik Deutschland

*W. E. E. E.*

Pour le gouvernement de la République française



For the Government of Ireland



Per il governo della Repubblica italiana



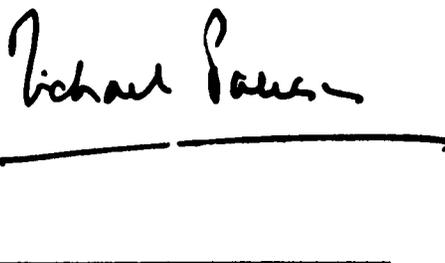
Pour le gouvernement du grand-duché de Luxembourg



Voor de Regering van het Koninkrijk der Nederlanden



For the Government of the United Kingdom of Great Britain and Northern Ireland



27. 7. 76

Official Journal of the European Communities

No 1 201/5

**COUNCIL REGULATION (EEC) No 1795/76**  
**of 20 July 1976**  
**concerning the application of Article 40 (4) of the Treaty to the French overseas departments**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 and 227 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the scope of the Guidance Section of the European Agricultural Guidance and Guarantee Fund should be extended to include the French overseas departments so that they may receive the Community aid for the improvement of agricultural structures provided for in Article 6 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy<sup>(1)</sup>, as last amended by Regulation (EEC) No 2788/72<sup>(2)</sup>, and thus promote the economic and social development of these areas which are basically agricultural;

Whereas the activities of the Guidance Section should be extended to the French overseas departments as soon as possible,

HAS ADOPTED THIS REGULATION

*Article 1*

Article 40 (4) of the Treaty shall apply to the French overseas departments as regards the Guidance Section of the European Agricultural Guidance and Guarantee Fund.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 20 July 1976.

*For the Council*

*The President*

A. P. L. M. M. van der STEE

<sup>(1)</sup> OJ No L 94, 28. 4. 1970, p. 13.

<sup>(2)</sup> OJ No L 295, 30. 12. 1972, p. 1.

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## COUNCIL DECISION

of 14 June 1971

applying Article 51 of the Treaty to the French overseas departments

(71/238/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 227(2) thereof;

Having regard to the Proposal <sup>1</sup> from the Commission;

Having regard to the Opinion <sup>2</sup> of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas, the second subparagraph of Article 227(2) provides that the Council shall determine the conditions under which the provisions of the Treaty other than those referred to in the first subparagraph of paragraph 227(2), and in particular the provisions of Article 51 of the Treaty are to apply to the French overseas departments;

Whereas, in accordance with Article 1 of and Annex A to Regulation No 3 <sup>3</sup> on social security for migrant workers, that Regulation applied to the French overseas departments and to Algeria; whereas, however, Regulation No 109/65/EEC <sup>4</sup> of 30 July 1965 removed Algeria from Annex A to Regulation No 3;

Whereas, by the Council Decision of 15 October 1968 <sup>5</sup>, Articles 48 and 49 of the Treaty, and the measures taken in implementation of those Articles, were made applicable to the French overseas departments;

Whereas there are grounds for also making Article 51 of the Treaty applicable to those departments,

HAS DECIDED AS FOLLOWS:

*Article 1*

Article 51 of the Treaty establishing the European Economic Community and the measures taken in implementation of that Article shall apply to the French overseas departments.

*Article 2*

This Decision shall be published in the *Official Journal of the European Communities* under 'Legislation I'. It shall enter into force on the first day of the seventh month following the publication of the implementing Regulation referred to in Article 97 of Regulation (EEC) No 1408/71 <sup>6</sup> of 14 June 1971 on the application of social security schemes to paid workers and their families moving within the Community.

Done at Luxembourg, 14 June 1971.

*For the Council*  
*The President*  
M. COINTAT

<sup>1</sup> OJ No 194, 28.10.1966, p. 3359/66.

<sup>2</sup> OJ No C 10, 14.2.1968, p. 42.

<sup>3</sup> OJ No 30, 16.12.1958, p. 561/58 to 596/58.

<sup>4</sup> OJ No 125, 9.7.1965, p. 2124/65 to 2130/65.

<sup>5</sup> OJ No L 257, 19.10.1968, p. 1.

<sup>6</sup> OJ No L 149, 5.7.1971, p. 2.

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