

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(85) 104 final

Brussels, 19 March 1985

Draft

DECISION OF THE ACP-EEC CUSTOMS CO-OPERATION COMMITTEE

derogating from the definition of 'originating products' to take into account the special situation of Jamaica with regard to tufted carpets falling within heading No 58.02 of the Common Customs Tariff

(submitted to the Council by the Commission)

COM(85) 104 final

EXPLANATORY NOTE

Jamaica has benefited since 3 October 1984 from a derogation to the rules of origin to allow its tufted carpets of heading No ex 58.02 to qualify for the preferential regime under the Lomé Convention. This special treatment given to Jamaica is in response to difficulties encountered by the Jamaican company concerned, which employs 75 people, to obtain the "backings" necessary in the manufacture of carpets. If this derogation had not been given these Jamaican exports to the Community could not have originated in the sense of the Lomé Convention because of the use of non-originating backings.

When the Jamaican request was made it was recognized that in order to allow Jamaica to change its source of supply in order to satisfy the origin rules it was necessary to give a derogation for two years for a yearly quantity of 150,000 square yards ; however as the Lomé II Convention expired on 28 February 1985 the period of application of the derogation was limited to this period and for a quantity of 80,000 square yards, it being understood that the derogation would be extended at the proper time for the rest of the period needing to be covered.

Taking the above into account and in accordance with the provisions of Protocol No 1 and in particular Article 30, the Commission proposes that the derogation to the origin rules for Jamaican tufted carpets should be extended to cover the period 1 March 1985 to 2 October 1986 subject to the provision that it ceases to be applicable if the 1984 Lomé Convention does not enter into force before 28 February 1986.

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derogating from the definition of 'originating products' to take into account the special situation of Jamaica with regard to tufted carpets falling within heading No 58.02 of the
Common Customs Tariff

THE CUSTOMS CO-OPERATION COMMITTEE,

Having regard to the second ACP-EEC Convention, signed at Lomé on 31 October 1979,

Having regard to Council Regulation (EEC) No 485/85 of 26 February 1985 concerning the application of Decision No 2/85 of the ACP-EEC Council of Ministers on transitional measures valid from 1 March 1985¹,

Whereas Article 30 of Protocol 1 to the third ACP-EEC Convention, signed at Lomé on 8 December 1984, the definition of the concept of originating products and methods of administrative cooperation, provides that derogations from the rules of origin may be made, in particular where the development of existing industries or the creation of new industries would be facilitated thereby;

Article 4 of Decision No 2/85² states that the provisions on the derogation procedure set out in Article 30 of Protocol No 1 to the third ACP-EEC Convention shall be put into force in anticipation;

Whereas to preserve its existing carpet industry and in order to allow it to take the necessary steps in order to obtain originating status for its finished products, Jamaica benefited from 3 October 1984 to 28 February 1985 from a derogation from the definition contained in Protocol No 1 to the second ACP-EEC Convention for tufted carpets;

¹OJ No L 61, 1.3.1985, p. 1.

²OJ No L 61, 1.3.1985, p. 2.

Whereas the duration of this derogation has not been sufficient to permit the Jamaican industry concerned to adapt its production to the conditions required for the acquisition of origin by the second ACP-EEC Convention and whereas as a result the provisions necessary to give a continued derogation should be adopted;

Whereas, in these circumstances, a temporary derogation from the definition of originating products should be granted to Jamaica until 2 October 1986,

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from the special provisions of List A of Annex II to Protocol 1 to the second ACP-EEC Convention, tufted carpets falling within subheading 58.02 A II a) of the Common Customs Tariff, manufactured in Jamaica, in the production of which non-originating backing falling within heading No 51.04 or 57.10 of the Common Customs Tariff is used, shall be considered as originating in Jamaica provided that the other conditions applicable to heading No 58.02 are respected.

Article 2

The derogation referred to in Article 1 shall be in respect of a quantity of 220,000 square yards of tufted carpets exported from Jamaica between 1 March 1985 and 2 October 1986.

Article 3

The Jamaican authorities shall take the steps necessary to check the quantities of exports of products referred to in Article 1 and shall forward to the Commission every three months a statement of the quantities in respect of which EUR 1 movement certificates have been issued pursuant to this Decision.

Article 4

The ACP States, the Member States and the Community shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

Article 5

This Decision shall take effect on the day of its adoption.

It shall apply from 1 March 1985 until 2 October 1986.

However, it shall cease to apply on 28 February 1986 if the third ACP-EEC Convention does not enter into force by that date.

Done at Brussels,

For the ACP-EEC Customs
Co-operation Committee

The Chairman