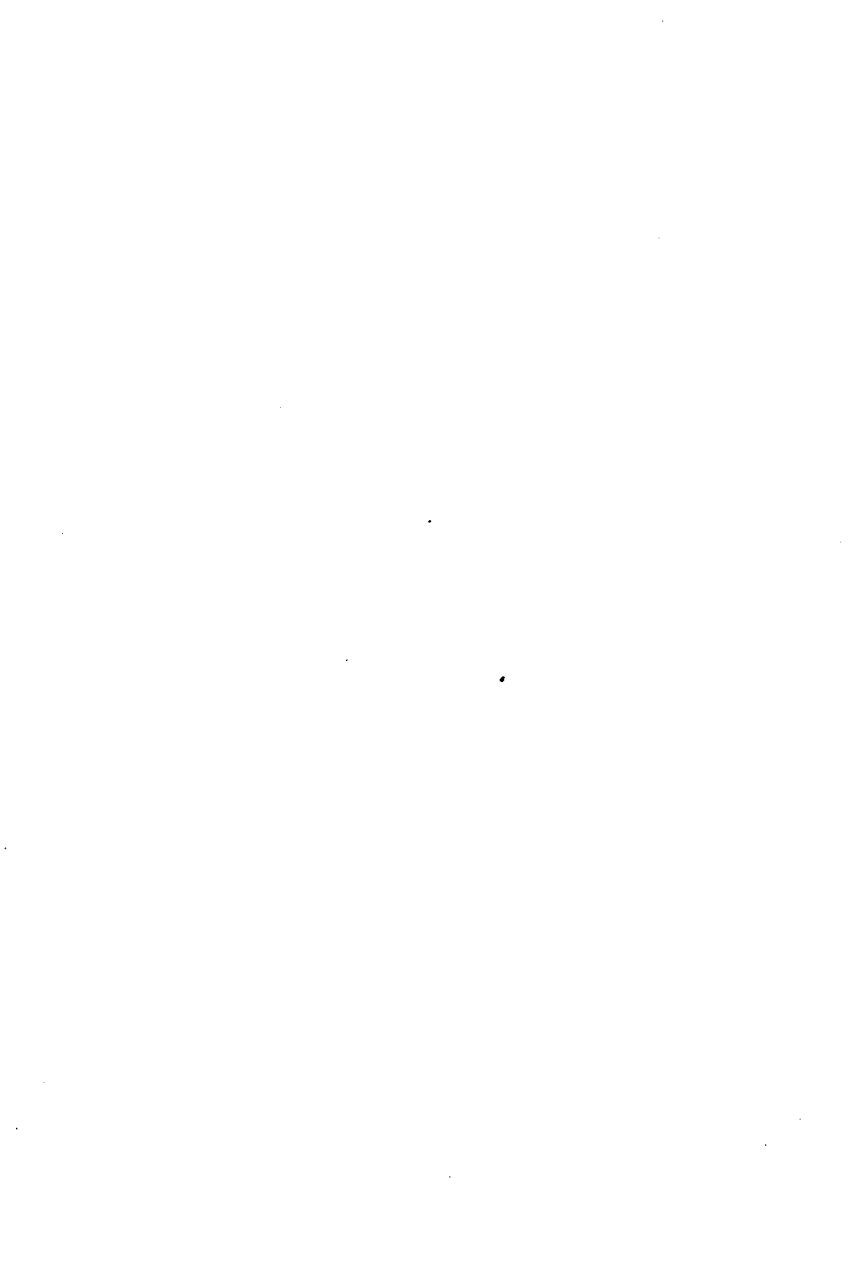


Collection  
of the Agreements  
concluded by the  
European Communities

Volume 6

1976

EUROPEAN COMMUNITIES



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## ABBREVIATIONS

- ECSC** European Coal and Steel Community  
(Treaty of Paris, signed 18.4.1951)  
Member States: The Kingdom of Belgium, The Federal Republic of Germany, The French Republic, The Italian Republic, The Grand Duchy of Luxembourg, The Kingdom of the Netherlands
- EEC** European Economic Community  
(Treaty of Rome, signed 25.3.1957)  
Member States: The Kingdom of Belgium, The Federal Republic of Germany, The French Republic, The Italian Republic, The Grand Duchy of Luxembourg, The Kingdom of the Netherlands
- Euratom or EAEC** European Atomic Energy Community  
(Treaty of Rome, signed 25.3.1957)  
Member States: The Kingdom of Belgium, The Federal Republic of Germany, The French Republic, The Italian Republic, The Grand Duchy of Luxembourg, The Kingdom of the Netherlands

\*

By the Treaty of Brussels of 22 January 1972, The Kingdom of Denmark, Ireland and The United Kingdom of Great Britain and Northern Ireland became members of the European Communities.

\*

- AASM** Associated African States and Madagascar
- ACP** African, Caribbean and Pacific States
- COST** European Cooperation in the field of Scientific and Technical Research

EAC	East African Community before 1976:
ESTAF	East African Federation
GATT	General Agreement on Tariffs and Trade
IAEA	International Atomic Energy Agency
IEA	International Energy Agency
ILO	International Labour Organization
MFA	Arrangement regarding international trade in textiles (Multifibre Arrangement)
OECD	Organization for Economic Cooperation and Development
OJ	Official Journal of the European Communities
OJ ECSC	Official Journal of the European Coal and Steel Community
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near-East
d. <sup>(1)</sup>	deposit of instruments of ratification, acceptance, approval, etc.
e. <sup>(1)</sup>	exchange of instruments of ratification, acceptance, approval, etc.
n. <sup>(1)</sup>	notification of instruments of ratification, acceptance, approval, etc.

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<sup>(1)</sup> Where the column 'Date of exchange, deposit or notification of instruments of ratification, acceptance, approval etc.' is left blank, this means that the agreement in question makes no provision on the matter.



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PART ONE

**Bilateral agreements  
concluded by the  
European Economic Community**





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CHAPTER I

**European countries**



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**Agreements**  
**between the EEC and the Republic of Austria**



## AGREEMENT

between the European Economic Community and the Republic of Austria on the simplification of formalities in respect of goods traded between the European Economic Community on the one hand and Greece and Turkey on the other hand when the said goods are forwarded from Austria<sup>(1)</sup>

### REGULATION (EEC) No 1850/75 OF THE COUNCIL

of 10 July 1975

on the conclusion of the Agreement between the European Economic Community and the Republic of Austria on the simplification of formalities in respect of goods traded between the European Economic Community on the one hand and Greece and Turkey on the other hand when the said goods are forwarded from Austria

#### THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the recommendation from the Commission;

Whereas the conclusion of an Agreement with the Republic of Austria on the simplification of formalities in respect of goods traded between the European Economic Community on the one hand and Greece and Turkey on the other hand when the said goods are forwarded from Austria eases the flow of trade and thus simplifies international traffic of goods,

HAS ADOPTED THIS REGULATION:

---

<sup>(1)</sup> OJ No L 188, 19.7.1975.

### *Article 1*

The Agreement between the European Economic Community and the Republic of Austria on the simplification of formalities in respect of goods traded between the European Economic Community on the one hand and Greece and Turkey on the other hand when the said goods are forwarded from Austria, is hereby concluded in the name of the Community.

The text of the Agreement is annexed to this Regulation.

### *Article 2*

In pursuance of Article 11 (1) of the Agreement, the President of the Council shall give notification that the necessary Community procedures for the entry into force of the Agreement have been implemented.

### *Article 3*

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, 10 July 1975.

*For the Council*  
*The President*  
E. COLOMBO

## AGREEMENT

**between the European Economic Community and the Republic of Austria on the simplification of formalities in respect of goods traded between the European Economic Community on the one hand and Greece and Turkey on the other hand when the said goods are forwarded from Austria**

THE EUROPEAN ECONOMIC COMMUNITY,

of the one part,

THE REPUBLIC OF AUSTRIA,

of the other part,

DESIRING to simplify the formalities to be completed in respect of goods traded between the European Economic Community on the one hand and Greece and Turkey, States with which the Community has concluded Association Agreements, on the other hand when such goods are forwarded from Austria after unloading and reloading or warehousing in bonded warehouse;

WHEREAS the Agreement between the European Economic Community and the Republic of Austria on the implementation of Community transit regulations, signed on 30 November 1972, laid down a wide measure of cooperation between the customs administration of the Member States and of Austria based on mutual confidence; whereas, in the interest of simplifying formalities, this cooperation could also be applied in trade between the European Economic Community on the one hand and Turkey and Greece on the other hand,

HAVE AGREED AS FOLLOWS:

### *Article 1*

In this Agreement the expressions set out below shall be understood as follows:

- (a) Community: the European Economic Community;
- (b) Member States: a Member State of the Community;

- (c) Agreement on transit: the Agreement of 30 November 1972 between the European Economic Community and the Republic of Austria on the implementation of Community transit regulations.

#### *Article 2*

1. Without prejudice to paragraph 2, this Agreement shall apply to goods in respect of which movement certificates conforming to the specimens shown in Annex I or Annex II have been completed in respect of goods traded between the Community on the one hand and Greece or Turkey on the other hand, being goods which are forwarded from Austrian territory after, as appropriate, unloading and reloading or warehousing in bonded warehouse.
2. The provisions of this Agreement shall not apply to the goods listed in Annex III.

#### *Article 3*

1. A movement certificate issued in a Member State or in Greece or Turkey for goods referred to in Article 2 (1) must be produced to the competent Austrian customs authorities. The movement certificate must be printed and completed in one of the languages referred to in Article 14 or in Greek or Turkish. When Greek or Turkish is used, it must also be drawn up in one of the languages referred to in Article 14.
2. The goods shall remain under Austrian customs control to ensure the identity and completeness thereof.
3. The goods must be segregated and must not have undergone any manipulation other than that necessary to preserve them in their original state or to split the consignments without replacing the packing.

#### *Article 4*

1. When goods referred to in Article 2 (1) are forwarded, the movement certificate shall include a statement that the conditions set out in Article 3 have been complied with.



2. For this purpose, when the goods are forwarded without splitting the consignment, the competent Austrian customs office shall write the words 'Direkte Weiterleitung EWG' in the 'Description of goods' box on the certificate and authenticate the notation by the customs office stamp and the date.

When a consignment, split in Austria, is forwarded, the movement certificate produced to the competent Austrian customs office shall be photocopied for each part-consignment. The top of each photocopy must be noted 'TEILSENDUNG' in red ink. Each photocopy must indicate clearly the goods to which it refers. These statements must be authenticated by the customs office stamp and the date.

3. The original movement certificate must be noted with the particulars relevant to the splitting of the consignment. It shall be retained by the competent Austrian customs office for at least two years and on request sent to the customs administration of the Member State making a request under the arrangements for administrative cooperation referred to in Article 6.

#### *Article 5*

The forwarded goods and the relevant movement certificate or, when the consignment is split, the relevant photocopy of the said certificate authenticated by the competent Austrian customs office, must be produced to the customs authorities of the importing State within six months from the date of issue of the original movement certificate.

#### *Article 6*

1. Where necessary the customs administrations of the Member States on the one hand and of the Republic of Austria on the other hand shall communicate to one another, spontaneously or on request, all findings, documents, reports, records of proceedings and information relating to goods presented in the importing State as having been forwarded from Austria under this Agreement or relating to irregularities and offences committed in respect of goods traded under this Agreement.

2. The customs administrations of the Member States are authorized to send documents and information obtained under the arrangements for administrative cooperation referred to in paragraph 1 to the Greek and Turkish customs administrations.

#### *Article 7*

The provisions of this Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit enacted by the Republic of Austria and justified on grounds of public policy, public security or public morality; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property.

#### *Article 8*

1. The Joint Committee set up under Article 15 of the Agreement on transit shall ensure the implementation of this Agreement. For this purpose it shall make recommendations and, in the circumstances provided for in paragraph 3, shall take Decisions.

2. The Committee shall recommend in particular:

- (a) amendments to this Agreement;
- (b) any other measure for the purpose of its implementation.

3. The Committee shall issue as Decisions:

- (a) amendments to Article 2 of this Agreement when the movement certificates annexed to this Agreement are amended;
- (b) amendments to Articles 3, 4, 5 and 9 of this Agreement;
- (c) amendments to the Annexes to this Agreement.

These Decisions shall be implemented by the Contracting Parties in accordance with their own rules.

#### *Article 9*

Annexes I, II and III form an integral part of this Agreement.

#### *Article 10*

1. The Community shall undertake suitably to adapt the methods of administrative cooperation governing the implementation of the prefer-

ential system which the Community on the one hand and Greece and Turkey on the other hand each apply to goods forwarded from Austria.

2. The Community shall notify the Republic of Austria as soon as the conditions necessary to implement this Agreement are present in the field of trade with Greece and/or Turkey.

#### *Article 11*

1. This Agreement shall enter into force on the first day of the second month following the dates on which the Contracting Parties notify each other that the necessary procedures have been completed.

2. The provisions of this Agreement shall apply in respect of trade with Greece and with Turkey as from the first day of the second month following the notification referred to in Article 10 (2).

#### *Article 12*

The Contracting Parties shall keep each other informed of the provisions which they adopt for the implementation of this Agreement.

#### *Article 13*

Either of the Contracting Parties may withdraw from this Agreement by giving six months' notice in advance.

#### *Article 14*

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, French, German and Italian languages, each of these texts being authentic.

ANNEX I  
MOVEMENT CERTIFICATE

<b>1. Exporter</b> (Name, full address, country)	<b>A. G. 1</b> No <b>A</b> 000000	
	See notes overleaf before completing this form	
<b>3. Consignee</b> (Name, full address, country) (Optional)	<b>2. Transport document</b> (Optional) No ..... date .....	
	<b>4. ASSOCIATION</b> between the <b>EUROPEAN ECONOMIC COMMUNITY</b> and <b>GREECE</b>	
	<b>5. Country of exportation</b>	<b>6. Country of destination</b> (*)
<b>7. Transport details</b> (Optional)	<b>8. Remarks</b> (*)	
<b>9. Item number</b>	<b>10. Marks and numbers ; number and kind of packages (for goods in bulk, indicate the name of the ship or the number of the railway wagon or road vehicle) ; description of goods</b>	<b>11. Gross weight (kg) or other measure (hl, m<sup>3</sup>, etc.)</b>

(\*) Insert the Member State or Greece

(\*) Insert where appropriate 'compensatory levy EEC-Greece'

7

**12. CUSTOMS ENDORSEMENT**

Declaration certified

Export document <sup>(2)</sup> :

Form ..... No .....

Date .....

Customs office : .....

Issuing country : .....

Date .....

(Signature)

Stamp

**13. DECLARATION BY THE EXPORTER**

I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.

Place and date .....

(Signature)

(2) Complete only where the exporting country requires

<p>14. REQUEST FOR VERIFICATION, to</p>	<p>15. RESULT OF VERIFICATION</p>
<p>Verification of the authenticity and accuracy of this certificate is requested.</p> <p>.....</p> <p style="text-align: center;">(Place and date)</p> <p style="text-align: right;">Stamp</p> <p>.....</p> <p style="text-align: center;">(Signature)</p>	<p>Verification carried out shows that this certificate (1)</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>.....</p> <p style="text-align: center;">(Place and date)</p> <p style="text-align: right;">Stamp</p> <p>.....</p> <p style="text-align: center;">(Signature)</p> <p>(1) Insert X in the appropriate box.</p>

### I. GOODS FOR WHICH A MOVEMENT CERTIFICATE A.G.1 MAY BE ENDORSED

1. A movement certificate A.G.1 may be endorsed only for goods which, in the exporting State, fall within one of the following categories:
- goods produced in the exporting State, including those obtained or produced wholly or partly from products on which the applicable customs duties or charges having equivalent effect have been levied and which have not benefited from a total or partial drawback of such duties or charges;
  - goods in free circulation in the exporting State (goods coming from a third country, in respect of which import formalities have been complied with and any customs duties or charges having equivalent effect have been levied, and which have not benefited from a total or partial drawback of such duties or charges);

Note: The statement 'compensatory levy EEC-Greece' must appear on all movement certificates A.G.1 for goods obtained or produced in the Community from products coming from a third country on which the applicable customs duties and charges having equivalent effect have not been levied either in the Community or in Greece.

- goods originally imported from a State party to the Agreement and which on exportation fall within one of the categories (a), (b) or (c) above;

Note: In the case of goods originally imported into the exporting State under the cover of a movement certificate bearing the statement 'compensatory levy EEC-Greece', the movement certificates or certificate A.G.1 issued in lieu of the latter must also

- (c) goods obtained or produced within the exporting State, and in the manufacture of which have been used products on which the applicable duties or charges having equivalent effect have not been levied or which have benefited from a total or partial drawback of such duties or charges, subject to the collection, where appropriate, of the compensatory levy prescribed for them;

bear the statement 'compensatory levy EEC-Greece'.

2. Certain products must also comply with the additional conditions laid down in respect thereof.
3. Movement certificates A.G.1 may not be endorsed for goods originally imported from a third country under a preferential customs system because of their country of origin or place of consignment.

## II. SCOPE OF THE USE OF MOVEMENT CERTIFICATE A. G. 1

The movement certificate A.G.1 may be used only if the goods to which it relates are transported direct from the exporting State to the importing State.

The following shall be considered as transported direct from the exporting State to the importing State:

- (a) goods transported without passing through territories other than those of the Community or Greece;
- (b) goods transported through territories other than those of the Community or Greece or with transhipment in such territories

provided that carriage through such territories or transhipment is covered by a single transport document made out in the Community or in Greece.

Note: Before requesting endorsement of movement certificate A.G.1 by the customs authorities of the exporting State, the exporter must satisfy himself that the goods will in fact be transported direct to the importing State. Goods not transported direct are eligible for preferential treatment only if a movement certificate A.G.1 is produced.

## III. RULES FOR COMPLETING MOVEMENT CERTIFICATE A. G. 1

1. The movement certificate A.G.1 must be completed in one of the languages in which the Agreement is drawn up and shall comply with the internal laws of the exporting State. When the certificate is completed in Greek, it shall also be completed in one of the official languages of the Community.
2. The movement certificate A.G.1 must be typed or handwritten; if the latter it must be completed in ink in block letters. It must not contain any erasure or superimposed correction. Any alteration 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 be endorsed by the customs authorities.

3. Each item listed in the movement certificate A.G.1 must be preceded by a serial number. A horizontal line must be drawn immediately after the last entry. Unused space must be struck through so as to make any later addition impossible.
4. Goods must be described in accordance with commercial usage and in sufficient detail to enable them to be identified.
5. The exporter or the carrier may complete the certificate by a reference to the transport document. It is also recommended that the exporter or the carrier should show on the transport document covering the dispatch of the goods the serial number of the movement certificate A.G.1.

## IV. EFFECT OF THE MOVEMENT CERTIFICATE A. G. 1

When properly used movement certificate A.G.1 enables the goods described therein to benefit in the importing State from the progressive elimination of customs duties, quantitative restrictions and all other measures having equivalent effect. However, when the movement certificate is endorsed in the Community with the statement 'compensatory levy EEC-Greece' the goods described therein shall not

be eligible for this preferential treatment in the Member States of the EEC.

The customs authorities of the importing State may, if they consider it to be necessary, require any other documentary evidence and in particular transport documents under cover of which the goods were dispatched.

## V. TIME LIMIT FOR SUBMISSION OF MOVEMENT CERTIFICATE A. G. 1

The movement certificate A.G.1 must be produced at the customs office of the importing State where the goods are presented, within

a period of three months from the date of endorsement.





Total number of packages (col. 3)  
and total quantities (col. 5)

(in words)

Remarks (2):

declare that these goods situated  
meet the conditions required for issue of this certificate (2)

Country of destination (4)

Date of signature

(Signature of exporter)

(Optional information)

Compensation levied

No

### CUSTOMS ENDORSEMENT

Declaration certified:

Export document:

Type

No

Date

Customs office

Date

Official  
stamp

Signature of customs officer

1. In the remarks in bulk, indicate the name of the ship or the number of the railway wagon or road vehicle.

2. Among the remarks to be entered in this space, insert where appropriate 'compensatory levy Turkey', as provided for under note I F c and d overleaf.

See note overleaf.

3. Export to Member State or Turkey.

## REQUEST FOR VERIFICATION

The undersigned customs officer requests verification of the authenticity and accuracy of this certificate.

Official stamp	(Place and date of signature)
	(Signature of customs officer)

## RESULT OF VERIFICATION

Verification carried out by the undersigned customs officer shows that this movement certificate:

1. was issued by the customs office indicated and that the information contained therein is accurate <sup>(1)</sup>;
2. does not meet the requirements as to authenticity and accuracy (see notes appended) <sup>(1)</sup>.

Official stamp	(Place and date of signature)
	(Signature of customs officer)

<sup>(1)</sup> Delete as necessary.

## I. GOODS FOR WHICH A MOVEMENT CERTIFICATE A.TR.1 MAY BE ENDORSED

1. A movement certificate A.TR.1 may be endorsed only for goods which, in the exporting State, fall within one of the following categories:

- (a) goods produced in the exporting State, including those obtained or produced wholly or partly from products on which the applicable customs duties or charges having equivalent effect have been levied and which have not benefited from a total or partial drawback of such duties or charges;
- (b) goods in free circulation in the exporting State (goods coming from a third country, in respect of which import formalities have been complied with and any customs duties or charges having equivalent effect have been levied, and which have not benefited from a total or partial drawback of such duties or charges);
- (c) goods obtained or produced within the exporting State, and in the manufacture of which have been used products on which the applicable customs duties or charges having equivalent effect have not been levied or which have benefited from a total or partial drawback of such duties or charges, subject to the collection, where appropriate, of the compensatory levy prescribed for them;

Note: The statement 'compensatory levy Turkey' must appear on all movement certificates A.TR.1 for goods obtained or produced in the Community from products coming from a third country on which the applicable customs duties and charges having equivalent effect have not been levied in either the Community or Turkey.

- (d) goods originally imported from a State party to the Agreement and which on exportation fall within one of the categories (a), (b) or (c) above.

Note: In the case of goods originally imported into the exporting State under the cover of a movement certificate bearing the statement 'compensatory levy Turkey', the movement certificate or certificates A.TR.1 issued in lieu of the latter must also bear the statement 'compensatory levy Turkey'.

2. Agricultural products must also comply with the additional origin conditions laid down for them.
3. Movement certificates A.TR.1 may not be endorsed for goods originally imported from a third country under a preferential customs system because of their country of origin or place of consignment.

## II. SCOPE OF THE MOVEMENT CERTIFICATE A.T.R.1

The movement certificate A.T.R.1 may be used only if the goods to which it relates are transported direct from the exporting State to the importing State.

The following shall be considered as transported direct from the exporting State to the importing State :

1. goods transported without passing through territories other than those of the Community or Turkey ;
2. goods transported through territories other than those of the Community or Turkey or with transhipment in such territories

provided that carriage through such territories or transhipment is covered by a single transport document made out in the Community or Turkey.

**Note :** Before requesting endorsement of movement certificate A.T.R.1 by the customs authorities of the exporting State, the exporter must satisfy himself that the goods will in fact be transported direct to the importing State. Goods not transported direct are eligible for preferential treatment only if a movement certificate A.T.R.3 is produced.

## III. RULES FOR COMPLETING THE MOVEMENT CERTIFICATE A.T.R.1

1. The movement certificate A.T.R.1 must be completed in one of the languages in which the Agreement is drawn up and shall comply with the internal laws of the exporting State. Where the certificate is completed in Turkish, it may also be completed in one of the official languages of the Community.
2. The movement certificate A.T.R.1 must be typed or handwritten ; if the latter it must be completed in ink in block letters. It must not contain any erasure or superimposed correction. Any alteration must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialed by the person who completed the certificate and endorsed by the customs authorities.

3. Each item listed in the movement certificate A.T.R.1 must be preceded by a serial number. A horizontal line must be drawn immediately after the last entry. Unused space must be struck through so as to make any later addition impossible.
4. Goods must be described in accordance with commercial usage and in sufficient detail to enable them to be identified.
5. The exporter or the carrier may complete the part of the certificate reserved for the declaration by the exporter by a reference to the transport document. It is also recommended that the exporter or the carrier show on the transport document covering the dispatch of the goods the serial number of the movement certificate A.T.R.1.

## IV. EFFECT OF THE MOVEMENT CERTIFICATE A.T.R.1

When properly used, the movement certificate A.T.R.1 enables the goods described therein to benefit in the importing State from the progressive elimination of customs duties, quantitative restrictions and all other measures having equivalent effect. However, when the movement certificate bears the statement "Community levy Turkey", goods described therein shall not be eligible for this pre-

ferential treatment in the Member States of the EEC.

The customs authorities of the importing State may, if they consider it to be necessary, require any other documentary evidence and in particular transport documents under cover of which the goods were dispatched.

## V. TIME LIMIT FOR SUBMISSION OF THE MOVEMENT CERTIFICATE A.T.R.1

The movement certificate A.T.R.1 must be produced at the customs office of the importing Member State where the goods are

presented, within a period of three months from the date of endorsement.

*ANNEX III*

**List of goods excluded from the Agreement**

(Article 2 (2))

Brussels Nomenclature heading No	Description of goods	Country issuing the movement certificate
ex 07.01	Vegetables, fresh or chilled: — Olives for use for the production of oil	Greece
ex 07.03	Vegetables provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption: — Olives for the use for the production of oil	Greece
ex 10.01	Wheat and meslin (mixed wheat and rye): — Durum wheat	Turkey
10.02	Rye	Turkey
ex 10.07	Buckwheat, millet, canary seed and grain sorghum; other cereals: — Canary seed	Turkey
ex 15.07	Fixed vegetable oils, fluid or solid, crude refined or purified: — Olive oil other than that having undergone a refining process — Olive oil having undergone a refining process	Greece, Turkey Greece
ex 15.17	Residues resulting from the treatment of fatty substances or animal or vegetable waxes: — Containing oil having the characteristics of olive oil	Greece
ex 23.04	Oil-cake and other residues (except dregs) resulting from the extraction of vegetable oils: — Oil-cake and other residues resulting from the extraction of olive oil	Greece

Udfærdiget i Wien, den elvte juni nitten hundrede og femoghalvfjerds.

Geschehen zu Wien am elften Juni neunzehnhundertfünfundsiebzig.

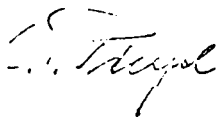
Done at Vienna on the eleventh day of June in the year one thousand nine hundred and seventy-five.

Fait à Vienne, le onze juin mil neuf cent soixante-quinze.

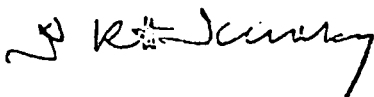
Fatto a Vienna, addì undici giugno millenovecentosettantacinque.

Gedaan te Wenen, elf juni negentienhonderdvijfenzeventig.

For Rådet for De europæiske Fællesskaber  
Im Namen des Rates der Europäischen Gemeinschaften  
For the Council of the European Communities  
Pour le Conseil des Communautés européennes  
Per il Consiglio delle Comunità europee  
Voor de Raad van de Europese Gemeenschappen



Für die Republik Österreich





## AGREEMENT

in the form of an exchange of letters amending Annex A to Protocol I to the Agreement between the European Economic Community and the Republic of Austria <sup>(1)</sup>

**COUNCIL REGULATION (EEC) No 2957/76**

**of 22 July 1976**

**approving the Agreement in the form of an exchange of letters amending Annex A to Protocol I to the Agreement between the European Economic Community and the Republic of Austria**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation of the Commission,

Whereas Annex A to Protocol I to the Agreement between the European Economic Community and the Republic of Austria <sup>(2)</sup> should be amended and the Agreement in the form of an exchange of letters which has been negotiated to that end should be approved,

HAS ADOPTED THIS REGULATION:

### *Article 1*

The Agreement in the form of an exchange of letters amending Annex A to Protocol I to the Agreement between the European Economic Community and the Republic of Austria is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

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(1) OJ No L 338, 7.12.1976.

(2) OJ No L 300, 31.12.1972. English version appears in OJ Special Edition 1972 (31 December).

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

*Article 3*

This Regulation shall enter into force on the 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, 22 July 1976.

*For the Council*  
*The President*  
**L. J. BRINKHORST**



Brussels,.....

Your Excellency,

Under the transitional arrangements provided for in Protocol 1 to the Free Trade Agreement between the European Economic Community and the Republic of Austria signed on 22 July 1972, the United Kingdom is authorized to open each year zero-duty tariff quotas for the products listed in Annex A to Protocol 1. The quota for certain products of Chapter 49 of the Common Customs Tariff is expressed in pounds sterling because during the reference period 1968 to 1971 not all imports of these products were recorded in terms of weight. Meanwhile, inflation and exchange rate fluctuations have distorted this basis. For this reason, it has proved desirable that this quota be expressed in terms of weight. A comparison of the values and weights of UK imports during recent years has made it possible to convert the average imports of the period 1968 to 1971 into metric tons. This figure is 154·495 metric tons.

Accordingly the Community considers that, pursuant to Article 1 (4) of Protocol 1 to the aforementioned Agreement, the initial zero-duty quota which the United Kingdom was entitled to open in 1974 for certain products of Chapter 49 and which is stated in the United Kingdom column of Annex A to the said Protocol should read 187·790 metric tons and not 178 249 pounds sterling. Therefore, in accordance with Article 1 (4) of Protocol 1, the quota which the United Kingdom is entitled to open for 1976 is 207·039 metric tons.

I should be grateful if you would confirm the agreement of the Republic of Austria to the contents of this letter.

Please accept, Your Excellency, the assurance of my highest consideration

*On behalf of the Council of  
the European Communities*

Brussels,.....

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows:

'Under the transitional arrangements provided for in Protocol 1 to the Free Trade Agreement between the European Economic Community and the Republic of Austria signed on 22 July 1972, the United Kingdom is authorized to open each year zero-duty tariff quotas for the products listed in Annex A to Protocol 1. The quota for certain products of Chapter 49 of the Common Customs Tariff is expressed in pounds sterling, because during the reference period 1968 to 1971 not all imports of these products were recorded in terms of weight. Meanwhile, inflation and exchange rate fluctuations have distorted this basis. For this reason, it has proved desirable that this quota be expressed in terms of weight. A comparison of the values and weights of UK imports during recent years has made it possible to convert the average imports of the period 1968 to 1971 into metric tons. This figure is 154·495 metric tons.

Accordingly the Community considers that, pursuant to Article 1 (4) of Protocol 1 to the aforementioned Agreement, the initial zero-duty quota which the United Kingdom was entitled to open in 1974 for certain products of Chapter 49 and which is stated in the United Kingdom column of Annex A to the said Protocol should read 187·790 metric tons and not 178 249 pounds sterling. Therefore, in accordance with Article 1 (4) of Protocol 1, the quota which the United Kingdom is entitled to open for 1976 is 207·039 metric tons.

I should be grateful if you would confirm the agreement of the Republic of Austria to the contents of this letter.'

I have the honour to confirm the agreement of the Republic of Austria to the contents of your letter, subject to ratification.

Please accept, Sir, the assurance of my highest consideration.

*For the Republic of Austria*

AGREEMENT  
BETWEEN THE EUROPEAN ECONOMIC COM-  
MUNITY AND THE REPUBLIC OF AUSTRIA<sup>(1)</sup>  
DECISIONS OF THE EEC-AUSTRIA JOINT  
COMMITTEE

taken in the framework of the Agreement between the European Economic Community and the Republic of Austria and amending the text thereof

*Decision 1/75 of the Joint Committee of 2 December 1975 amending Article 23 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation* <sup>(2)</sup> <sup>(3)</sup>

*Decision 2/75 of the Joint Committee of 2 December 1975 amending Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and amending Joint Committee Decision 3/73 and repealing Joint Committee Decision 4/73* <sup>(2)</sup> <sup>(4)</sup>

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(1) This Agreement appears in Volume 1, page 5, Protocol No 3 to this Agreement has been amended a number of times. These amendments were a matter for the Joint Committee, and the decisions it took are set out hereafter.

(2) OJ No L 338, 31.12.1975.

(3) Identical Decisions have been taken in the framework of the Agreements between the EEC and:

- the Republic of Finland (Council Regulation (EEC) No 3421/75);
- the Republic of Iceland (Council Regulation (EEC) No 3422/75);
- the Kingdom of Norway (Council Regulation (EEC) No 3423/75);
- the Portuguese Republic (Council Regulation (EEC) No 3424/75);
- the Kingdom of Sweden (Council Regulation (EEC) No 3425/75);
- the Swiss Confederation (Council Regulation (EEC) No 3426/75).

(4) Identical Decisions have been taken in the framework of the Agreements between the EEC and:

- the Republic of Iceland (Council Regulation (EEC) No 3422/75);
- the Kingdom of Norway (Council Regulation (EEC) No 3423/75);
- the Portuguese Republic (Council Regulation (EEC) No 3424/75);
- the Kingdom of Sweden (Council Regulation (EEC) No 3425/75);
- the Swiss Confederation (Council Regulation (EEC) No 3426/75).

# REGULATION (EEC) No 3420/75 OF THE COUNCIL

of 18 December 1975

on the application of Decisions 1/75 and 2/75 of the EEC-Austria Joint Committee concerning the methods of administrative cooperation

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Austria <sup>(1)</sup> was signed on 22 July 1972 and entered into force on 1 January 1973;

Whereas pursuant to Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which is an integral part of that Agreement, the Joint Committee adopted on 2 December 1975 Decisions 1/75 and 2/75 concerning the methods of administrative cooperation;

Whereas it is necessary to give effect, within the Community to those Decisions,

HAS ADOPTED THIS REGULATION:

## *Article 1*

For the purpose of applying the Agreement between the European Economic Community and the Republic of Austria, Decisions 1/75 and 2/75 of the Joint Committee annexed hereto shall apply within the Community.

## *Article 2*

This Regulation shall enter into force on 1 January 1976.

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(1) OJ No L 300, 31.12.1972. English version appears in OJ Special Edition 1972 (31 December).

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

↳

## **DECISION 1/75 OF THE JOINT COMMITTEE**

**of 2 December 1975**

**amending Article 23 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation**

**THE JOINT COMMITTEE,**

Having regard to the Agreement between the European Economic Community and the Republic of Austria, signed in Brussels on 22 July 1972;

Having regard to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation (hereinafter referred to as 'Protocol 3'), and in particular Article 28 thereof;

Whereas the present provisions of Article 23 (1) of Protocol 3, suspended until 31 December 1975 by Joint Committee Decision 4/74 of 2 December 1974, stipulate that the prohibition on the benefit of drawback of customs duty or exemption from customs duty of whatever kind, for non-originating products used in the manufacture of originating products, applies as from the date when the duty, applicable to originating products of the same kind as the products used was, in the Community or in Austria, reduced to 40% of the basic duty;

Whereas the reference to a certain level of tariff dismantling in order to determine the date of application of these provisions is likely to entail practical difficulties, in particular because of the differences in tariff systems applicable both to the finished products and to the originating products of the same kind as the products used;

Whereas it is consequently appropriate to provide for a uniform date of application for the whole of the products concerned; whereas that date may be the date of the entry into force of this Decision;

Whereas, in addition, the present provisions of Article 23 (2) and (3), stipulate that, for the application of the tariff system in force by virtue of Article 3 (1) of the Agreement, in trade between the former EFTA countries, only those products referred to in Article 25 (1) of Protocol 3 may benefit from drawback of customs duty of whatever kind;

Whereas in practice it is a result of these provisions that the benefit of drawback of customs duty or exemption from customs duty of whatever kind, is prohibited for products originating in the Community as originally constituted or in Ireland which are used in the manufacture of products which may benefit from the tariff system resulting from Article 3 (1) of the Agreement;

Whereas this prohibition must continue for as long as the tariff system resulting from Article 3 (1) of the Agreement is not identical to that resulting from Article 3 (2) thereof;

Whereas, however, for the majority of the products concerned, this prohibition will continue only until 30 June 1977; whereas it is appropriate in a desire for simplification, to lay down the same date for all the products in question,

**HAS DECIDED AS FOLLOWS:**

*Article 1*

The text of Article 23 of Protocol 3 shall be replaced by the following:

*'Article 23*

1. Without prejudice to the provisions of Article 1 of Protocol 2, products of the kind to which the Agreement applies, which are used in the manufacture of products for which a movement certificate EUR.1 or a form EUR.2 is issued or completed, can only be the subject of drawback of customs duty or benefit from an exemption from customs duty of whatever kind when products originating in the Community, Austria or one of the six countries referred to in Article 2 of this Protocol are concerned.

2. Without prejudice to the provisions of Article 1 of Protocol 2, products originating in the Community as originally constituted in or Ireland which are used in the manufacture of products obtained in accordance with the conditions laid down in Article 25 (1) may not be the subject, in the State where such manufacture took place, of drawback of customs duty or benefit from an exemption of customs duty of whatever kind until 30 June 1977.

3. In this and the following Articles, the term "customs duty" also means charges having an equivalent effect to customs duty.'

*Article 2*

This decision shall enter into force on 1 January 1976.

Done at Brussels, 2 December 1975.

*For the Joint Committee*

*The President*

**R. de KERGORLAY**



## DECISION 2/75 OF THE JOINT COMMITTEE

of 2 December 1975

amending Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and amending Joint Committee Decision 3/73 and repealing Joint Committee Decision 4/73

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Austria, signed in Brussels on 22 July 1972;

Having regard to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation (hereinafter referred to as 'Protocol 3'), and in particular Article 28 thereof;

Whereas it is desirable that the value limits laid down in Article 14 of Protocol 3 should be raised;

Whereas it is necessary to provide a box in the movement certificate EUR.1 and in form EUR.2 in which the name of the country of origin should be inserted; whereas it is, as a result, desirable to amend the models of this certificate and form;

Whereas it is also necessary to simplify further the procedure for issuing this certificate and for completing this form and *inter alia* by extending the measures adopted by Joint Committee Decision 4/73 to other means of transport, as well as to raise the value limit laid down in that Decision,

HAS DECIDED AS FOLLOWS:

### *Article 1*

The text of Article 14 (1) and (2) of Protocol 3 shall be deleted and replaced by the following:

1. The Community and Austria shall admit as originating products benefiting from the Agreement without requiring the production of a movement certificate EUR.1 or a form EUR.2 any goods sent as small packages to private persons or forming part of travellers' personal luggage, 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 100 units of account in the case of small packages or 300 units of account in the case of the contents of travellers' personal luggage.'

#### *Article 2*

The model movement certificate EUR.1 given in Annex V to Protocol 3, as amended by Joint Committee Decision 10/73, shall be replaced by the model given in Annex I hereto.

#### *Article 3*

Note 8 to Article 10 of Annex I to Protocol 3 shall be deleted.

#### *Article 4*

1. Article 8 (2) of Joint Committee Decision 3/73 shall be deleted.
2. The first subparagraph of Article 19 (2) of Joint Committee Decision 3/73 shall be replaced by the following:

'For the purpose of implementing the provisions of paragraph 1, the customs authorities of the importing State shall return the movement certificate or the form EUR.2 or a photocopy thereof, to the customs authorities of the exporting State, giving, where appropriate, the reasons of substance or form for an inquiry. The invoice, if it has been submitted, or a copy thereof shall be attached to the 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.'

### *Article 5*

Article 21 of Decision 3/73 of the Joint Committee shall be replaced by the following:

#### *'Article 21*

The initials and the endorsements referred to in Articles 13, 14 and 20 shall be inserted in the "Remarks" box of the certificate.'

↳

### *Article 6*

1. Without prejudice to Article 8 (1) of Protocol 3, originating products within the meaning of that Protocol shall, provided the consignment consists only of originating products and provided the value does not exceed 1 500 units of account per consignment, benefit from the provisions of the Agreement on import into the Community or Austria on presentation of form EUR.2 of which a model is given in Annex II.
2. One form EUR.2 shall be completed for each consignment.

### *Article 7*

Form EUR.2 shall be completed by the exporter or, under his responsibility, by his authorized representative. It shall be made out on the form of which a model is given in Annex II. This form shall be printed in one or more of the languages in which the Agreement is drawn up. It shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State. If it is handwritten it must be completed in ink and in block letters.

Form EUR.2 shall be 210 × 148 mm. A tolerance of up to plus 8 or minus 5 mm in the length may be allowed. The paper used shall be white paper dressed for writing not containing mechanical pulp and weighing not less than 64 g/m<sup>2</sup>.

The Member States of the Community and Austria may reserve the right to print the forms themselves or may have them printed by printers approved by them. In the latter case each form must bear a reference to such approval. In addition, the form 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, whether or not printed, by which it can be identified.

### *Article 8*

In order to ensure proper application of this Decision, the Member States of the Community and Austria shall assist each other, through their respective customs administrations, in checking the authenticity and accuracy of exporter's declarations made on forms EUR.2

### *Article 9*

Penalties shall be imposed on any person who completes a form or causes a form to be completed which contains inaccurate information for the purpose of enabling goods to benefit from preferential treatment.

### *Article 10*

1. Movement certificates made out on the forms previously in force may be used until depletion of stocks and at the latest up to and including 30 June 1977, under the conditions laid down before the entry into force of this Decision.

2. Forms EUR.2 made out on the form previously in force may be used until depletion of stocks and at the latest up to and including 30 June 1977 for postal consignments (including parcel post) under the conditions laid down before the entry into force of this Decision.

Additionally, they may be used until depletion of stocks and at the latest up to and including 30 June 1977, under the conditions laid down by this Decision. In that case, the information to be given in box 8 of the forms, models of which are to be found in Annex II, should be given in box 7.

### *Article 11*

Decision 4/73 of the Joint Committee is hereby repealed.

### *Article 12*

The text of Article 18 of Joint Committee Decision 3/73 shall be replaced by the following:

*'Article 18*

Under the responsibility of the exporter, he or his authorized representative shall complete and sign the form EUR.2.

If the goods contained in the consignment have already been subject to verification in the exporting country by reference to the definition of the concept of "originating products", the exporter may refer to this check in the "Remarks" box of form EUR.2.'

↳

*Article 13*

An exporter who has completed a form EUR.2 shall be obliged to submit, at the request of the customs authorities of the exporting country, supporting evidence concerning the use of this form.

*Article 14*

This Decision shall enter into force on 1 February 1976.

Done at Brussels, 2 December 1975.

*For the Joint Committee*  
*The President*  
R. de KERGORLAY

*ANNEX I*  
MOVEMENT CERTIFICATE

1. <b>Exporter</b> (Name, full address, country)	<b>EUR. 1</b> No <b>A</b> 000.000		
	See notes overleaf before completing this form		
3. <b>Consignee</b> (Name, full address, country) (Optional)	2. <i>Certificate used in preferential trade between</i>		
	and		
	(insert appropriate countries, groups of countries or territories)		
	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
6. <b>Transport details</b> (Optional)	7. <b>Remarks</b>		
8. <b>Item number; Marks and numbers; Number and kind of packages</b> <sup>(1)</sup> ; Description of goods	9. <b>Gross weight</b> (kg) or other measure (litres, m <sup>3</sup> , etc.)	10. <b>Invoices</b> (Optional)	

<sup>(1)</sup> If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

	✓
--	---

<sup>2)</sup> Complete only where the regulations of the exporting country or territory require.

**11. CUSTOMS ENDORSEMENT**

Declaration certified  
Export document <sup>(2)</sup>

Stamp

Form ..... No .....

Customs office .....

Issuing country or territory .....

.....

Date .....

.....

(Signature)

**12. DECLARATION BY THE EXPORTER**

I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.

Place and date: .....

.....

.....

(Signature)

13. REQUEST FOR VERIFICATION, to	14. RESULT OF VERIFICATION,
Verification of the authenticity and accuracy of this certificate is requested.	Verification carried out shows that this certificate <sup>(1)</sup> <input type="checkbox"/> was issued by the customs office indicated and that the information contained therein is accurate.  <input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).
..... (Place and date)	..... (Place and date)
..... (Signature)	..... (Signature) <sup>(1)</sup> Insert X in the appropriate box.
Stamp	Stamp



## 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

1. Exporter (Name, full address, country)	<b>EUR. 1</b> No <b>A</b> 000.000		
3. Consignee (Name, full address, country) (Optional)	See notes overleaf before completing this form		
	2. Application for a certificate to be used in preferential trade between  ..... and ..... (insert appropriate countries, groups of countries or territories)		
	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
6. Transport details (Optional)	7. Remarks		
8. Item number; Marks and numbers; Number and kind of packages (!); Description of goods	9. Gross weight (kg) or other measure (litres, m <sup>3</sup> , etc.)	10. Invoices (Optional)	

(!) If goods are not packed, indicate number of articles or state "in bulk" as appropriate.

(From)


✓

**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 (1):

.....

.....

.....

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)

.....  
(1) 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.

## ANNEX II

Before completing this form read carefully the instructions on the other side.

<b>FORM EUR. 2</b> No		<b>1 Form used in preferential trade</b> between (¹) ..... and .....	
<b>2 Exporter</b> (Name, full address, country)		<b>3 Declaration by exporter</b> I, the undersigned, exporter of the goods described below, declare that the goods comply with the requirements for the completion of this form and that the goods have obtained the status of originating products within the provisions governing preferential trade shown in box 1.	
<b>4 Consignee</b> (Name, full address, country)		<b>5 Place and date</b>	
		<b>6 Signature of exporter</b>	
<b>7 Remarks</b> (²)		<b>8 Country of origin</b> (¹)	<b>9 Country of destination</b> (¹)
			<b>10 Gross weight</b> (kg)
<b>11 Marks; Numbers of consignment; Description of goods</b>		<b>12 Authority in the exporting country</b> (¹) responsible for verification of the declaration by the exporter	

(1) Insert the countries, groups of countries or territories concerned.

(2) Refer to any verification already carried out by the appropriate authorities.

(3) The term 'country of origin' means country, group of countries or territory where the goods are considered to be originating.

(4) The term 'country' means country, group of countries or territory of destination.

<p><b>13 Request for verification</b></p> <p>The verification of the declaration by the exporter on the front of this form is requested (*)</p> <p>..... 19..... (Place and date) Stamp</p> <p>..... (Signature)</p>	<p><b>14 Result of verification</b></p> <p>Verification carried out shows that (1)</p> <p><input type="checkbox"/> the statements and particulars given in this form are accurate.</p> <p><input type="checkbox"/> this form does not meet the requirements as to accuracy and authenticity (see remarks appended.)</p> <p>..... 19..... (Place and date) Stamp</p> <p>..... (Signature)</p> <p>(1) Insert X in the appropriate box.</p>
--	--

(\*) Subsequent verifications of forms EUR 2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubt as to the accuracy of the information regarding the authenticity of the forms and the true origin of the goods in question.

#### Instructions for the completion of form EUR. 2

1. A form EUR.2 may be made out only for goods which in the exporting country fulfil the conditions specified by the provisions governing the trade referred to in box 1. These provisions must be studied carefully before the form is completed.
2. In the case of a consignment by parcel post the exporter attaches the form to the dispatch note. In the case of a consignment by letter post he encloses the form in a package. The reference 'EUR.2' and the serial number of the form should be stated on the customs green label declaration CI or on the customs declaration C2/CP3, as appropriate.
3. These instructions do not exempt the exporter from complying with any other formalities required by customs or postal regulations.
4. An exporter who uses this form is obliged to submit to the appropriate authorities any supporting evidence which they may require and to agree to any inspection by them of his accounts and of the processes of manufacture of the goods described in box 11 of this form.

*Decision 1/76 of the Joint Committee of 12 April 1976 amending List A annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation* <sup>(1)</sup> <sup>(2)</sup>

**COUNCIL REGULATION (EEC) No 1955/76  
of 20 July 1976**

**on the application of Decision 1/76 of the EEC-Austria Joint Committee amending List A annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Austria <sup>(3)</sup> was signed on 22 July 1972 and entered into force on 1 January 1973;

Whereas pursuant to Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which is an integral part of that Agreement, the Joint Committee adopted Decision 1/76 amending List A annexed to the said Protocol;

Whereas it is necessary to give effect within the Community to that Decision,

**HAS ADOPTED THIS REGULATION:**

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(1) OJ No L 215, 7.8.1976.

(2) Identical Decisions have been taken in the framework of the Agreements between the EEC and:

- the Republic of Finland (Council Regulation (EEC) No 1956/76);
- the Republic of Iceland (Council Regulation (EEC) No 1957/76);
- the Kingdom of Norway (Council Regulation (EEC) No 1958/76);
- the Portuguese Republic (Council Regulation (EEC) No 1959/76);
- the Kingdom of Sweden (Council Regulation (EEC) No 1960/76);
- the Swiss Confederation (Council Regulation (EEC) No 1961/76).

(3) OJ No L 300, 31.12.1972. English version appears in OJ Special Edition 1972 (31 December).



*Article 1*

For the purposes of the Agreement between the European Economic Community and the Republic of Austria, Joint Committee Decision 1/76 annexed hereto shall apply within the Community.

*Article 2*

This Regulation shall enter into force on the 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*  
M. van der STOEL

*ANNEX*

**DECISION 1/76 OF THE JOINT COMMITTEE  
of 12 April 1976**

**amending List A annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation**

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Austria, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, and in particular Article 28 thereof,

Whereas the present rule, laid down in List A annexed to the aforesaid Protocol, for boilers, machinery and mechanical appliances falling within Chapter 84 of the Common Customs Tariff, does not apply until 31 December 1977 to fuel elements falling within heading No 84.59 of the Common Customs Tariff;

Whereas the production of these elements depends upon long-term supply contracts for obtaining raw materials; whereas it is consequently desirable to determine now the rule to apply to these elements after 31 December 1977;

Whereas it is necessary to extend until 31 December 1984 the present exception for these elements,

**HAS DECIDED AS FOLLOWS:**

*Sole Article*

In List A annexed to Protocol 3, the text of footnote (1) referring to Chapter 84 shall be replaced by the following:

'(1) These special provisions shall not apply to fuel elements falling within heading No 84.59 until 31 December 1984.'

Done at Brussels, 12 April 1976.

*For the Joint Committee*  
*The Chairman*  
J. MEISL

*Decision No 2/76 of the Joint Committee supplementing and amending Lists A and B annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and the list contained in Article 25 of that Protocol* <sup>(1)</sup> <sup>(2)</sup>

*Decision No 3/76 of the Joint Committee supplementing Note 11, Article 23 in Annex I to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation* <sup>(1)</sup> <sup>(2)</sup>

## COUNCIL REGULATION (EEC) No 2809/76

of 8 November 1976

on the application of Decisions No 2/76 and No 3/76 of the EEC-Austria Joint Committee supplementing and amending Lists A and B annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and the list contained in Article 25 of that Protocol and supplementing Note 11, Article 23 in Annex I to that Protocol

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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(1) OJ No L 328, 26.11.1976.

(2) Identical Decisions have been taken in the framework of the Agreements between the EEC and:

- the Republic of Finland (Council Regulation (EEC) No 2810/76);
- the Republic of Iceland (Council Regulation (EEC) No 2811/76);
- the Kingdom of Norway (Council Regulation (EEC) No 2812/76);
- the Portuguese Republic (Council Regulation (EEC) No 2813/76);
- the Kingdom of Sweden (Council Regulation (EEC) No 2814/76);
- the Swiss Confederation (Council Regulation (EEC) No 2815/76).

Whereas an Agreement between the European Economic Community and the Republic of Austria <sup>(1)</sup> was signed on 22 July 1972 and entered into force on 1 January 1973;

Whereas, pursuant to Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which is an integral part of that Agreement, the Joint Committee has adopted Decisions No 2/76 and No 3/76 supplementing and amending Lists A and B annexed to that Protocol and the list contained in Article 25 of that Protocol and supplementing Note 11, Article 23 in Annex I to that Protocol;

Whereas it is necessary to apply these Decisions in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purpose of implementing the Agreement between the European Economic Community and the Republic of Austria, Decisions No 2/76 and No 3/76 of the Joint Committee shall apply in the Community.

The text of these Decisions is annexed to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 December 1976.

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

Done at Brussels, 8 November 1976.

*For the Council*  
*The President*  
W. F. DUISENBERG

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(1) OJ No L 300, 31.12.1972. English version appears in OJ Special Edition 1972 (31 December).

## ANNEX

### DECISION No 2/76 OF THE JOINT COMMITTEE

supplementing and amending Lists A and B annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and the list contained in Article 25 of that Protocol

#### THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Austria, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation (hereinafter referred to as 'Protocol 3'), and in particular Article 28 thereof,

Whereas experience gained since the entry into force of the Agreement shows that the rules of origin laid down for certain products in Protocol 3 must be adapted to take account of developments in the manufacturing techniques for those products and in international economic conditions of trade therein; whereas the amendment of the tariff classification of non-crystallizable sorbitol must also be taken into account;

Whereas certain of these rules of origin should therefore be supplemented and amended,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

1. In List A annexed to Protocol 3 the rules relating to heading Nos ex 38.19, 40.05, 59.11, ex Chapter 84 and heading No ex 84.41 shall be replaced by those set out in Annex I to this Decision.
2. In the said List A the headings listed below and the corresponding rules shall be deleted:
  - ex 28.13 Hydrobromic acid,
  - 28.27 Lead oxides; red lead and orange lead,
  - ex 28.28 Lithium hydroxide,

- ex 28.29 Lithium fluoride,
- ex 28.30 Lithium chloride,
- ex 28.33 Bromides,
- ex 28.42 Lithium carbonate,
- ex 29.02 Organic bromides,
- ex 29.02 Trichloridi (chloro-penhyl) ethane,
- ex 29.35 Pyridine; alphapicoline; betapicoline; gammapicoline,
- ex 29.35 Vinylpyridine,
- ex 29.38 Nicotinic acid,
- ex 98.15 Vacuum flasks and other vacuum vessels.

### *Article 2*

1. In List B annexed to Protocol 3 the rules set out in Annex II to this Decision shall be inserted in the appropriate place as determined by the numerical order of the tariff headings.
2. In the said List B the rule relating to heading No ex 84.41 shall be replaced by the rules set out in Annex III to this Decision.

### *Article 3*

1. In the list set out in Article 25 of Protocol 3, as amended by Decision No 9/73 of the Joint Committee, rule No 1 shall be replaced by the rule set out in Annex IV to this Decision.
2. The rule set out in Annex V to this Decision shall be added to the list set out in Article 25 of Protocol 3, as amended by Decision No 9/73 of the Joint Committee.

Done at Brussels, 18 August 1976.

*For the Joint Committee*  
*The Chairman*  
R. de KERGORLAY

## ANNEX I

CCT heading No	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
	Description		
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> </ul>		<p>Manufacture in which the value of the products used does not exceed 50% of the value of the finished product</p>

CCT heading No	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
	Description		
ex 38.19	<p>— 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)</p> <p>— Sorbitol other than sorbitol of heading No 29.04</p>		
40.05	<p>Auxiliary products of a kind used in the textile, leather and paper industries (not elsewhere specified or included); composite plasticizers, hardeners, and stabilizers for plastic materials and for products based on plastic materials (not elsewhere specified or included)</p>		<p>Manufacture in which the value of the products used does not exceed 60% of the value of the finished product<sup>(1)</sup></p>
40.05	<p>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 or unvulcanized 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</p>		<p>Manufacture in which the value of the products used, except that of natural rubber, does not exceed 50% of the value of the finished product</p>
ex 59.11	<p>Rubberized textile fabrics, other than rubberized knitted or crocheted goods, with the exception of those consisting of fabric of continuous synthetic textile fibres or of fabric composed of parallel yarns of continuous synthetic textile fibres, impregnated or covered with rubber latex, containing at least 90% by weight of textile materials and used for the manufacture of tyres or for other technical uses</p>		<p>Manufacture from yarn</p>



ex 59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods, consisting of fabric of continuous synthetic textile fibres or of fabric composed of parallel yarns of continuous synthetic textile fibres, impregnated or covered with rubber latex, containing at least 90% by weight of textile materials and used for the manufacture of tyres or for other technical uses		Manufacture from chemical products
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 (lockstitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg including the motor (ex 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 <sup>(2)</sup>
ex 84.41	Sewing machines (lockstitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg including the motor		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% by value of the materials and parts <sup>(3)</sup> used for the assembly of the head (motor excluded) are originating products, — and the thread tension, crochet and zigzag mechanisms are originating products

(1) These provisions shall apply until 30 November 1977.

(2) These provisions shall not apply to fuel elements of heading No ex 84.59 until 31 December 1984.

(3) 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 6 of this Protocol determining:

— the value of imported products,  
— the value of products of undetermined origin.

## ANNEX II

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 25.19	Natural magnesium carbonate (magnesite), whether or not calcined, other than magnesium oxide, crushed and put into hermetically sealed containers	Crushing and putting into hermetically sealed containers of natural magnesium carbonate (magnesite), whether or not calcined, other than magnesium oxide
ex 25.24	Natural asbestos fibres	Treatment of asbestos concentrate
ex 25.26	Milled and homogenized mica waste	Milling and homogenizing mica waste
ex 47.01	Sulphate pulp derived by mechanical or chemical means from any fibrous vegetable material, bleached	Manufacture from unbleached sulphate pulp derived by mechanical or chemical means from any fibrous vegetable material, provided that the value of the non-originating products used does not exceed 60% of the value of the finished product
ex 73.29	Skid chains	Working or processing in which the value of the non-originating products used does not exceed 50% of the value of the finished product
ex 97.06	Golf club heads, of wood or other materials	Manufacture from roughly shaped blocks

### ANNEX III

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
ex 84.41	Sewing machines, including furniture specially designed for sewing machines with the exception of sewing machines (lockstitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg including the motor	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
ex 84.41	Sewing machines (lockstitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg including the motor	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>— at least 50% by value of the materials and parts (1) used for assembly of the head (motor excluded) are originating products,</li> <li>— and the thread tension, crochet and zigzag mechanisms are originating products</li> </ul>

- (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 the said products on the territory of the country where working, processing or assembly is carried out;
  - (b) in respect of other materials and parts, the provisions of Article 6 of this Protocol determining:
    - the value of imported products,
    - the value of products of undetermined origin.

## ANNEX IV

<p style="text-align: center;"><b>Column 1</b> <i>Products used</i></p>	<p style="text-align: center;"><b>Column 2</b> <i>Products obtained</i></p>
<p>1. ex 11.08 Starches, obtained from maize, potatoes, wheat, manioc (tapioca) or sago</p>	<p>35.05 Dextrins and dextrine glues; soluble or roasted starches; starch glues</p>

## ANNEX V

<p style="text-align: center;"><b>Column 1</b> <i>Products used</i></p>	<p style="text-align: center;"><b>Column 2</b> <i>Products obtained</i></p>
<p>25. ex 29.14 Vinyl acetate monomer</p> <p>Any product other than or not containing a product obtained by polymerization of the monomer</p>	<p>ex 39.02 Polyvinyl acetate</p>

## DECISION No 3/76 OF THE JOINT COMMITTEE

supplementing Note 11, Article 23 in Annex I to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Austria signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation (hereinafter referred to as 'Protocol 3'), and in particular Article 28 thereof,

Whereas the meaning of the expression 'products used in manufacture' used in Article 23 of Protocol 3 should be clarified,

HAS DECIDED AS FOLLOWS:

### *Sole Article*

The following paragraph shall be added to Note 11, Article 23 of Annex I to Protocol 3:

' "Products used in manufacture" shall mean any products in respect of which a "drawback or remission of any kind granted from customs duties" is requested as a result of the export of originating products for which a movement certificate EUR.1 is issued or a form EUR.2 is made out.'

Done at Brussels, 18 August 1976.

*For the Joint Committee*  
*The Chairman*  
R. de KERGORLAY

## INFORMATION CONCERNING

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
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- the AGREEMENT between the European Economic Community and the Republic of Austria on the simplification of formalities in respect of goods traded between the European Economic Community on the one hand and Greece and Turkey on the other hand when the said goods are forwarded from Austria <sup>(1)</sup>

EEC	11.6.1975	26.3.1976	1.5.1976 <sup>(2)</sup>	indefinite
AUSTRIA				

- the AGREEMENT in the form of an exchange of letters amending Annex A to Protocol 1 to the AGREEMENT between the European Economic Community and the Republic of Austria <sup>(3)</sup> <sup>(4)</sup>

EEC	8.12.1976	—	8.12.1976	until 31.12.1976
AUSTRIA				

<sup>(1)</sup> OJ No L 188, 19.7.1975

<sup>(2)</sup> OJ No L 98, 13.4.1976.

<sup>(3)</sup> OJ No L 338, 7.12.1976.

<sup>(4)</sup> The latter Agreement appears in Volume 1, page 5.

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**Agreement  
between the EEC and Malta**





## AGREEMENT

extending the provisions governing the first stage of the Agreement establishing an Association between the European Economic Community and Malta <sup>(1)</sup>

COUNCIL REGULATION (EEC) No 666/76

of 25 March 1976

concluding the Agreement extending the provisions governing the first stage of the Agreement establishing an Association between the European Economic Community and Malta

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 238 thereof,

Having regard to the recommendation from the Commission,

Having regard to the opinion of the European Parliament,<sup>(2)</sup>

Whereas the provisions governing the first stage of the Agreement establishing an Association between the European Economic Community and Malta,<sup>(3)</sup> signed at Valletta on 5 December 1970, expire on 31 March 1976;

Whereas the Agreement in question provides for the opening of negotiations with a view to defining the content of the second stage;

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(1) OJ No L 81, 27.3.1976.

(2) OJ No C 79, 5.4.1976. See corrigendum: OJ No L 117, 4.5.1976.

(3) OJ No L 61, 14.3.1971.

Whereas, pending the adoption and entry into force of the provisions governing the second stage, an agreement should be concluded extending the provisions governing the first stage of the said Agreement,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement extending the provisions governing the first stage of the Agreement establishing an Association between the European Economic Community and Malta is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

*Article 2*

The President of the Council shall give the notification referred to in Article 2 of the Agreement on behalf of the Community.

*Article 3*

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, 25 March 1976.

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

## AGREEMENT

extending the provisions governing the first stage of the Agreement establishing an Association between the European Economic Community and Malta

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF MALTA,

of the other part,

CONSIDERING that the provisions governing the first stage of the Agreement establishing an Association between the European Economic Community and Malta, signed at Valletta on 5 December 1970, hereinafter referred to as 'the Agreement', expire on 31 March 1976;

CONSIDERING that the Contracting Parties have made it their aim to negotiate a second stage providing for a further elimination of obstacles to trade between the European Economic Community and Malta and the adoption by Malta of the Common Customs Tariff;

RECOGNIZING that it has proved impossible to open the negotiations relating to the definition of the content of the second stage within the prescribed time;

HAVE DECIDED to extend the provisions governing the first stage of the Agreement until the entry into force of the second stage but not later than 30 June 1977, and to this end have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Jean DONDELINGER,

Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Luxembourg,

Chairman of the Permanent Representatives Committee;

Theodorus HIJZEN,

Director-General of External Relations of the Commission of the European Communities;

THE GOVERNMENT OF THE REPUBLIC OF MALTA:

Joseph Attard KINGSWELL,

Ambassador Extraordinary and Plenipotentiary,

Permanent Delegate of the Republic of Malta to the European Economic Community;

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

*Article 1*

Article 2 (2) of the Agreement shall be replaced by the following:

'2. The Agreement provides for two successive stages. The provisions governing the first stage shall apply until the entry into force of the provisions governing the second stage but not later than 30 June 1977. The second stage shall be, in principle, of five years' duration.'

*Article 2*

1. This Agreement shall require ratification, acceptance or approval in accordance with the procedures of the Contracting Parties who shall notify each other of the completion of the procedures necessary to that end.

2. This Agreement shall enter into force on the first day of the month following the date on which the notifications referred to in paragraph 1 have been effected.

*Article 3*

This Agreement is drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, each of these texts being equally authentic.

## PROTOCOL

laying down certain provisions relating to the Agreement establishing an Association between the European Economic Community and Malta (1)

**COUNCIL REGULATION (EEC) No 939/76**

**of 23 April 1976**

**concluding the Financial Protocol and the Protocol laying down certain provisions relating to the Agreement establishing an Association between the European Economic Community and Malta**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

Having regard to the Treaty establishing the European Economic Community, and in particular Article 238 thereof,

Having regard to the recommendation from the Commission,

Having regard to the opinion of the European Parliament,(2)

Whereas the Protocol laying down certain provisions relating to the Agreement establishing an Association between the European Economic Community and Malta and a Financial Protocol should be concluded and the Declarations and the Exchange of Letters annexed to the Final Act should be approved,

**HAS ADOPTED THIS REGULATION:**

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(1) OJ No L 111, 28.4.1976.

(2) OJ No C 100, 3.5.1976. See corrigendum: OJ No L 133, 22.5.1976.

### *Article 1*

The Protocol laying down certain provisions relating to the Agreement establishing an Association between the European Economic Community and Malta, the Financial Protocol and the Declarations and the Exchange of Letters annexed to the Final Act are hereby concluded, approved and confirmed on behalf of the Community.

The texts of the Protocols and of the Final Act are annexed to this Regulation.

### *Article 2*

The President of the Council shall, as far as the Community is concerned, give the notification provided for in Article 25 of the Protocol laying down certain provisions relating to the Agreement establishing an Association between the European Economic Community and Malta.

The President of the Council, shall as far as the Community is concerned, take the necessary measures concerning the exchange of the act of notification of conclusion provided for in Article 18 of the Financial Protocol.

### *Article 3*

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, 23 April 1976.

*For the Council*  
*The President*  
G. THORN

## PROTOCOL

**laying down certain provisions relating to the Agreement establishing an Association between the European Economic Community and Malta**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

of the one<sup>></sup> part,

**THE GOVERNMENT OF THE REPUBLIC OF MALTA,**

of the other part,

HAVE DECIDED to determine by mutual agreement certain transitional measures and adaptations to the Agreement establishing an Association between the European Economic Community and Malta signed at Valletta on 5 December 1970 which are necessary consequent on the enlargement of the Community and to include therein supplementary measures to reinforce and extend economic relations existing under that Agreement, and to this end have designated as their Plenipotentiaries:

**THE COUNCIL OF THE EUROPEAN COMMUNITIES:**

Jean DONDELINGER,

Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Luxembourg, Chairman of the Permanent Representatives Committee;

Theodorus HIJZEN,

Director-General of External Relations of the Commission of the European Communities;

**THE GOVERNMENT OF THE REPUBLIC OF MALTA:**

Joseph Attard KINGSWELL,

Ambassador Extraordinary and Plenipotentiary, Permanent Delegate of the Republic of Malta to the European Economic Community,

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Title I

MEASURES OF ADAPTATION

*Article 1*

The text of the Agreement and the declarations annexed to the Final Act drawn up in Danish and annexed to this Protocol are authentic in the same way as the original texts.

*Article 2*

The annual tariff quotas for Malta in application of Article 2 of Annex I to the Agreement shall be increased as follows:

CCT heading No	Description	Annual Community tariff quota (in metric tons)
55.05	Cotton yarn, not put up for retail sale	910
56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning	800
60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized	190
61.01	Men's and boys' outer garments	730

Title II

TRANSITIONAL MEASURES

*Article 3*

Denmark shall apply in respect of Malta the reductions in customs duties and charges having the equivalent effect provided for in Articles 1, 2, 3 and 5 of Annex I to the Agreement and at rates shown therein.



However, the duties thus reduced may in no case be lower than those applied by Denmark in respect of the Community as originally constituted.

↳

#### *Article 4*

1. Ireland and the United Kingdom shall apply to imports originating in Malta the customs duties and rules of origin applied in respect of Malta at the time of entry into force of this Protocol.

This provision shall apply until the entry into force of the provisions governing the second stage but not later than 30 June 1977.

2. Products originating in Malta conforming to the provisions of the Protocol annexed in respect of which the rates of customs duties and charges having equivalent effect, reduced in accordance with Articles 1, 2, 3 and 5 of Annex I to the Agreement, and calculated in accordance with Article 5, and in accordance with Articles 13 and 14 of this Protocol, and calculated in accordance with Article 15 are lower than the customs duties and charges having equivalent effect applied by Ireland and the United Kingdom in respect of Malta at the time of entry into force of this Protocol may be imported into Ireland and the United Kingdom at the reduced rates of customs duties and charges having equivalent effect set out in the Agreement.

However, the duties thus reduced may in no case be lower than those applied by Ireland and the United Kingdom in respect of the Community as originally constituted.

3. Should the progressive alignment of the Irish and the United Kingdom tariffs on the Common Customs Tariff result in the application by Ireland and the United Kingdom as regards Malta of customs duties lower than those applied in respect of that State at the time this Protocol enters into force, the first-mentioned customs duties shall be applied.

### *Article 5*

1. The rates on the basis of which the new Member States apply to Malta the reductions provided for in Article 3 and Article 4 (2) shall be those which they apply at the time in respect of third countries.
2. By way of derogation from the provisions of Article 3 and Article 4 (2), should the application of these provisions temporarily result in tariff movements away from alignment on the final duty, the new Member States may maintain their duties until the level of these duties has been reached on the occasion of a subsequent alignment, or they may apply the duty resulting from a subsequent alignment as soon as this alignment reaches or passes the said level.

### *Article 6*

1. The reduced duties calculated in accordance with Articles 3, 4 and 5 shall be applied by rounding to the first decimal place.
2. Subject to the effect to be given by the Community to Article 39 (5) of the Act of Accession as regards the specific duties or the specific part of the mixed duties of the customs tariffs of Ireland and the United Kingdom, the provisions of Articles 4 and 5 shall be applied by rounding to the fourth place of decimals.

### *Article 7*

Where, for the products listed in Annex I to the Agreement, the new Member States apply duties comprising protective and fiscal elements, only the protective elements of those duties, within the meaning of Article 38 of the Act of Accession, shall be aligned on the preferential duties set out in that Annex and reduced as provided in Articles 3, 4 and 5.

### *Article 8*

The arrangements which Denmark applies in respect of Malta, in application of Article 7 of Annex I to the Agreement, may under no circumstances be more favourable than those which it applies in respect of the Community as originally constituted.

### *Article 9*

1. Ireland and the United Kingdom shall apply to imports originating in Malta the quantitative restrictions in force in respect of Malta at the time of entry into force of this Protocol.

This provision shall apply until the entry into force of the provisions governing the second stage but not later than 30 June 1977.

2. The arrangements which Ireland and the United Kingdom apply in respect of Malta may not be less favourable than those provided for in Article 7 of Annex I to the Agreement.

3. However, the quantitative restrictions in force in Ireland which are referred to in Protocol 7 of the Act of Accession shall be abolished as regards Malta in accordance with procedures to be determined, account being taken of the provisions of the above-mentioned Protocol.

### *Article 10*

Malta shall apply in respect of Denmark the reductions in customs duties and charges having equivalent effect provided for in Articles 1, 2, 3 and 4 of Annex II to the Agreement at the rates and in accordance with the timetable set out therein.

### *Article 11*

1. Malta shall continue to apply to imports originating in Ireland and the United Kingdom the tariff and rules of origin applied prior to the Agreement, without prejudice to the protective clauses of that Agreement.

This provision shall apply until the entry into force of the provisions governing the second stage but not later than 30 June 1977.

2. Products originating in Ireland and the United Kingdom in respect of which the rates of customs duties and charges having equivalent effect, reduced in accordance with Article 1 of Annex II to the Agreement, are lower than the customs duties and charges having equivalent effect applied by Malta at the time of entry into force of this Protocol may be imported into Malta at the reduced rates of customs duties and charges having equivalent effect in accordance with the timetable set out in the Agreement and under the rules of origin appropriate thereto.

## Title III

### ORIGIN RULES

#### Article 12

The Protocol annexed replaces the Protocol relating to the definition of the concept of 'originating products' and to methods of administrative cooperation referred to in Article 7 of the Agreement.

## Title IV

### RULES APPLYING TO CERTAIN AGRICULTURAL PRODUCTS

#### Article 13

Customs duties on imports into the Community of the products originating in Malta which are listed as follows shall be reduced by the rates indicated for each of them:

CCT heading No	Description	Rate of reduction
06.02	Other live plants, including trees, shrubs, bushes, roots, cuttings and slips	60%
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	60%
06.04	Foliage, branches and other parts (other than flowers or buds) of trees, shrubs, 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	60%
07.01	Vegetables, fresh or chilled: A. Potatoes: II. New potatoes: a) From 1 January to 15 May F. Leguminous vegetables, shelled or unshelled: II. Beans (of the species <i>Phaseolus</i> ): ex a) From 1 October to 30 June: — from 1 November to 30 April ex H. Onions, shallots and garlic:	40%      60%

CCT heading No	Description	Rate of reduction
07.01 (cont'd)	— Onions, from 1 July to 31 July	50%
	M. Tomatoes:	
	ex I. From 1 November to 14 May:	60%
	— From 1 December to 30 April	40%
	S. Sweet peppers	40%
	ex T. Other:	
	— Courgettes, from 1 December to the last day of February	60%
08.02	Citrus fruit, fresh or dried:	
	A. Oranges:	
	I. Sweet oranges, fresh	60%
08.08	Berries, fresh:	
	A. Strawberries:	
	ex II. From 1 August to 30 April	
	— From 1 November to 31 March	60%

#### Article 14

The customs duties on imports into the Community of wine of fresh grapes falling within the following tariff headings and originating in Malta, shall be reduced by 75%, provided that the import prices of such wines plus the customs duties actually levied are not less at any given time than the Community reference price for such time:

CCT heading No	Description
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol: C. Other: I. Of an actual alcoholic strength not exceeding 13°, in containers holding: ex a) Two litres or less: — Wine of fresh grapes  II. Of an actual alcoholic strength exceeding 13° but not exceeding 15°, in containers holding: ex a) Two litres or less: — Wine of fresh grapes

CCT heading No	Description
22.05 (cont'd)	III. Of an actual alcoholic strength exceeding 15° but not exceeding 18°, in containers holding: a) Two litres or less: ex 2. Other: — Wine of fresh grapes IV. Of an actual alcoholic strength exceeding 18° but not exceeding 22°, in containers holding: a) Two litres or less: ex. 2. Other: — Wine of fresh grapes

### *Article 15*

1. The rates of reduction specified in Articles 13 and 14 shall apply to customs duties actually applied in respect of third countries.
2. Article 4 shall apply to imports into Ireland and the United Kingdom of the products referred to in Articles 13 and 14.
3. However, the duties applied by Denmark as a result of the reductions referred to in paragraph 1 may in no case be lower than those applied by the said country to the Community as originally constituted.
4. By way of derogation from paragraph 1, should the application thereof temporarily result in tariff movements away from alignment on the final duty, Denmark, Ireland and the United Kingdom may maintain their duties until the level of these duties has been reached on the occasion of a subsequent alignment, or they may apply the duty which would result from a subsequent alignment as soon as a tariff movement reaches or passes the said level.
5. The reduced duties calculated in accordance with paragraph 1 shall be applied rounded to the first decimal place.

Subject to the application by the Community of Article 39 (5) of the Act of Accession, as regards the specific duties or the specific part of the mixed duties in the Irish and United Kingdom Customs Tariffs, paragraph 1 shall be applied by rounding to the fourth decimal place.

### *Article 16*

1. Should specific rules be introduced as a result of implementation of its agricultural policy or modification of the existing rules, or should the provisions on the implementation of its agricultural policy be modified or developed, the Community may modify the arrangements laid down in this Protocol in respect of the products concerned.

In such cases the Community shall take appropriate account of the interests of Malta.

2. If the Community, in applying paragraph 1, amends the arrangements made by this Protocol for products covered by Annex II to the Treaty establishing the European Economic Community, it shall accord imports originating in Malta an advantage comparable to that provided for in this Protocol.

3. Consultations may be held within the Association Council on the application of this Article.

### *Article 17*

From the beginning of 1978 in accordance with the procedure adopted for negotiating the Agreement, the Contracting Parties shall review the results of the agricultural provisions as well as any improvements which could be made as from 1 January 1979 on the basis of the experience gained during the functioning of the Agreement and of the objectives defined therein.

## Title V

### COOPERATION

### *Article 18*

The Community and Malta shall institute cooperation with the aim of contributing to the development of Malta by efforts complementary to those made by Malta itself and of strengthening existing economic links on as broad a basis as possible for their mutual benefit.

### *Article 19*

In order to achieve the cooperation referred to in Article 18, account shall be taken, in particular, of the following:

- the objectives and priorities of Malta's development plans and programmes;
- the importance of schemes into which different operations are integrated;
- the importance of promoting regional cooperation between Malta and other States.

### *Article 20*

The purpose of cooperation between the Community and Malta shall be to promote, in particular:

- participation by the Community in the efforts made by Malta to develop its production and economic infrastructure in order to diversify its economic structure. Such participation should be connected, in particular, with the industrialization of Malta and the modernization of its agriculture, fisheries and tourist industry;
- the marketing and sales promotion of products exported by Malta;
- industrial cooperation aimed at boosting the industrial production of Malta, in particular through projects, programmes and studies designed to:
  - encourage participation by the Community in the implementation of Malta's industrial development programmes;
  - foster the organization of contacts and meetings between Maltese and Community industrial policy-makers, promoters and firms in order to promote the establishment of new-style industrial relations in conformity with the aims of the Agreement;
  - facilitate access by Malta to technological knowhow suited to its specific needs;
  - eliminate non-tariff and non-quota barriers likely to impede access to either market;
  - encourage the development and diversification of industry in Malta and in particular the establishment of new industrial and



trade links between the industries and firms of the Member States and those of Malta;

- cooperation in the fields of science, technology and the protection of the environment;
- the encouragement and facilitation of private investments which are in the mutual interest of the parties;
- exchange of information on the economic and financial situation, and on the trend thereof, as required for the proper functioning of the Agreement.

#### *Article 21*

1. The Association Council shall define periodically the guidelines of cooperation for the purpose of attaining the objectives set out in the Agreement.

2. The Association Council shall be responsible for seeking ways and means of establishing cooperation in the areas defined in Article 20. To that end it is empowered to make decisions.

#### *Article 22*

The Community shall participate in the financing of any projects to promote the development of Malta under the conditions laid down in the Financial Protocol.

#### *Article 23*

The Contracting Parties shall facilitate the proper performance of cooperation and investment contracts which are of interest to both parties and come within the framework of the Agreement.

### Title VI

## FINAL PROVISIONS

#### *Article 24*

This Protocol and its Annex form an integral part of the Agreement establishing an association between the European Economic Community and Malta.

## *Article 25*

1. This Protocol shall require ratification, acceptance or approval in accordance with the procedures in force in each of the Contracting Parties who shall notify each other of the completion of the procedures necessary to that end.
2. This Protocol shall enter into force on the first day of the second month following the date on which the notifications referred to in paragraph 1 have been effected.

## *Article 26*

This Protocol is drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, each of these texts being equally authentic.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne Protokol.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Protokoll gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Protocol.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit Protocol hebben gesteld.

Udfærdiget i Bruxelles, den fjerde marts nitten hundrede og seksoghalvfjerds.

Geschehen zu Brüssel am vierten März neunzehnhundertsechundsiebzig.

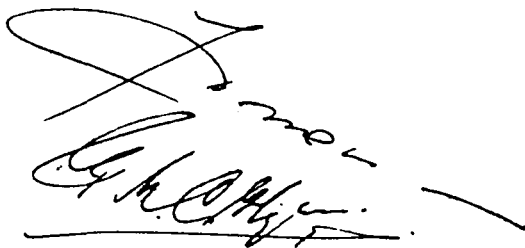
Done at Brussels on the fourth day of March in the year one thousand nine hundred and seventy-six.

Fait à Bruxelles, le quatre mars mil neuf cent soixante-seize.

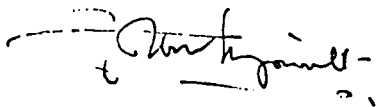
Fatto a Bruxelles, addi quattro marzo millenovecentosettantasei.

Gedaan te Brussel, de vierde maart negentienhonderd zesenzeventig.

På Rådet for De europæiske Fællesskabers vegne,  
Im Namen des Rates der Europäischen Gemeinschaften,  
For the Council of the European Communities,  
Pour le Conseil des Communautés européennes,  
Per il Consiglio delle Comunità europee,  
Voor de Raad van de Europese Gemeenschappen,



For republikken Maltas regering,  
Im Namen der Regierung der Republik Malta,  
For the Government of the Republic of Malta,  
Pour le gouvernement de la république de Malte,  
Per il governo della Repubblica di Malta,  
Voor de Regering van de Republiek Malta,



## *ANNEX*

### **PROTOCOL**

**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*

For the purpose of implementing the Agreement, the following products, on condition that they were transported directly within the meaning of Article 5, shall be considered as:

1. products originating in Malta:
  - (a) products wholly obtained in Malta;
  - (b) products obtained in Malta, in the manufacture of which products other than those wholly obtained in Malta are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 3. This condition shall not apply, however, to products which, within the meaning of this Protocol, originate in the Community;
2. products originating in the Community:
  - (a) products wholly obtained in the Community;
  - (b) 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. This condition shall not apply, however, to products which, within the meaning of this Protocol, originate in Malta.

The products in List C in Annex IV shall be temporarily excluded from the scope of this Protocol.

## *Article 2*

The following shall be considered as 'wholly obtained' either in Malta or in the Community, within the meaning of Articles 1 (1) (a) and (2) (a):

- (a) mineral products extracted from their soil or from their seabed;
- (b) vegetable products harvested there;
- (c) live animals born and raised there;
- (d) products from live animals raised there;
- (e) products obtained by hunting or fishing conducted there;
- (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 there;
- (j) goods produced there exclusively from products specified in subparagraphs (a) to (i).

## *Article 3*

1. For the purpose of implementing the provisions of Article 1 (1) (b) and (2) (b), 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 II, where the special provisions of that list apply;
- (b) working or processing specified in List B in Annex III.

'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 Lists A and 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 1 (1) (b) and (2) (b), the following shall always be considered as insufficient working or processing to confer the status of originating product, 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 packaging 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 mixture do not meet the conditions laid down in this Protocol to enable them to be considered as originating;
- (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 Lists A and B referred to in Article 3 provide that goods obtained in Malta or in the Community 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 a 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 territory of the Contracting Party 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, originating products whose transport is effected without entering into territory other than that of the Contracting Parties are considered as transported directly from Malta to the Community or from the Community to Malta. However, goods originating in Malta or in the Community and constituting one single consignment which is not split up may be transported through territory other than that of the Contracting Parties 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 and that the goods have remained under the surveillance of the customs authorities in the country of transit or warehousing, that they have not entered into the commerce of such countries nor been delivered for home use there and have not undergone operations other than unloading, reloading or any operation designed to maintain 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 or in Malta by the production of:

- (a) a through bill of lading issued in the exporting country covering the passage through the country of transit; or
- (b) 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 Protocol, of products is given by a movement certificate EUR. 1 of which a specimen is given in Annex V to this Protocol.

However, the evidence of originating status, within the meaning of this Protocol, 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, may be given by a form EUR. 2, of which a specimen is given in Annex VI to this Protocol.

The unit of account (u.a.) has a value of 0,888867088 grams of fine gold. Should the unit of account be changed, the Contracting Parties shall make contact with each other at the level of the Association Council to redefine the value in terms of gold.

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 State 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 V to this Protocol, which shall be completed in accordance with this Protocol.

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 Agreement.

5. Applications for movement certificates EUR. 1 must be preserved for at least two years by the customs authorities of the exporting country.

#### *Article 8*

1. The movement certificate EUR. 1 shall be issued by the customs authorities of the exporting State, if the goods can be considered 'originating products' within the meaning of this Protocol.

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 State 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 V to this Protocol. This form shall be printed in one or more of the languages in which the Agreement is drawn up. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State; 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 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 States 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*

A movement certificate EUR. 1 must be submitted, within five months of the date of issue by the customs authorities of the exporting State, to the customs authorities of the importing State where the goods are entered.

### *Article 12*

Movement certificates EUR. 1 shall be submitted to customs authorities in the importing State, in accordance with the procedures laid down by that State. 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 Agreement.

### *Article 13*

1. A movement certificate EUR. 1 which is submitted to the customs authorities of the importing State 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 State 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*

It shall always be possible to replace one or more movement certificates EUR. 1 by one or more other movement certificates EUR. 1 provided that this is done at the customs office where the goods are located.

## *Article 16*

Form EUR. 2, a specimen of which is given in Annex VI, shall be completed by the exporter or, under his responsibility, by his authorized representative. It shall be made out in one of the languages in which the Agreement is drawn up and in accordance with the provisions of the domestic law of the exporting State. If it is handwritten it must be completed in ink and in capital letters. If the goods contained in the consignment have already been subject to verification in the exporting country by reference to the definition of the concept of 'originating products' the exporter may refer to this check in the 'Remarks' box of form EUR. 2.

Form EUR. 2 shall be 210 × 148 mm. A tolerance of up to plus 8 or minus 5 mm in the length may be allowed. The paper used shall be white paper dressed for writing not containing mechanical pulp and weighing not less than 64 g/m<sup>2</sup>.

The exporting States 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, the form 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.

These provisions do not exempt exporters from complying with any other formalities required by customs or postal regulations.

## *Article 17*

1. Goods sent as small packages to private persons or forming part of travellers' personal luggage shall be admitted as originating products 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.

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#### *Article 18*

1. Goods sent from the Community or from Malta for exhibition in another country and sold after the exhibition for importation into Malta or into the Community shall benefit on importation from the provisions of the Agreement on condition that the goods meet the requirements of this Protocol entitling them to be recognized as originating in the Community or in Malta 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 Malta 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 Malta or in the Community;
- (c) the goods have been consigned during the exhibition or immediately thereafter to Malta or 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 19*

1. When a certificate is issued within the meaning of Article 7 (2) of this Protocol 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 Protocol:

- 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 EFTERFØLGENDE'.

#### *Article 20*

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 21*

Malta and the Community 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 22*

In order to ensure the proper application of this title, Malta and the Community 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.

#### *Article 23*

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 24*

1. Subsequent verifications of movement certificates EUR. 1 and of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing State 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 State shall return the movement certificate EUR. 1 or the form EUR. 2, or a photocopy thereof, to the customs authorities of the exporting State, 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 the 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 State decide to suspend execution of the Agreement 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 State shall be informed of the results of the verification as quickly as possible. 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 State and those of the exporting State, or when they raise a question as to the interpretation of this Protocol, they shall be submitted to the Customs Cooperation Committee.

In all cases the settlement of disputes between the importer and the customs authorities of the importing State shall be under the legislation of the said State.

#### *Article 25*

The Association Council may decide to amend the provisions of this Protocol.

#### *Article 26*

1. The Community and Malta shall take any measures necessary to enable movement certificates EUR. 1 as well as forms EUR. 2 to be submitted, in accordance with Articles 11 and 12 of this Protocol, from the day on which it enters into force.

2. The certificates of type A.M.1. as well as forms A.M.2. may be used until stocks are exhausted and at the latest up to and including 30 June 1977 under the conditions laid down by this Protocol.

3. The movement certificates EUR. 1 and the forms EUR. 2 printed in the Member States before the date of the entry into force of this Protocol, and which do not conform to the models in Annexes V and VI to this Protocol, may continue to be used until stocks are exhausted, under the conditions laid down by this Protocol.

#### *Article 27*

The Community and Malta shall each take the steps necessary to implement this Protocol.



*Article 28*

The Annexes to this Protocol shall form an integral part thereof.

*Article 29*

Those products accompanied by a movement certificate A.M.1. issued under the provisions previously in force concerning origin shall be considered as originating products, in the sense of this Protocol, provided that the said certificate was issued before the entry into force of this Protocol.

*Article 30*

The endorsements referred to in Articles 19 and 20 shall be inserted in the 'Remarks' box of the certificate.

## ANNEX I

### Explanatory Notes

#### *Note 1 — Articles 1 and 2*

The terms 'the Community' and 'Malta' shall also cover the territorial waters of the Member States of the Community or of Malta respectively.

Vessels operating on the high seas, including factory ships, on which fish caught is worked or processed, shall be considered as part of the territory of the State to which they belong provided that they satisfy the conditions set out in Explanatory Note 5.

#### *Note 2 — Article 1*

In order to determine whether goods originate in the Community or in Malta 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 — Articles 3 (1) and (2), and 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 4 — 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 5 — Article 2 (f)*

The term 'their vessels' shall apply only to vessels:

- which are registered or recorded in a Member State or in Malta;
- which sail under the flag of a Member State or of Malta;
- which are owned to an extent of at least 50% by nationals of the Member States and Malta or by a company with its head office in a Member State or in Malta, of which the manager, managers,

chairman of the board of directors or of the supervisory board, and the majority of the members of such board, are nationals of the Member States or Malta and of which, in addition in the case of partnerships or limited companies, at least half the capital belongs to the Member States or Malta or to public bodies or nationals of the Member States or of Malta;

- of which the captain and officers are all nationals of the Member States or of Malta;
- of which at least 75% of the crew are nationals of the Member States or of Malta.

*Note 6 — 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.

## 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

CCT heading No	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
	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
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

CCT heading No	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
	Description		
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	
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
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	

(1) This rule does not apply where the use of maize of the 'zea indurata' type or 'durum wheat' is concerned.

CCT heading No	Products obtained		Working or processing that confers the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
	Description			
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: 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	Manufactured 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	

(1) 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		
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	
ex 23.03	Residues from the manufacture of maize starch (excluding concentrated steeping liquors), 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 Chapter 31 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
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

<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.

CCT heading No	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
	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 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
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

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:

- Fusel oil and Dippel's oil;
- Naphthenic acids and their non-water-soluble salts, esters of naphthenic acids;
- Sulphonaphthenic acids and their non-water-soluble salts; esters of sulphonaphthenic acids;
- Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanalamines, thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts;
- Mixed alkylbenzenes and mixed alkylnaphthalenes;
- Ion exchangers;
- Catalysts;
- Getters for vacuum tubes;
- Refractory cements or mortars and similar preparations;
- Alkaline iron oxide for the purification of gas;
- 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
- Sorbitol other than sorbitol of heading No 29.04

Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

✓

CCT heading No	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
	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
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	

(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.

CCT heading No	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
	Description		
50.04(1)	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(1)	Yarn spun from silk waste other than noil, not put up for retail sale		Manufacture from products of heading No 50.03
50.06(1)	Yarn spun from noil silk, not put up for retail sale		Manufacture from products of heading No 50.03
50.07(1)	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(1)	Imitation catgut of silk		Manufacture from products of heading No 50.01 or from products of heading No 50.03 neither carded nor combed
50.09(2)	Woven fabrics of silk or of waste silk other than noil		Manufacture from products of heading No 50.02 or 50.03
50.10(2)	Woven fabrics of noil silk		Manufacture from products of heading No 50.02 or 50.03
51.01(1)	Yarn of man-made fibres (continuous), not put up for retail sale		Manufacture from chemical products or textile pulp
51.02(1)	Monofil, strip (artificial straw and the like) and imitation catgut, of man-made fibre materials		Manufacture from chemical products or textile pulp
51.03(1)	Yarn of man-made fibres (continuous), put up for retail sale		Manufacture from chemical products or textile pulp



51.04 <sup>(2)</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>(1)</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>(2)</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>(1)</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>(1)</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

- (1) 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.
- (2) 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.

CCT heading No	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
	Description		
53.08(1)	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(1)	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(1)	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(2)	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(2)	Woven fabrics of coarse animal hair other than horsehair		Manufacture from products of heading Nos 53.02 to 53.05
53.13(2)	Woven fabrics of horsehair		Manufacture from horsehair of heading No 05.03
54.03(1)	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(1)	Flax or ramie yarn, put up for retail sale		Manufacture from materials of heading No 54.01 or 54.02
54.05(2)	Woven fabrics of flax or of ramie		Manufacture from materials of heading No 54.01 or 54.02
55.05(1)	Cotton yarn, not put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.06(1)	Cotton yarn, put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.07(2)	Cotton gauze		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.08(2)	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
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

- (1) 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.
- (2) 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:
- 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;
  - 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.

CCT heading No	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
	Description		
56.06(1)	Yarn of man-made fibres (discontinuous or waste), put up for retail sale		Manufacture from chemical products or textile pulp
56.07(2)	Woven fabrics of man-made fibres (discontinuous or waste)		Manufacture from products of heading Nos 56.01 to 56.03
57.05(1)	Yarn of true hemp		Manufacture from raw true hemp
57.06(1)	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	Yarn of other vegetable textile fibres		Manufacture from raw vegetable textile fibres of heading No 57.02 or 57.04
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(2)	Woven fabrics of true hemp		Manufacture from products of heading No 57.01
57.10(2)	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(2)	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>(3)</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

- (1) 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.
- (2) 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.
- (3) 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		
58.02(1)	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(1)	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
58.05(1)	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(1)	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(1)	Chenille yarn (including flock chenille yarn), gimped yarn (other than metallized yarn of heading No 52.01 and gimped horschair 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(1)	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

ex 58.09(1)	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), figured; 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 the finished product
59.01(1)	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(1)	Felt and articles of felt, whether or not impregnated or coated	Manufacture either from natural fibres or from chemical products or textile pulp
ex 59.02(1)	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(1)	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(1)	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

(1) 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.

CCT heading No	Products obtained Description	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
59.05(1)	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(1)	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(1)	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



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(1)	Elastic fabrics and trimmings (other than knitted or crocheted goods) consisting of textile materials combined with rubber threads	Manufacture from single yarn
59.15(1)	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(1)	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(1)	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

(1) 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.

CCT heading No	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
	Description		
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>
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>(2)</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>(2)</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 (2)
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 (2)
61.01	Men's and boys' outer garments	Manufacture from yarn (2) (3)
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 (2) (3)
ex 61.02	Women's, girls' and infants' outer garments, not embroidered	Manufacture from yarn (2) (3)

(1) 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.

(2) 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.

(3) 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		
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 (1) (2)
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 (1)
61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs		Manufacture from yarn (1) (2)
61.04	Women's, girls' and infants' under garments		Manufacture from yarn (1) (2)
ex 61.05	Handkerchiefs, not embroidered		Manufacture from unbleached single yarn (1) (2) (3)
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 (1)
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 (1) (2)
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 (1)
61.07	Ties, bow ties and cravats		Manufacture from yarn (1) (2)

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 (1) (2)
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 (1)
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 (1) (2)
61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods	Manufacture from yarn (1) (2)
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 (1) (2)
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 (1) (2)
62.01	Travelling rugs and blankets	Manufacture from unbleached yarn of Chapters 50 to 56 (2) (3)

(1) 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.

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

(3) 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.

CCT heading No	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
	Description		
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles; not embroidered		Manufacture from unbleached single yarn (1) (2)
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 (1) (2)
62.04	Tarpaulins, sails, awnings, sunblinds, tents and camping goods		Manufacture from single unbleached yarn (1) (2)
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	
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	
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	

(1) These provisions do not apply where the products are obtained from printed fabric in accordance with the conditions shown in List B.

(2) 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.

CCT heading No	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
	Description		
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	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
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 or 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
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 (1)
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 (1)
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 (1)

(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		
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 (1)
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 (1)
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 (1)
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		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product (1)
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 (1)

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>

(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.

CCT heading No	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
	Description		
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>
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
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

(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.

CCT heading No	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
	Description		
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		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 liquefied 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
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 (1)
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 (1)
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 (1)
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 (1)

(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.

CCT heading No	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
	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 (1)
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 ↓
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

<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		
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 (1) used are originating products
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: <ul style="list-style-type: none"> <li>(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</li> <li>(b) the thread tension, crochet and zigzag mechanisms are originating products</li> </ul>
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 part (1) and  
are originating products, and

(b) the value of the non-origina-  
ting transistors used does not  
exceed 3% of the value of the  
finished product (2)

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 (1) used  
are originating products, and

(b) the value of the non-origina-  
ting transistors used does not  
exceed 3% of the value of the  
finished product (2)

(1) 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 this Protocol determining:

(i) the value of imported products,

(ii) the value of products of undetermined origin.

(2) This percentage is not cumulative with the 40%.

CCT heading No	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
	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)		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 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, 9.12 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
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

- <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 this Protocol determining:
    - (i) the value of imported products,
    - (ii) the value of products of undetermined origin.

CCT heading No	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
	Description			
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 (1) used are originating products
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 (1) 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 (1) 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		<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 ing transistors used does not exceed 3% of the value of the finished product <sup>(2)</sup></p>

(1) 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 this Protocol determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

(2) 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



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## 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 status of 'originating products' on the products undergoing such operations

CCT heading No	Finished products Description	Working or processing that confers the status of originating products
		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
ex 31.03	Calcined, crushed and powdered natural aluminium calcium phosphates, treated thermally	Crushing and powdering of calcined natural aluminium calcium phosphates, treated thermally
ex 33.01	Essential oils, other than of citrus fruit, terpenes	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

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
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
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
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

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
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
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 (1) 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
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

(1) 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 this Protocol 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 84.41	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 (1) 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 (2)
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 (2)
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
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 (3)
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 (3)



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

- (1) 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 this Protocol determining:
    - (i) the value of imported products,
    - (ii) the value of products of undetermined origin.
- (2) 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.
- (3) 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 IV

### LIST C

#### List of products excluded from the scope of this Protocol

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 V*  
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>  <div style="text-align: center;">.....</div> <b>and</b> <div style="text-align: center;">.....</div> (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>	<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<sup>(1)</sup>; Description of goods</b>	<b>9. Gross weight (kg) or other measure (litres, m<sup>3</sup>, etc.)</b>	<b>10. Invoices (Optional)</b>	

<sup>(1)</sup> If goods are not packed, indicate number of articles or state "in bulk" as appropriate.

	7
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(2) Complete only where the regulations of the exporting country or territory require.

**11. CUSTOMS ENDORSEMENT**

Declaration certified

Export document (2)

Form ..... **No** .....

Customs office .....

Issuing country or territory .....

.....

.....

Date .....

.....

(Signature)

Stamp

**12. DECLARATION BY THE EXPORTER**

I, the undersigned, declare that the goods described above meet the conditions required for the issue of the attached certificate.

Place and date: .....

.....

.....

.....

.....

(Signature)

<p>13. REQUEST FOR VERIFICATION, to</p>	<p>14. RESULT OF VERIFICATION,</p>
<p>Verification of the authenticity and accuracy of this certificate is requested.</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)</p> <p style="text-align: right;">Stamp</p>	<p>(Place and date)</p> <p style="text-align: right;">Stamp</p>
<p>(Signature)</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.

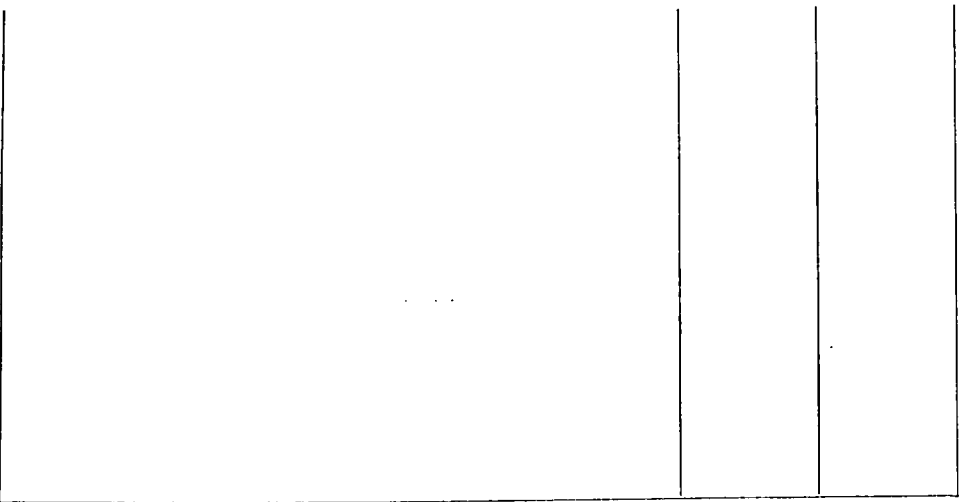
## APPLICATION FOR A MOVEMENT CERTIFICATE

1. Exporter (Name, full address, country)	<b>EUR. 1</b> No <b>A</b> 000.000		
3. Consignee (Name, full address, country) (Optional)	See notes overleaf before completing this form		
	2. Application for a certificate to be used in preferential trade between  ..... and  ..... (insert appropriate countries, groups of countries or territories)		
	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
6. Transport details (Optional)	7. Remarks		
8. Item number; Marks and numbers; Number and kind of packages <sup>(1)</sup> ; Description of goods	9. Gross weight (kg) or other measure (litres, m <sup>3</sup> , etc.)	10. Invoices (Optional)	

(1) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.



(Front)



2

## 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 (1):

.....

.....

.....

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)

.....  
(1) 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

## ANNEX VI

Before completing this form read carefully the instructions on the other side.

FORM <b>EUR. 2</b> No		1 Form used in preferential trade between (1) ..... and .....	
		2 Exporter (Name, full address, country)	
4 Consignee (Name, full address, country)		3 Declaration by exporter  I, the undersigned, exporter of the goods described below, declare that the goods comply with the requirements for the completion of this form and that the goods have obtained the status of originating products within the provisions governing preferential trade shown in box 1.	
		5 Place and date	
7 Remarks (2)		6 Signature of exporter	
		8 Country of origin (3)	9 Country of destination (4)
		10 Gross weight (kg)	
11 Marks; Numbers of consignment; Description of goods		12 Authority in the exporting country (4) responsible for verification of the declaration by the exporter	

(1) Insert the countries, groups of countries or territories concerned.

(2) Refer to any verification already carried out by the appropriate authorities.

(3) The term 'country of origin' means country, group of countries or territory where the goods are considered to be originating.

(4) The term 'country' means country, group of countries or territory of destination.

<p><b>13 Request for verification</b></p> <p>The verification of the declaration by the exporter on the front of this form is requested (*)</p> <p>..... 19..... (Place and date) Stamp</p> <p>..... (Signature)</p>	<p><b>14 Result of verification</b></p> <p>Verification carried out shows that (1)</p> <p><input type="checkbox"/> the statements and particulars given in this form are accurate.</p> <p><input type="checkbox"/> this form does not meet the requirements as to accuracy and authenticity (see remarks appended.)</p> <p>..... 19..... (Place and date) Stamp</p> <p>..... (Signature)</p> <p>(1) Insert X in the appropriate box.</p>
--	--

(\*) Subsequent verifications of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubt as to the accuracy of the information regarding the authenticity of the forms and the true origin of the goods in question.

#### Instructions for the completion of form EUR. 2

1. A form EUR.2 may be made out only for goods which in the exporting country fulfil the conditions specified by the provisions governing the trade referred to in box 1. These provisions must be studied carefully before the form is completed.
2. In the case of a consignment by parcel post the exporter attaches the form to the dispatch note. In the case of a consignment by letter post he encloses the form in a package. The reference 'EUR.2' and the serial number of the form should be stated on the customs green label declaration C1 or on the customs declaration C2/CP3, as appropriate.
3. These instructions do not exempt the exporter from complying with any other formalities required by customs or postal regulations.
4. An exporter who uses this form is obliged to submit to the appropriate authorities any supporting evidence which they may require and to agree to any inspection by them of his accounts and of the processes of manufacture of the goods described in box 11 of this form.

## FINANCIAL PROTOCOL

HIS MAJESTY THE KING OF THE BELGIANS,  
HER MAJESTY THE QUEEN OF DENMARK,  
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,  
THE PRESIDENT OF THE FRENCH REPUBLIC,  
THE PRESIDENT OF IRELAND,  
THE PRESIDENT OF THE ITALIAN REPUBLIC,  
HIS ROYAL HIGHNESS THE GRAND DUKE OF  
LUXEMBOURG,  
HER MAJESTY THE QUEEN OF THE NETHERLANDS,  
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND,

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,  
of the one part, and  
THE PRESIDENT OF THE REPUBLIC OF MALTA,  
of the other part,

CONSCIOUS of the need to promote the accelerated development of the Maltese economy with a view to facilitating the pursuit of the objectives of the Agreement establishing an association between the European Economic Community and Malta,

HAVE DESIGNATED as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Joseph VAN DER MEULEN,  
Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the European Communities;

HER MAJESTY THE QUEEN OF DENMARK:

Niels ERSBOELL,  
Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the European Communities;

**THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:**

Ulrich LEBSANFT,

Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the European Communities;

**THE PRESIDENT OF THE FRENCH REPUBLIC:**

Jean-Marie SOUTOU,

Ambassador of France, Permanent Representative to the European Communities;

**THE PRESIDENT OF IRELAND:**

Brendan DILLON,

Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the European Communities;

**THE PRESIDENT OF THE ITALIAN REPUBLIC:**

Giorgio BOMBASSEI FRASCANI DE VETTOR,

Ambassador of Italy, Permanent Representative to the European Communities;

**HIS ROYAL HIGHNESS THE GRAND DUKE OF  
LUXEMBOURG:**

Jean DONDELINGER,

Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the European Communities;

**HER MAJESTY THE QUEEN OF THE NETHERLANDS:**

E. J. KORTHALS ALTES,

Minister, Plenipotentiary, Deputy Permanent Representative to the European Communities;

**HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND**

Sir Donald MAITLAND, CMG, OBE,

Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the European Communities;

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Jean DONDELINGER,

Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Luxembourg, Chairman of the Permanent Representatives Committee;

Theodorus HIJZEN,

Director-General of External Relations of the Commission of the European Communities;

THE PRESIDENT OF THE REPUBLIC OF MALTA:

Joseph Attard KINGSWELL,

Ambassador Extraordinary and Plenipotentiary, Permanent Delegate of the Republic of Malta to the European Economic Community,

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

*Article 1*

The Community shall participate, within the framework of financial and technical cooperation, in the financing of projects designed to contribute to the economic and social development of Malta.

*Article 2*

1. For the purposes specified in Article 1, and for a period expiring five years after the entry into force of this Protocol, an aggregate amount of 26 million units of account may be committed as follows:

- (a) 16 million units of account in the form of loans from the European Investment Bank, hereinafter called 'the bank', accorded from its own resources on the terms set out in its statute;



- (b) five million units of account in the form of loans on special terms;
- (c) five million units of account in the form of grants.

Provision may be made for contributions to risk capital formation, to be charged against the amount shown in (b).

2. The loans referred to in paragraph 1 (a) shall generally be combined with 2% interest rate subsidies financed by means of the funds shown in paragraph 1 (c).

### *Article 3*

1. The amount fixed in Article 2 shall be used for the financing or part-financing of projects such as:

- capital projects in the fields of production and economic and social infrastructure, aimed in particular at diversifying the economic structure of Malta and, especially, at promoting its industrialization and the modernization of its agriculture, fisheries and tourist industry;
- technical cooperation as a preliminary or complement to capital projects and, as a corollary, technical cooperation schemes in the field of training.

2. Community aids shall be used to cover costs necessarily incurred in carrying out approved projects or schemes. They may not be used to cover current administrative, maintenance or operational expenditure.

### *Article 4*

1. Capital projects shall be eligible for financing either by loans from the bank, combined with interest rate subsidies on the terms set out in Article 2, or by loans on special terms, or by a combination of these two means.

2. Technical cooperation shall normally be financed by grants.

### *Article 5*

1. The amounts to be committed each year for each of the various forms of aid shall be distributed as evenly as possible throughout the period of application of this Protocol. During the initial period of application, however, a proportionately higher amount may, within reasonable limits, be committed.
2. Any funds not committed by the end of the fifth year following the entry into force of the Protocol shall be used, until exhausted, in accordance with the same arrangements as provided for in this Protocol.

### *Article 6*

1. Loans accorded by the bank from its own resources shall be combined with terms as to duration established on the basis of the economic and financial characteristics of the projects for which such loans are intended. The interest rate shall be that applied by the bank at the time of signature of each loan contract, subject to the interest rate subsidy referred to in Article 2 (2).
2. Loans on special terms shall be accorded for 40 years with a grace period of 10 years. The interest rate shall be fixed at 1%.
3. The loans may be granted through the intermediary of the State of Malta or appropriate Maltese public bodies, on condition that they onlend the amounts to the recipients on terms decided, by agreement with the Community, on the basis of the economic and financial characteristics of the projects.

### *Article 7*

Aid contributed by the Community for the execution of certain projects may, with the agreement of Malta, take the form of co-financing in which, in particular, credit and development bodies and institutions of Malta, of Member States or of third States or international finance organizations would take part.

### *Article 8*

The following shall be eligible for financial and technical cooperation:

- (a) in general:
- the State of Malta;
- (b) with the agreement of the State of Malta, for projects or measures approved by it:
- Maltese official development agencies;
  - private agencies working in Malta for economic and social development;
  - firms, carrying on their activities in accordance with the methods of industrial and business management, which are set up as companies or firms under Maltese law;
  - groups of producers that are nationals of Malta, and exceptionally, where no such groups exist, the producers themselves;
  - scholarship holders and trainees sent by Malta under the training schemes referred to in Article 3.

#### *Article 9*

1. On the entry into force of this Protocol, the Community and Malta shall establish by mutual agreement the specific objectives of financial and technical cooperation, by reference to the priorities set by Malta's development plan.

These objectives may be reviewed by mutual agreement to take account of changes in Malta's economic situation or in the objectives and priorities set by its development plan.

2. Within the framework established pursuant to paragraph 1, financial and technical cooperation shall apply to projects and measures drawn up by Malta or by other beneficiaries approved by that country.

#### *Article 10*

1. For each request for financial aid under this Protocol, a dossier shall be submitted to the Community by the beneficiary referred to in Article 8 (a) or, with the agreement of Malta, by those referred to in Article 8 (b).

2. The Community shall appraise the requests for financing in collaboration with the State of Malta and the beneficiaries in accordance with the objectives set out in Article 9 (1), and shall inform them of the decisions taken on such requests.

#### *Article 11*

The execution, management and maintenance of works that are the subject of financing under this Protocol shall be the responsibility of Malta or the other beneficiaries referred to in Article 8 of this Protocol.

The Community shall ensure that this financial aid is expended in accordance with the agreed allocations and to the best economic advantage.

#### *Article 12*

1. As regards projects and measures 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 or legal persons of Malta and of the Member States.

2. To promote participation by Maltese firms in the performance of contracts, an accelerated procedure for issuing invitations to tender involving shorter time limits for the submission of tenders may be used after approval by the relevant Community body where the works in question, because of their scale, are mainly of interest to Maltese firms.

3. Where the relevant Community body considers it useful, participation by other countries in contracts financed by the Community may be authorized exceptionally on a case-by-case basis.

Participation by third countries may also be authorized on the same conditions where the Community is financing schemes jointly with other sources of funds.

#### *Article 13*

Malta shall apply to contracts awarded for the execution of projects or measures financed by the Community fiscal and customs arrangements as favourable as those applied in respect of other international organizations.

#### *Article 14*

Where a loan is accorded to a beneficiary other than the State of Malta, the provision of a guarantee by the latter or of other guarantees considered adequate may be required by the Community as a condition of the grant of the loan.

➤

#### *Article 15*

Throughout the duration of the loans accorded pursuant to this Protocol, Malta shall undertake to make available to debtors enjoying such loans the foreign currency necessary for the payment of interest and commission and the repayment of principal.

#### *Article 16*

The results of financial and technical cooperation shall be examined annually by the Association Council which shall define, where appropriate, the general guidelines of such cooperation.

#### *Article 17*

This Protocol forms an integral part of the Agreement establishing an association between the European Economic Community and Malta.

#### *Article 18*

1. This Protocol shall require ratification, acceptance or approval in accordance with the procedures in force in each of the signatory States and the European Economic Community. The acts necessary for this purpose shall be exchanged at Brussels.
2. This Protocol will enter into force on the first day of the second month following the date on which the exchange of acts referred to in paragraph 1 has been carried out.

#### *Article 19*

This Protocol is drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, each of these texts being equally authentic.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne finansprotokol.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Finanzprotokoll gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Financial Protocol.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole financier.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo finanziario.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit Financieel Protocol hebben gesteld.

Udfærdiget i Bruxelles, den fjerde marts nitten hundrede og seksoghalvfjerds.

Geschehen zu Brüssel am vierten März neunzehnhundertsechundsiebzig.

Done at Brussels on the fourth day of March in the year one thousand nine hundred and seventy-six.

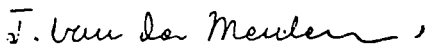
Fait à Bruxelles, le quatre mars mil neuf cent soixante-seize.

Fatto a Bruxelles, addì quattro, marzo millenovecentosettantasei.

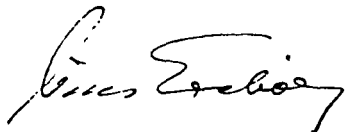
Gedaan te Brussel, de vierde maart negentienhonderd/zesenzeventig.

Pour Sa Majesté le roi des Belges

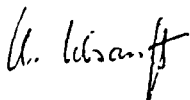
Voor zijne Majesteit de Koning der Belgen



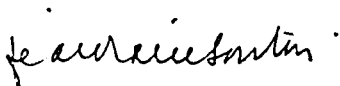
For Hendes Majestæt dronningen af Danmark



Für den Präsidenten der Bundesrepublik Deutschland




→ Pour le président de la République française



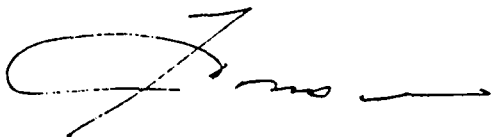
For the President of Ireland



Per il Presidente della Repubblica italiana



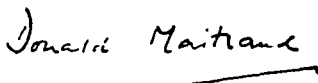
Pour Son Altesse Royale le grand-duc de Luxembourg



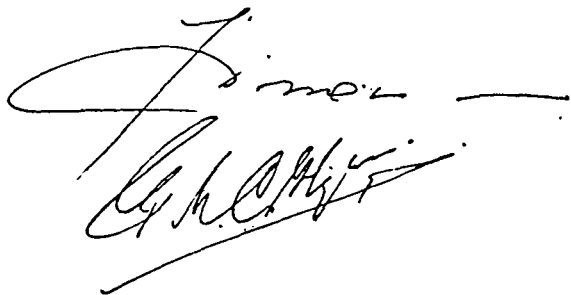
Voor Hare Majesteit de Koningin der Nederlanden



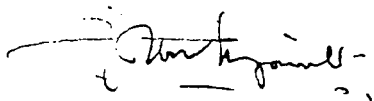
For Her Majesty the Queen of the United Kingdom of Great Britain  
and Northern Ireland



På Rådet for De europæiske Fællesskabers vegne,  
Im Namen des Rates der Europäischen Gemeinschaften,  
In the name of the Council of the European Communities,  
Au nom du Conseil des Communautés européennes,  
A nome del Consiglio delle Comunità europee,  
Namens de Raad van de Europese Gemeenschappen,



For the President of the Republic of Malta





## FINAL ACT

The Plenipotentiaries of:

His Majesty the King of the Belgians,

Her Majesty the Queen of Denmark,

The President of the Federal Republic of Germany,

The President of the French Republic,

The President of Ireland,

The President of the Italian Republic,

His Royal Highness the Grand Duke of Luxembourg,

Her Majesty the Queen of the Netherlands,

Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland,

and of the Council of the European Communities,

of the one part,

and of the President of the Republic of Malta,

of the other part,

meeting at Brussels on 4 March 1976, for the signature:

- of the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta,
- of the Financial Protocol,

1. have, on signing the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta,

— adopted the following Joint Declarations by the Contracting Parties:

1. Joint Declaration by the Contracting Parties on Article 2,
2. Joint Declaration by the Contracting Parties on Article 13,
3. Joint Declaration by the Contracting Parties on agricultural products,

- taken note of the Declarations listed below:
  1. Declaration by the European Economic Community on the regional application of certain provisions of the Agreement,
  2. Declaration by the European Economic Community on Article 25 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation,
- and taken note of the Exchange of Letters on scientific and technological cooperation and the protection of the environment between the Presidents of the two delegations,

II. have, on signing the Financial Protocol, taken note of the Declaration below:

- Declaration by the European Economic Community on Article 2.

The above Declarations and the Exchange of Letters are annexed to this Final Act.

The Plenipotentiaries have agreed that these Declarations and this Exchange of Letters shall be subjected, in the same manner as the Protocols, to any procedures that may be necessary to ensure their validity.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne slutakt.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diese Schlußakte gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Final Act.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présente acte final.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente atto finale.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Slotakte hebben gesteld.

Udfærdiget i Bruxelles, den fjerde marts nitten hundrede og seksoghalvfjerds.

Geschehen zu Brüssel am vierten März neunzehnhundertsechszund-siebzig.

Done at Brussels on the fourth day of March in the year one thousand nine hundred and seventy-six.

Fait à Bruxelles, le quatre mars mil neuf cent soixante-seize.

Fatto a Bruxelles, addì quattro marzo millenovecentosettantasei.

Gedaan te Brussel, de vierde maart negentienhonderd zesenzeventig.

Pour Sa Majesté le roi des Belges

Voor Zijne Majesteit de Koning der Belgen

*J. Van der Meulen*

For Hendes Majestæt dronningen af Danmark

*Oluf Erslev*

Für den Präsidenten der Bundesrepublik Deutschland

*U. Lbsanft*

Pour le président de la République française

*Jean-Marie Le Pen*

For the President of Ireland

*Brendan Dillon*

Per il Presidente della Repubblica italiana

Maurizio N. Veltroni

Pour Son Altesse Royale le grand-duc de Luxembourg

John

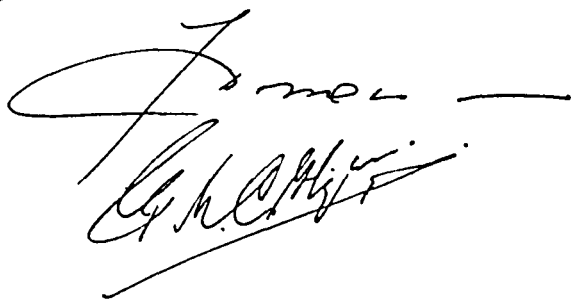
Voor Hare Majesteit de Koningin der Nederlanden

Veronica A. K.

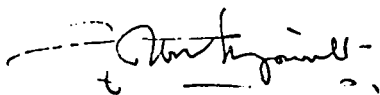
For Her Majesty the Queen of the United Kingdom of Great Britain  
and Northern Ireland

Donald Maclean

På Rådet for de europæiske Fællesskabers vegne,  
Im Namen des Rates der Europäischen Gemeinschaften,  
In the name of the Council of the European Communities,  
Au nom du Conseil des Communautés européennes,  
A nome del Consiglio delle Comunità europee,  
Namens de Raad van de Europese Gemeenschappen,

A large, stylized handwritten signature in black ink, consisting of several sweeping loops and a long horizontal line extending to the right.

For the President of the Republic of Malta

A handwritten signature in black ink, appearing to be 'Antonio Galea', with a horizontal line underneath.

## Joint Declaration by the Contracting Parties on Article 2

The Contracting Parties agree that the Community shall allocate the tariff quotas provided for in Article 2 between the Community as originally constituted and the new Member States as follows:

*(in metric tons)*

CCT heading No	Description	Community as originally constituted	New Member States
55.05	Cotton yarn, not put up for retail sale	750	160
56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning	600	200
60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized	100	90
61.01	Men's and boys' outer garments	300	430

## Joint Declaration by the Contracting Parties on Article 13

The Contracting Parties agree that, without prejudice to the application of the first subparagraph of Article 22 (2) of Regulation (EEC) No 1035/72, the products listed in Article 13 of the Protocol and included in Annex III to that Regulation shall be admitted into the Community without quantitative restrictions or measures having equivalent effect throughout the period during which duty reductions apply.

## Joint Declaration by the Contracting Parties on agricultural products

1. The Contracting Parties declare their readiness to foster, so far as their agricultural policies allow, the harmonious development of trade in agricultural products to which the Protocol does not apply.

The Contracting Parties shall apply their rules on veterinary, health and plant health matters in a non-discriminatory fashion and shall not introduce any new measures that have the effect of unduly obstructing trade.

2. The Contracting Parties shall examine, under the conditions set out in Article 14 of the Agreement, any difficulties that might arise in their trade in agricultural products and shall endeavour to seek appropriate solutions.

#### **Declaration by the European Economic Community concerning the regional application of certain provisions of the Agreement**

The European Economic Community declares that the application of the measures open to it under Article 10 of the Agreement might be limited, by reason of Community rules, to one of its regions.

#### **Declaration by the European Economic Community on Article 25 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation**

For the implementation of Article 25 of this Protocol, the Community is prepared to examine any request by Malta in order to bring derogations to this Protocol in favour of biscuits falling within heading No 19.08, embroidery falling within heading No 58.10 and radios falling within heading No 85.15 which are being already exported from Malta to the Community. This examination shall be held in an appropriate institutional framework, from the date of the signature of the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta with a view to allowing, if possible, the derogations to enter into force at the same date as the Protocol.

#### **Exchange of Letters relating to scientific and technological cooperation and the protection of the environment**

Your Excellency,

Further to the wishes expressed by the Maltese delegation at the negotiations which have ended in a Protocol being concluded today

between the European Economic Community and Malta, I have the honour to inform you, on behalf of the Member States of the European Economic Community, that the latter are ready to examine on a case-by-case basis the possibility of Malta having access to the results of the research programmes carried out by the Member States of the Community or by the latter in collaboration with other third countries in the fields of science, technology and the protection of the environment.

I should be grateful if you would acknowledge receipt of this letter.

Please accept, your Excellency, the assurance of my highest consideration.

Sir,

You were good enough to make the following communication to me in your letter of today's date:

'Further to the wishes expressed by the Maltese delegation at the negotiations which have ended in a Protocol being concluded today between the European Economic Community and Malta, I have the honour to inform you, on behalf of the Member States of the European Economic Community, that the latter are ready to examine on a case-by-case basis the possibility of Malta having access to the results of the research programmes carried out by the Member States of the Community or by the latter in collaboration with other third countries in the fields of science, technology and the protection of the environment.

I should be grateful if you would acknowledge receipt of this letter.'

I have the honour to acknowledge receipt of that letter.

Please accept, Sir, the assurance of my highest consideration.

#### **Declaration of the European Economic Community on Article 2 of the Financial Protocol**

1. The unit of account used to express the amounts indicated in Article 2 of the Financial Protocol equals the sum of the following amounts in terms of the national 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

2. The value of the unit of account in any other currency is equal to the sum of the countervalues in this currency of the amounts of currencies indicated in paragraph 1. The countervalue is fixed by the Commission on the basis of the rates established daily on the exchange markets.

The daily rates of exchange in the various national currencies are available every day; they are published periodically in the *Official Journal of the European Communities*.

## INFORMATION CONCERNING

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
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— the AGREEMENT extending the provisions governing the first stage of the AGREEMENT establishing an Association between the European Economic Community and Malta <sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup>

EEC	27.2.1976	n. EEC Malta	25.3.1976 30.3.1976	1.4.1976 <sup>(4)</sup>	until 30.6.1977 at the latest
MALTA					

— the PROTOCOL laying down certain provisions relating to the AGREEMENT establishing an Association between the European Economic Community and Malta <sup>(5)</sup> <sup>(6)</sup>

EEC	4.3.1976	n. EEC Malta	29.4.1976 30.4.1976	1.6.1976 <sup>(7)</sup>	until 30.6.1977 at the latest
MALTA					

(1) OJ No L 81, 27.3.1976.

(2) The latter Agreement appears in Volume 1, page 431.

(3) Corrigendum: OJ No L 117, 4.5.1976.

(4) OJ No L 86, 1.4.1976.

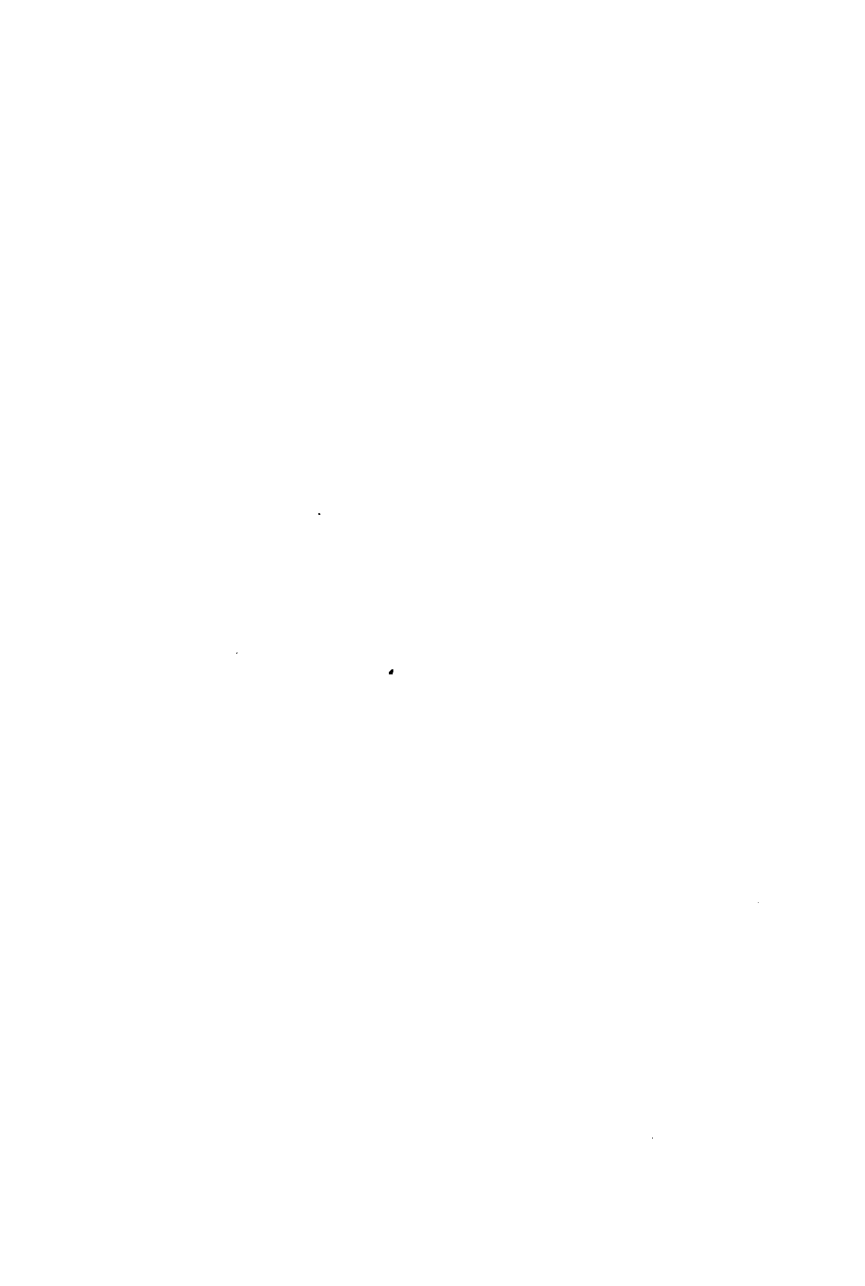
(5) OJ No L 111, 28.4.1976.

(6) Corrigendum: OJ No L 133, 22.5.1976.

(7) OJ No L 119, 6.5.1976.

7

**Agreements  
between the EEC and the Portuguese Republic**



## AGREEMENT

in the form of an exchange of letters relating to Article 3 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic <sup>(1)</sup>

**COUNCIL REGULATION (EEC) No 494/76**

**of 9 February 1976**

**concluding the Agreement in the form of an exchange of letters relating to Article 3 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the recommendation from the Commission,

Whereas the Agreement in the form of an exchange of letters relating to Article 3 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic signed in Brussels on 22 July 1972 should be concluded,

**HAS ADOPTED THIS REGULATION:**

### *Article 1*

The Agreement in the form of an exchange of letters relating to Article 3 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

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(1) OJ No L 59, 6.3.1976.

*Article 2*

The President of the Council is hereby authorized to appoint the person empowered to sign the Agreement referred to in Article 1 and to confer on him the powers necessary to bind the Community.

*Article 3*

This Regulation shall enter into force on the 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, 9 February, 1976.

*For the Council*  
*The President*  
G. THORN

## AGREEMENT

**in the form of an exchange of letters relating to Article 3 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic**

### *Letter No 1*

Brussels, . . . . .

I have the honour to refer to Article 3 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic signed on 22 July 1972, as well as to the exchange of letters of 5 December 1975.

I have the honour to inform you that for 1976 the Community is ready to renew the agreed volume for the preceding year. Under these conditions the Portuguese Government undertakes to adopt the necessary measures in order that the quantities of tomatoes that have been prepared or preserved otherwise than by vinegar or acetic acid falling within subheading 20.02 C of the Common Customs Tariff supplied to the Community in 1976 do not exceed 90 000 metric tons, comprising 28 000 metric tons for the Community as originally constituted and a total of 62 000 metric tons for Denmark, Ireland and the United Kingdom.

I should be grateful if you would kindly confirm the agreement of your Government with the contents of this letter.

Please accept, . . . , the assurance of my highest consideration.

*On behalf of the Council  
of the European Communities*

*Letter No 2*

Brussels, . . . . .

. . . ,

I have the honour to acknowledge receipt of your letter of today's date worded as follows:

'I have the honour to refer to Article 3 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic signed on 22 July 1972, as well as to the exchange of letters of 5 December 1975.

I have the honour to inform you that for 1976 the Community is ready to renew the agreed volume for the preceding year. Under these conditions the Portuguese Government undertakes to adopt the necessary measures in order that the quantities of tomatoes that have been prepared or preserved otherwise than by vinegar or acetic acid falling within subheading 20.02 C of the Common Customs Tariff supplied to the Community in 1976 do not exceed 90 000 metric tons, comprising 28 000 metric tons for the Community as originally constituted and a total of 62 000 metric tons for Denmark, Ireland and the United Kingdom.

I should be grateful if you would kindly confirm the agreement of your Government with the contents of this letter.'

I have the honour to confirm the agreement of my Government with the contents of that letter.

Please accept, . . . , the assurance of my highest consideration.

*For the Government  
of the Portuguese Republic*



**INTERIM AGREEMENT  
BETWEEN THE EUROPEAN ECONOMIC COM-  
MUNITY AND THE PORTUGUESE REPUBLIC (1)**

**COUNCIL REGULATION (EEC) No 2338/76**

**of 20 September 1976**

**concluding the Interim Agreement between the European Economic  
Community and the Portuguese Republic**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the recommendation from the Commission,

Whereas, pending the entry into force of the Additional Protocol signed in Brussels on 20 September 1976, it is necessary to conclude the Interim Agreement between the European Economic Community and the Portuguese Republic signed on the same day,

**HAS ADOPTED THIS REGULATION:**

*Article 1*

The Interim Agreement between the European Economic Community and the Portuguese Republic and the exchanges of letters annexed to the Final Act are hereby concluded and approved on behalf of the Community.

The texts of the Interim Agreement and of the Final Act are annexed to this Regulation.

*Article 2*

The President of the Council shall carry out, on behalf of the Community, the notification procedure provided for in Article 12 of the Interim Agreement.

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(1) OJ No L 266, 29.9.1976.

*Article 3*

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 September 1976.

*For the Council*  
*The President*  
M. van der STOEL

## **INTERIM AGREEMENT**

**between the European Economic Community and the Portuguese Republic**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**  
of the one part, and

**THE PRESIDENT OF THE PORTUGUESE REPUBLIC,**  
of the other part,

WHEREAS an Additional Protocol to the Agreement between the European Economic Community and the Portuguese Republic was signed this day;

WHEREAS, pending the entry into force of that Protocol, certain provisions thereof relating to trade in goods should be implemented as speedily as possible by means of an Interim Agreement,

HAVE DECIDED to conclude this Agreement, and to this end have designated as their Plenipotentiaries:

**THE COUNCIL OF THE EUROPEAN COMMUNITIES:**

Max van der STOEL,  
President of the Council,  
Minister for Foreign Affairs of the Kingdom of the Netherlands;  
François-Xavier ORTOLI,  
President of the Commission of the European Communities;

**THE PRESIDENT OF THE PORTUGUESE REPUBLIC:**

José Medeiros FERREIRA,  
Minister for Foreign Affairs.

### **Title I**

#### **TRADE MEASURES**

##### *Article 1*

The provisions of the Agreement between the European Economic Community and the Portuguese Republic signed on 22 July 1972, hereinafter called 'the Agreement', shall be supplemented as follows.

## A. INDUSTRIAL PRODUCTS

### Article 2

By way of derogation from Article 3 of the Agreement, products falling within Chapters 25 to 99 of the Brussels Nomenclature — excluding the products covered by Annex I, by Section A of Protocol 1 and by Table I of Protocol 2 to the Agreement — and originating in Portugal, shall be imported into the Community free of customs duties.

### Article 3

The volumes for 1976 of the ceilings to which imports into the Community of the products listed below, originating in Portugal, are subject pursuant to Article 2 of Protocol 1 to the Agreement, shall be as follows:

CCT heading No	Description	Amount of ceiling (in metric tons)
45.03	Articles of natural cork	11 473
55.05	Cotton yarn, not put up for retail sale	9 771
56.07	Woven fabrics of man-made fibres (discontinuous or waste)	2 767
59.04	Twine, cordage, ropes and cables, plaited or not	9 782
60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized	843
61.01	Men's and boys' outer garments	1 057
61.02	Women's, girls' and infants' outer garments	323
61.03	Men's and boys' outer garments, including collars, shirt fronts and cuffs	1 224
61.04	Women's, girls' and infants' under garments	103

### Article 4

1. For the following products, originating in Portugal, the Community, as originally constituted, and Ireland shall open, for the period 1 January 1976 to 31 December 1983, annual Community tariff quotas free of customs duties for the volumes indicated:

CCT heading No	Description	Volume (in metric tons)
48.01	Paper and paperboard (including cellulose wadding), machine-made, in rolls or sheets: C. Kraft paper and kraft board: ex II. Other: — Kraft liner E. Other	42 000 1 500

2. If the Protocol does not enter into force at the beginning of the calendar year, the quotas referred to in paragraph 1 shall be opened *pro rata*.

3. Article 1 (4) of Protocol 1 to the Agreement shall be replaced by the following text:

'4. For the products listed below, originating in Portugal, Denmark and the United Kingdom may open, for the period 1 January 1976 to 31 December 1983, annual zero-duty tariff quotas up to the volumes indicated:

#### UNITED KINGDOM

CCT heading No	Description	Volume (in metric tons)
48.01	Paper and paperboard (including cellulose wadding), machine-made, in rolls or sheets: C. Kraft paper and kraft board: ex II. Other — Kraft liner E. Other	15 000
48.05	Paper and paperboard, corrugated (with or without flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets: B. Other	
49.03	Children's picture books and painting books	}
49.05	Maps and hydrographic and similar charts of all kinds, including atlases, wall maps and topographical plans, printed: A. Printed globes (terrestrial or celestial)	

CCT heading No	Description	Volume (in metric tons)
49.07	Unused postage, revenue and similar stamps of current or new issue in the country to which they are destined; stamp-impressed paper; banknotes, stock, share and bond certificates and similar documents of title; cheque books: A. Postage, revenue and similar stamps C. Other: II. Other	} 25
49.08	Transfers (Decalcomanias)	
49.09	Picture postcards, Christmas and other picture greeting cards, printed by any process, with or without trimmings	
49.10	Calendars of any kind, or paper or paperboard, including calendar blocks	
49.11	Other printed matter, including printed pictures and photographs: B. Other	

*Denmark*

CCT heading No	Description	Volume (in metric tons)
48.01	Paper and paper board (including cellulose wadding), machine-made, in rolls or sheets: C. Kraft paper and kraft board: ex II. Other: — Kraft liner	} 3 000
ex Chapter 48	Paper and paperboard; articles of paper pulp, of paper or of paperboard, with the exception of: — Products falling within subheading 48.01 A (newsprint) — Kraft liner falling within subheading ex 48.01 C II — Products falling within subheading 48.09	
49.03	Children's picture books and painting books	} 70
49.05	Maps and hydrographic and similar charts of all kinds, including atlases, wall maps and topographical plans, printed: A. Printed globes (terrestrial or celestial)	
49.07	Unused postage, revenue and similar stamps of current or new issue in the country to which they are destined; stamp-impressed paper; banknotes, stock, share and bond certificates and similar documents of titles; cheque books:	

CCT heading No.	Description	Volume (in metric tons)
49.07 (cont'd)	A. Postage, revenue and similar stamps C. Other: II. Other:	}
49.08	Transfers (Decalcomanias)	
49.09	Picture postcards, Christmas and other picture greeting cards, printed by any process, with or without trimmings	
49.10	Calendars of any kind, or paper or paperboard, including calendar blocks	
49.11	Other printed matter, including printed pictures and photographs: B. Other <sup>1</sup>	

4. Annex A to Protocol 1 to the Agreement shall be deleted.

5. From 1 January 1977 the volumes indicated in the tables in paragraphs 1 and 3 shall be increased annually by 5%.

#### Article 5

By way of derogation from Article 3 of the Agreement, Article 4 of Protocol 1 thereto and Article 2 (5) of Protocol 2 thereto, the customs duties on imports into Portugal of the Products listed in Annex I, originating in the Community, shall be progressively abolished in accordance with the following rates and timetable:

Timetable	Rate of reduction (%)
1 July 1977	70
1 January 1980	70
1 January 1983	80
1 January 1985	100

#### Article 6

By way of derogation from Articles 3 and 5 of the Agreement and Article 4 of Protocol 1 thereto, Portugal may, for the products listed in Annex II, originating in the Community, apply a customs duty not exceeding 20% *ad valorem*; the customs duties thus introduced on imports from the Community shall be progressively abolished in accordance with the following rates and timetable:

Timetable	Rate of reduction (%)
1 July 1977	10
1 January 1980	30
1 January 1983	60
1 January 1985	100

### Article 7

By way of derogation from Article 6 (1) of Protocol 1 to the Agreement and on the basis of a reasoned request from Portugal, the Joint Committee may authorize Portugal to take the measures specified in the said Article beyond the limit of 10% of the total value of Portuguese imports in 1970 from the Community as originally constituted and from Denmark Ireland and the United Kingdom.

## B. AGRICULTURAL PRODUCTS

### Article 8

Duties on imports into the Community of the products listed below and originating in Portugal shall be reduced in the proportions indicated for each of them, in accordance with the conditions laid down in Article 6 of Protocol 8 to the Agreement:

CCT heading No	Description	Rate of reduction %
16.04	Prepared or preserved fish, including caviar and caviar substitutes: A. Caviar and caviar substitutes B. Salmonidae C. Herrings ex F. Bonito ( <i>Sarda sp.p.</i> ), mackerel and anchovies: — Bonito ( <i>Sarda sp.p.</i> ) and mackerel G. Other	100 (a) 100 (a) 100 (a) 50 (a) 100 (a)
16.05	Crustaceans and molluscs, prepared or preserved	100 (a)
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:	

(a) Denmark and the United Kingdom shall apply Article 6 (2) of Protocol 8 to the Agreement.



CCT heading No	Description	Rate of reduction (%)
20.01 (cont'd)	— Cucumbers and sweet peppers — Cauliflowers	50 (b) 30 (b)
20.02 7	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: ex H. Other, including mixtures: — Sweet peppers	30 (b)

(b) Denmark and the United Kingdom shall apply Article 6 (1) and paragraph 2 of Article 6 (4) of Protocol 8 to the Agreement.

### Article 9

1. From 1 January 1977, Article 4 of Protocol 8 to the Agreement shall be replaced by the following text:

#### 'Article 4

Duties on imports into the Community of the products listed below and originating in Portugal shall be reduced in the proportions and within the limits of the annual Community tariff quota indicated for each of them, in accordance with the conditions laid down in Article 6.

CCT heading No	Description	Rate of reduction (%)
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol: C. Other: III. Of an actual alcoholic strength exceeding 15° but not exceeding 18°, in containers holding: C. III. a) Two litres or less: ex. 1. Port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel (1):	

(1) Entry under this subheading is subject to conditions to be determined by the competent authorities.

CCT heading No	Description	Rate of reduction (%)
22.05 (cont'd)	<ul style="list-style-type: none"> <li>— Port</li> <li>— Madeira</li> <li>— Setubal muscatel</li> <li>b) More than two litres: ex 1. Port, Madeira, sherry and Setubal muscatel (1): <ul style="list-style-type: none"> <li>— Port</li> <li>— Madeira</li> <li>— Setubal muscatel</li> </ul> </li> <li>IV. Of an actual alcoholic strength exceeding 18° but not exceeding 22°, in containers holding: <ul style="list-style-type: none"> <li>a) Two litres or less: ex 1. Port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel (1): <ul style="list-style-type: none"> <li>— Port</li> <li>— Madeira</li> <li>— Setubal muscatel</li> </ul> </li> <li>b) More than two litres: ex 1. Port, Madeira, sherry and Setubal muscatel (1): <ul style="list-style-type: none"> <li>— Port</li> <li>— Madeira</li> <li>— Setubal muscatel</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>60 (a)</li> <li>60 (b)</li> <li>60 (c)</li> <li>50 (d)</li> <li>50 (e)</li> <li>50 (f)</li> <li>60 (a)</li> <li>60 (b)</li> <li>60 (c)</li> <li>50 (d)</li> <li>50 (e)</li> <li>50 (f)</li> </ul>

(1) Entry under this subheading is subject to conditions to be determined by the competent authorities.

- (a) Within a total annual tariff quota of 35 000 hl for products falling within these two subheadings.
- (b) Within a total annual tariff quota of 1 500 hl for products falling within these two subheadings.
- (c) Within a total annual tariff quota of 1 000 hl for products falling within these two subheadings.
- (d) Within a total annual tariff quota of 280 000 hl for products falling within these two subheadings.
- (e) Within a total annual tariff quota of 14 500 hl for products falling within these two subheadings.
- (f) Within a total annual tariff quota of 2 000 hl for products falling within these two subheadings.

2. The following provisions shall apply in respect of 1976 from the date of entry into force of the Agreement.

Duties on imports into the Community of the products listed below and originating in Portugal shall be reduced in the proportions and within the limits of the annual Community tariff quota indicated for each of them, in accordance with the conditions laid down in Article 6 of Protocol 8 to the Agreement.

CCT heading No	Description	Rate of reduction (%)
22.05	<p>Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol:</p> <p>C. Other:</p> <p>III. Of an actual alcoholic strength exceeding 15° but not exceeding 18°, in containers holding:</p> <p>a) Two litres or less:</p> <p>ex 1. Port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel (1):</p> <p>— Port 60 (a)</p> <p>— Madeira 50 (b)</p> <p>— Setubal muscatel 50 (c)</p> <p>b) More than two litres:</p> <p>ex 1. Port, Madeira, sherry and Setubal muscatel (1):</p> <p>— Port 50 (d)</p> <p>— Madeira 50 (b)</p> <p>— Setubal muscatel 50 (c)</p> <p>IV. Of an actual alcoholic strength exceeding 18° but not exceeding 22°, in containers holding:</p> <p>a) Two litres or less:</p> <p>ex 1. Port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel (1):</p> <p>— Port 60 (a)</p> <p>— Madeira 50 (b)</p> <p>— Setubal muscatel 50 (c)</p> <p>b) More than two litres:</p> <p>ex 1. Port, Madeira, sherry and Setubal muscatel (1):</p> <p>— Port 50 (d)</p> <p>— Madeira 50 (b)</p> <p>— Setubal muscatel 50 (c)</p>	

(1) Entry under this subheading is subject to conditions to be determined by the competent authorities.

(a) Within a total annual tariff quota of 35 000 hl for products falling within these two subheadings.

(b) Within a total annual tariff quota of 16 000 hl for products falling within these four subheadings.

(c) Within a total annual tariff quota of 3 000 hl for products falling within these four subheadings.

(d) Within a total annual tariff quota of 285 000 hl for products falling within these two subheadings.

The increase in the volumes of the tariff quotas compared with those fixed in Article 4 of Protocol 8 to the Agreement shall be applied *pro rata temporis*.

## Title II

### GENERAL AND FINAL PROVISIONS

#### *Article 10*

Annexes I and II shall form an integral part of this Agreement.

This Agreement shall form an integral part of the Agreement between the European Economic Community and the Portuguese Republic, signed on 22 July 1972.

#### *Article 11*

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, German, Italian and Portuguese languages, each of these texts being equally authentic.

#### *Article 12*

1. This Agreement shall be subject to approval in accordance with the Contracting Parties' own procedures; the Contracting Parties shall notify each other that the procedures necessary to this end have been completed.

2. This Agreement shall enter into force on the first day of the second month following the date on which the notifications provided for in paragraph 1 have been given.

It shall be applicable until the entry into force of the Additional Protocol signed this day and until 31 December 1977 at the latest.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne interimsaftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Interimsabkommen gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Interim Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord intérimaire.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo interinale.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Interimovereenkomst hebben gesteld.

Em fé do que os plenipotenciários assinaram o presente Acordo Intercalar.

Udfærdiget i Bruxelles, den tyvende september nitten hundrede og seksoghalvfjerds.

Geschehen zu Brüssel am zwanzigsten September neunzehnhundertsechundsiebzig.

Done at Brussels on the twentieth day of September in the year one thousand nine hundred and seventy-six.

Fait à Bruxelles, le vingt septembre mil neuf cent soixante-seize.

Fatto a Bruxelles, addi venti settembre millenovecentosettantasei.

Gedaan te Brussel, de twintigste september negentienhonderdzeseventig.

Feito em Bruxelas, aos vinte de Setembro de mil novecentos e setenta e seis.

For Rådet for De europæiske Fællesskaber  
Für den Rat der Europäischen Gemeinschaften  
For the Council of the European Communities  
Pour le Conseil des Communautés européennes  
Per il Consiglio delle Comunità europee  
Voor de Raad van de Europese Gemeenschappen  
Pelo Conselho das Comunidades Europeias

M. van Sijl

Integ

For præsidenten for Den portugisiske Republik  
Für den Präsidenten der Portugiesischen Republik  
For the President of the Portuguese Republic  
Pour le président de la République portugaise  
Per il presidente della Repubblica portoghese  
Voor de President van de Republiek Portugal  
Pelo Presidente da República Portuguesa

José Cardoso

ANNEX I

Products referred to in Article 5

Portuguese Customs Tariff No	Description
28.54	Hydrogen peroxide (including solid hydrogen peroxide)
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:
04	Varnishes
05	Not specified
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:
02	Not specified
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:
01	Put up for sale by retail in packages of a net weight of 1 kg or less
02	Not specified
37.03	Sensitized paper, paperboard and cloth, unexposed or exposed but not developed:
01	Blueprint paper
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):
	Artificial resins:
	Phenoplasts:
02	Not specified
39.07	Articles of materials of the kinds described in heading Nos 39.01 to 39.06:
05	Articles not specified, printed or not
40.11	Rubber tyres, tyre cases, interchangeable tyre treads, inner tubes and tyre flaps, for wheels of all kinds:
	Tyre cases, inner tubes and flaps, weighing each:
02	Up to 5 kg
03	More than 5 kg but not more than 20 kg
42.02	Travel goods (for example, trunks, suit cases, hat-boxes, travelling-bags, rucksacks), shopping-bags, handbags, satchels, brief-cases, wallets, purses, toilet-cases, tool-cases, tobacco-pouches, sheaths, cases, boxes (for example, for arms, musical instruments, binoculars, jewellery, bootles, collars, footwear, brushes) and similar containers,

Portuguese Customs Tariff No	Description
	of leather or of composition leather, of vulcanized fibre, of artificial plastic sheeting, of paperboard or of textile fabric:
03	Wallets; ladies' handbags
48.11	Wallpaper and lincrusta; window transparencies of paper
48.13	Carbon and other copying papers (including duplicator stencils) and transfer papers, cut to size, whether or not put up in boxes:
01	Carbon and similar paper
02	Duplicator stencils and the like
48.15	Other paper and paperboard cut to size and shape:
	Paper:
10	Toilet paper
53.05	Sheep's or lambs' wool or other animal hair (fine or coarse), carded or combed:
	Wool and fine animal hair, other than rabbit or hare hair, combed:
	In the form of slubbings:
03	Undyed
53.11	Woven fabrics of sheep's or lambs' wool or of fine animal hair
56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning:
03	Artificial
56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale:
01	Effect yarns
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):
	Of other fibres:
05	Dyed
68.04	Millstones, grindstones, grinding wheels and the like (including grinding, sharpening, polishing, truing and cutting wheels, heads, discs and points), of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery, with or without cores, shanks, sockets, axles and the like of other materials, but without frameworks; segments and other finished parts of such stones and wheels, of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery:
	For other purposes:
02	Of artificial materials
70.21	Other articles of glass:
01	Of coloured, matt, engraved, irised, cut, marbled, opaque, opaline, painted or moulded glass, with hollows or protruding parts
71.05	Silver, including silver gilt and platinum-plated silver, unwrought or semi-manufactured:
02	Beaten or rolled, and in the form of wire
71.16	Imitation jewellery:
06	Imitation jewellery, not specified
73.14	Iron or steel wire, whether or not coated, but not insulated: Not covered with textile materials:



Portuguese Customs Tariff No	Description
02 03	Coated with other materials by any process Not specified
73.15 7 59	Alloy steel and high carbon steel in the forms mentioned in heading Nos 73.06 to 73.14: Wire: Not covered wire textile materials: Not specified: Other products
73.24 01	Containers, of iron or steel, for compressed or liquefied gas: Of a capacity of up to and including 300 litres: Welded
73.37 02	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: Of welded, rolled or wrought iron or steel
76.02	Wrought bars, rods, angles, shapes and sections, of aluminium; aluminium wire
83.09 03	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: Not specified
84.01 02	Steam and other vapour generating boilers (excluding central heating hot water boilers capable also of producing low pressure steam); super-heated water boilers: Boilers: Weighing more than 20 metric tons each
84.15 03	Refrigerators and refrigerating equipment (electrical and other): Cabinets and other furniture imported with their respective refrigerating units: Weighing more than 200 kg each
84.17 01 06	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: Instantaneous or storage water heaters, of a kind used for domestic purposes Parts
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:

Portuguese Customs Tariff No	Description
	Parts:
05	Mouldboards and ploughshares, other than those of cast iron or cast steel, soles, discs, cutters, coulter in the shape of knives or discs, for ploughs; teeth for cultivators or scarifiers; discs for disc harrows; hoeing, ridging and furrowing tools for weeder
84.27	Presses, crushers and other machinery, of a kind used in wine-making, cider-making, fruit juice preparation or the like:
01	Combined grape-crushing and juice-separating machines, and continuous grape-pulp presses
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 coverings 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, wallpaper, wrapping paper, linoleum or other materials, and engraved or etched plates, blocks or rollers therefor:
	Machinery:
03	For washing clothes
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:
	Hydraulic presses:
04	Weighing more than 2 000 kg but not more than 5 000 kg each
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:
03	Of iron or steel
85.01	Electrical goods of the following descriptions: generators, motors, converters (rotary or static), transformers, rectifiers and rectifying apparatus, inductors:
	Asynchronous triphase motors:
01	Weighing up to 50 kg each
02	Weighing more than 50 kg but not more than 300 kg each
	Monophase motors:
05	Weighing up to 10 kg each
06	Weighing more than 10 kg but not more than 30 kg each
	Generators and converters; motors, not specified:
12	Weighing up to 100 kg each
85.03	Primary cells and primary batteries:
01	Dry
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

Portuguese Customs Tariff No	Description
	domestic appliances; electric heating resistors, other than those of carbon:
01	Water heaters and space heaters
02	Smoothing irons and parts therefor
03	Stoves, cookers, ranges and similar cooking appliances, for domestic use
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: Non-automatic make and break switches; isolating switches and rheostats: Weighing up to 2 kg each: Of unspecified materials
02	
12	Switchboards and control panels
85.20	Electric filament lamps and electric discharge lamps (including infra-red and ultra-violet lamps); arc-lamps; electrically ignited photographic flashbulbs: For lighting purposes:
01	Filament lamps
02	Not specified
85.23	Insulated (including enamelled or anodised) electric wire, cable, bars, strip and the like (including co-axial cable), whether or not fitted with connectors: With metal armour or sheathing, whether or not covered with other materials:
04	Not specified
90.03	Frames and mountings, and parts thereof, for spectacles, pince-nez, lorgnettes, goggles and the like:
02	Of rolled gold or gilt
03	Of unspecified materials
90.04	Spectacles, pince-nez, lorgnettes, goggles and the like, corrective, protective or other: With frames or mountings of other materials:
04	Not specified
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:
02	Set squares, rules, protractors and French curves

Portuguese Customs Tariff No	Description
91.04 02	Other clocks: Desk, table or hanging clocks, complete, weighing more than 500 grammes; and such clocks incomplete, of any weight
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:
04	Sound-recording media: Recorded: Not specified
94.01 06	Chairs and other seats (other than those falling within heading No 94.02), whether or not convertible into beds, and parts thereof: Of other materials
94.03	Other furniture and parts thereof:
01	Of wood: Carved, veneered, waxed, polished or varnished, turned with mouldings, painted and covered with any materials other than leather or imitations thereof or than fabrics containing silk and man-made textile fibres
02	Inlaid, lacquered, gilt, with appliqué-work of fine wood, decorated with metal or other materials and covered with leather and imitations thereof or with fabrics containing silk and man-made textile fibres
06	Of other materials
98.03	Fountain pens, stylograph pens and pencils (including ball-point 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:
02	Ball-point pens and ball-point pencils and parts and accessories thereof
98.08	Typewriter and similar ribbons, whether or not on spools; ink-pads with or without boxes:
01	Ribbons: On spools ready for use
98.10	Mechanical lighters and similar lighters, including chemical and electrical lighters, and parts thereof, excluding flints and wicks:
04	Not specified
98.12	Combs, hair-slides and the like:
01	Of artificial plastic materials and of ebonite

## ANNEX II

### Products referred to in Article 6

Portuguese Customs Tariff No	Description
29.44 04	Antibiotics: Oxytetracyclin and erythromycin and their salts
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):
11	Artificial plastic materials, whether or not combined with paper, fabrics or other materials: Plates, sheets and strip, rigid, weighing more than 160 g/m <sup>2</sup> , printed or not
16	Plate, sheets and strip, not specified: Weighing more than 160 g/m <sup>2</sup> , unprinted
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):
03	Moulding products: Of polyvinyl chloride
06	Artificial plastic materials, whether or not combined with paper, fabrics or other materials: Plates, sheets and strip, rigid, weighing more than 160 g/m <sup>2</sup> , printed or not
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:
06	Celluloid: Plates, sheets, strip or tubes
10	Other products: Plates, sheets and strip, rigid, weighing more than 160 g/m <sup>2</sup> , printed or not
39.07	Articles of materials of the kinds described in heading Nos 39.01 to 39.06:
02	Wearing apparel
40.10	Transmission, conveyor or elevator belts or belting, of vulcanized rubber:
02	Of any other cross-section
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
55.06	Cotton yarn, put up for retail sale
56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning:
02	Synthetic: Not specified

Portuguese Customs Tariff No	Description
56.02 02	Continuous filament tow for the manufacture of man-made fibres (discontinuous): Of synthetic fibres: Not specified
56.03 01	Waste (including yarn waste and pulled or garnetted rags) of man-made fibres (continuous or discontinuous), not carded, combed or otherwise prepared for spinning: Of synthetic textile fibres
56.04 02	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning: Synthetic: Not specified
59.08 01 02	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials: Weighing up to 400 g/m <sup>2</sup> Weighing more than 400 but not more than 1 400 g/m <sup>2</sup>
68.06	Natural or artificial abrasive powder or grain, on a base of woven fabric, of paper, of paperboard or of other materials, whether or not cut to shape or sewn or otherwise made up
69.02	Refractory bricks, blocks, tiles and similar refractory constructional goods other than goods falling within heading No 69.01
69.13 02	Statuettes and other ornaments, and articles of personal adornment; articles of furniture: Other articles: Of porcelain or china
70.14 01 02	Illuminating glassware, signalling glassware and optical elements of glass, not optically worked nor of optical glass: Lamp glasses Not specified: Of coloured, matt, engraved, irised, cut, marbled, opaque, opaline or painted glass, or of moulded glass with hollows or protruding parts
73.25 03	Stranded wire, cables, cordage, ropes, plaited bands, slings and the like, of iron or steel wire, but excluding insulated electric cables: Other
73.35 04	Springs and leaves for springs, of iron or steel: Spiral springs, of round wire or rod exceeding 8 mm in diameter, or of square or rectangular bar the smallest dimension of which exceeds 8 mm
73.36 03	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: Not specified: Of welded, rolled or wrought iron or steel

Portuguese Customs Tariff No	Description
74.07 01 04	Tubes and pipes and blanks therefor, of copper; hollow bars of copper: Unworked or painted, varnished, enamelled or otherwise worked (including Mannesmann tubes and tubes obtained by swaging), whether or not with sockets or flanges, but not otherwise worked: Of a thickness not exceeding 1 mm Not specified
74.19 02	Other articles of copper: Other articles
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
82.01 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: Spades, hoes, forks, rakes, scrapers, scythes and sickles
82.02 01 02	Saws (non-mechanical) and blades for hand or machine saws including toothless saw blades: Saws (non-mechanical) of all kinds, assembled, and blades therefor Band-saw blades
82.04 03	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): Hammers, mortise chisels, stone chisels, heading chisels, centre-punches and chasing chisels
82.05 01	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, with a working part of: Heading chisels
83.01	Locks and padlocks (key, combination or electrically operated), and parts thereof, of base metals; frames incorporating locks, for handbags, trunks or the like, and parts of such frames, of base metal; keys for any of the foregoing articles, of base metal
83.02	Base metal fittings and mountings of a kind suitable for furniture, doors, staircases, windows, blinds, coachwork, saddlery, trunks, caskets and the like (including automatic door closers); base metal hat-racks, hat-pegs, brackets and the like

Portuguese Customs Tariff No	Description
83.13	Stoppers, crown corks, bottle-caps, capsules, bung covers, seals and plombs, case corner protectors and other packing accessories, of base metal
83.15	Wires, 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
84.06  ex 02  04	Internal combustion piston engines: Engines: Not specified: of 25 kW or less (a) Parts: Wet and dry cylinder liners, gudgeon pins, pistons and piston rings
84.15 04	Refrigerators and refrigerating equipment (electrical and other): Not specified
84.20  01 02	Weighing machinery (excluding balances of a sensitivity of 5 centigrammes or better), including weight-operated counting and checking machines; weighing machine weights of all kinds: Balances, including scales: Automatic and semi-automatic: Weighing up to 100 kg each Weighing more than 100 kg up to 250 kg each
84.22  07	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: Cranes, derricks and locomotive or wagon traversers; travelling cranes and travelling gantry cranes
84.45  01 02	Machine-tools for working metal or metal carbides, not being machines falling within heading No 84.49 or 84.50: Slide-lathes, shaping machines, planing machines, drilling and boring machines, saw-sharpening machines, reciprocating saws, circular saws, and band saws, whether or not fitted with a carriage: Weighing up to 1 000 kg each Weighing more than 1 000 but not more than 2 000 kg each
84.47  01 02 06	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: Band saws with or without carriages, circular saws, surface-planing machines, planing machines, spindle moulding-machines, wood paring, drilling and splitting machines, and slide lathes: Weighing up to 1 000 kg each Weighing more than 1 000 kg but not more than 2 000 kg each Not specified

(a) Except removable outboard motors for boats.



Portuguese Customs Tariff No	Description
84.51	Typewriters, other than typewriters incorporating calculating mechanisms; cheque-writing machines:
01	Typewriters
84.59	Machines and mechanical appliances, having individual functions, not falling within any other heading of this chapter:
03	Hydraulic presses: Weighing up to 2 000 kg each
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:
04	Moulds: For mechanical processes
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:
01	Of copper or aluminium Weighing up to 2 kg each
02	Weighing more than 2 kg each
04	Not specified
84.62	Ball, roller or needle roller bearings:
	Bearings: With a single row of balls, from which the balls cannot be removed manually or in which the row of balls is not separable or in which the faces of the rings are aligned in the same plane:
02	Of an external diameter exceeding 36 mm but not exceeding 50 mm
03	Of an external diameter exceeding 50 mm but not exceeding 72 mm
85.13	Electrical line telephonic and telegraphic apparatus (including such apparatus for carrier-current line systems):
03	Telephonic apparatus: Private telephone exchanges, with up to 50 internal lines
04	Not specified
90.07	Photographic cameras; photographic flashlight apparatus:
01	Weighing up to 20 kg each
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:
01	Drawing sets, extension-pieces for compasses, compasses, drawing pens and similar instruments

Portuguese Customs Tariff No	Description
90.24  02	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: Pressure gauges
90.28  02	Electrical measuring, checking, analysing or automatically controlling instruments and apparatus Ammeters, voltmeters and wattmeters
94.01  05	Chairs and other seats (other than those falling within heading No 94.02), whether or not convertible into beds, and parts thereof: Of iron or steel
94.03  05	Other furniture and parts thereof: Of iron or steel
97.02	Dolls
97.03  02	Other toys; working models of a kind used for recreational purposes: Not specified
98.01  05	Buttons and button moulds, studs, cuff-links and press-fasteners, including snap-fasteners and press-studs; blanks and parts of such articles: Other: Not specified
98.10  03	Mechanical lighters and similar lighters, including chemical and electrical lighters, and parts thereof, excluding flints and wicks: Gilt or silvered, or of rolled precious metals

## FINAL ACT

The Plenipotentiaries

of the Council of the European Communities,

and

of the President of the Portuguese Republic,

meeting at Brussels this twentieth day of September in the year one thousand nine hundred and seventy-six, for the purpose of signing the Interim Agreement between the European Economic Community and the Portuguese Republic,

have, on signing this Agreement, taken note of the following exchanges of letters:

1. exchange of letters on Article 3 of the Interim Agreement;
2. exchange of letters on Article 6 of the Interim Agreement.

The exchanges of letters listed above are annexed to this Final Act.

The Plenipotentiaries have agreed that these exchanges of letters shall be subjected, in the same manner as the Agreement, to any procedures that may be necessary to ensure their validity.

Udfærdiget i Bruxelles, den tyvende september nitten hundrede og seksoghalvfjerds.

Geschehen zu Brüssel am zwanzigsten September neunzehnhundert-sechundsiebzig.

Done at Brussels on the twentieth day of September in the year one thousand nine hundred and seventy-six.

Fait à Bruxelles, le vingt septembre mil neuf cent soixante-seize.

Fatto a Bruxelles, addi venti settembre millenovecentosettantasei.

Gedaan te Brussel, de twintigste september negentien honderdzesenzeventig.

Feito em Bruxelas, aos vinte de Setembro de mil novecentos e setenta e seis.

For Rådet for De europæiske Fællesskaber  
Für den Rat der Europäischen Gemeinschaften  
For the Council of the European Communities  
Pour le Conseil des Communautés européennes  
Per il Consiglio delle Comunità europee  
Voor de Raad van de Europese Gemeenschappen  
Pelo Conselho das Comunidades Europeias,

M. van Sli  
Trog

For præsidenten for Den portugisiske Republik  
Für den Präsidenten der Portugiesischen Republik  
For the President of the Portuguese Republic  
Pour le président de la République portugaise  
Per il presidente della Repubblica portoghese  
Voor de President van de Republiek Portugal  
Pelo Presidente da República Portuguesa

Jos Antunes

## Exchange of letters on Article 3 of the Interim Agreement

Sir,

During the negotiations which have resulted in the conclusion of an Interim Agreement between the European Economic Community and the Portuguese Republic, the volumes of the ceilings for textile products and clothing for 1976 were fixed at the levels set out in Article 3 of the Interim Agreement. In addition, Portugal will take the necessary measures so that its exports of the following products to the United Kingdom in 1976 do not exceed the following levels:

CCT heading No	Description	Volume (in metric tons)
55.05	Cotton yarn, not put up for retail sale	5 450
56.07	Woven fabrics of man-made fibres (discontinuous or waste)	3 164
60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized	1 221
61.01	Men's and boys' outer garments	2 500
61.02	Women's, girls' and infants' outer garments	625
61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs	900
61.04	Women's, girls' and infants' under garments	212
62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles	8 500

I should be grateful if you would indicate the agreement of your Government to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*Head of the  
Community delegation*

Sir,

In your letter of today's date you inform me as follows:

'During the negotiations which have resulted in the conclusion of an Interim Agreement between the European Economic Community and the Portuguese Republic, the volumes of the ceilings for textile products and clothing for 1976 were fixed at the levels set out in Article 3 of the Interim Agreement. In addition, Portugal will take the necessary measures so that its exports of the following products to the United Kingdom in 1976 do not exceed the following levels:

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61.04	Women's, girls' and infants' under garments	212
62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles	8 500

I should be grateful if you would indicate the agreement of your Government to the foregoing.'

I have the honour to indicate the agreement of my Government to the foregoing.

Please accept, Sir, the acceptance of my highest consideration.

*Head of the  
Portuguese delegation*

## Exchange of letters on Article 6 of the Interim Agreement

Sir,

The provisions of Article 6 of the Interim Agreement will not be applicable until the first day of the month following the date on which Portugal has notified the Community of the completion of the procedures necessary to ensure that the Community, as a result of the application of the provisions in questions, is not treated less favourably than third countries.

Portugal will notify the Community of the basic duty rate for each of the products referred to in the said Article and the date from which the new duties will be applicable. In addition, Portugal will convert specific duties into *ad valorem* duties.

I should be grateful if you would indicate the agreement of your Government to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*Head of the  
Community delegation*

Sir,

In your letter of today's date you inform me as follows:

'The provisions of Article 6 of the Interim Agreement will not be applicable until the first day of the month following the date on which Portugal has notified the Community of the completion of the procedures necessary to ensure that the Community, as a result of the application of the provisions in question, is not treated less favourably than third countries.

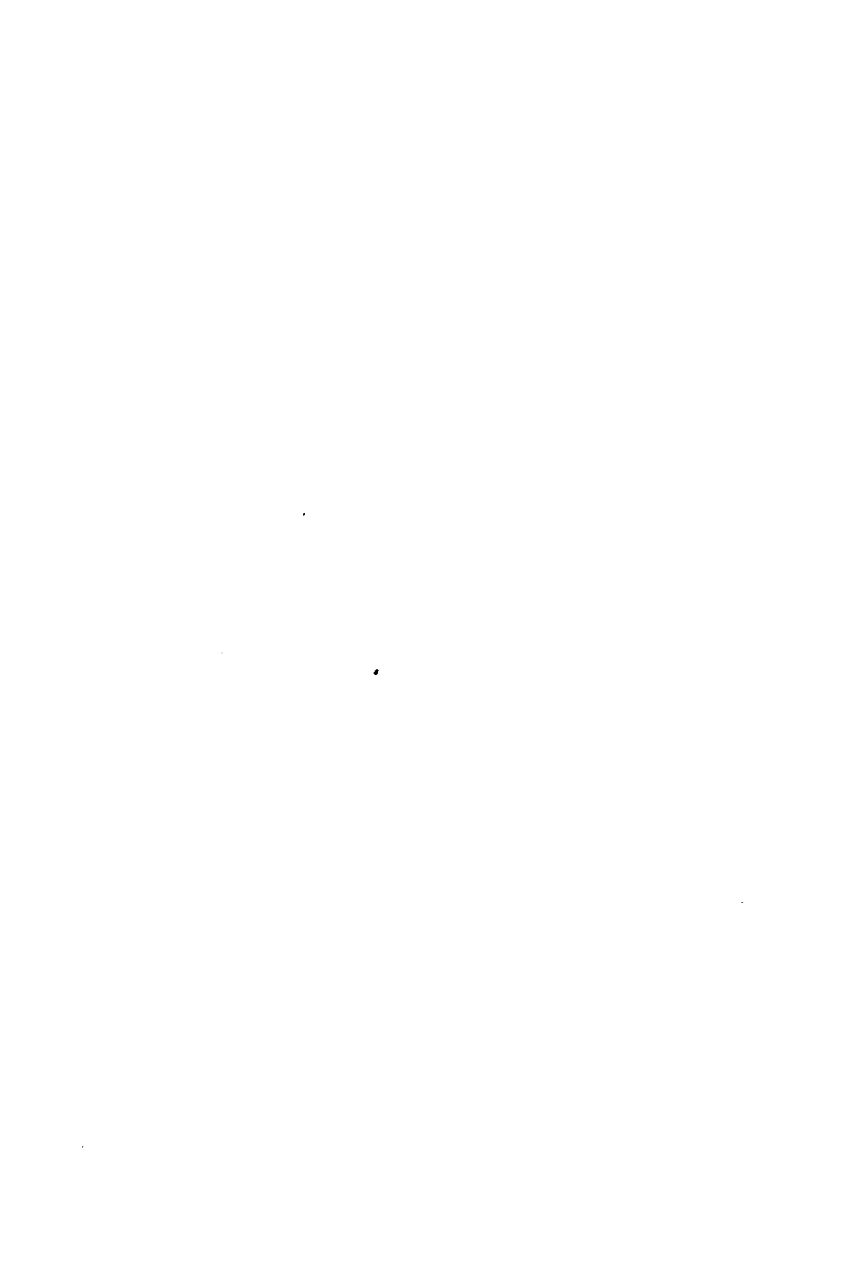
Portugal will notify the Community of the basic duty rate for each of the products referred to in the said Article and the date from which the new duties will be applicable. In addition, Portugal will convert specific duties into *ad valorem* duties.

I should be grateful if you would indicate the agreement of your Government to the foregoing.'

I have the honour to indicate the agreement of my Government to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*Head of the  
Portuguese delegation*





AGREEMENT  
BETWEEN THE EUROPEAN ECONOMIC COM-  
MUNITY AND THE PORTUGUESE REPUBLIC<sup>(1)</sup><sup>(2)</sup>

DECISIONS OF THE EEC-PORTUGAL JOINT  
COMMITTEE

taken in the framework of the Agreement between the  
European Economic Community and the Portuguese  
Republic and amending the text thereof

*Decision 1/75 of the Joint Committee of 2 December 1975 amending Article 23 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation* <sup>(3)</sup>

*Decision 2/75 of the Joint Committee of 2 December 1975 amending Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and amending Joint Committee Decision 3/73 and repealing Joint Committee Decision 4/73* <sup>(3)</sup>

*Decision 1/76 of the Joint Committee of 12 April 1976 amending List A annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation* <sup>(4)</sup>

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(1) This Agreement appears in Volume 1, page 747.

(2) Protocol No 3 to this Agreement has been amended a number of times. These amendments were a matter for the Joint Committee, and the decisions it took appear on pages 30 to 61 of this Volume.

(3) OJ No L 338, 31.12.1975.

(4) OJ No L 215, 7.8.1976.

*Decision No 2/76 of the Joint Committee supplementing and amending Lists A and B annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and the list contained in Article 25 of that Protocol <sup>(1)</sup>*

*Decision No 3/76 of the Joint Committee supplementing Note 11, Article 23 in Annex I to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation <sup>(1)</sup>*

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<sup>(1)</sup> OJ No L 328, 26.11.1976.

## INFORMATION CONCERNING

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
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— the AGREEMENT in the form of an exchange of letters relating to Article 3 of Protocol 8 to the AGREEMENT between the European Economic Community and the Portuguese Republic <sup>(1)</sup> <sup>(2)</sup>

EEC PORTUGAL	26.2.1976	—	26.2.1976	until 31.12.1976
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— the INTERIM AGREEMENT between the European Economic Community and the Portuguese Republic <sup>(3)</sup>

EEC PORTUGAL	20.9.1976	n. 29.9.1976	1.11.1976 <sup>(4)</sup>	applicable until entry into force of Additional Protocol or 31.12.1977, whichever is the earlier
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<sup>(1)</sup> OJ No L 59, 6.3.1976.

<sup>(2)</sup> The latter Agreement appears in Volume 1, page 747.

<sup>(3)</sup> OJ No L 266, 29.9.1976.

<sup>(4)</sup> OJ No L 273, 6.10.1976.



7

Agreement  
between the EEC and the Republic of Finland



## AGREEMENT

in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Republic of Finland (1)

**COUNCIL REGULATION (EEC) No 2958/76  
of 22 July 1976**

**approving the Agreement in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Republic of Finland**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the recommendation of the Commission,

Whereas Annex A to Protocol 1 to the Agreement between the European Economic Community and the Republic of Finland (2) should be amended and the Agreement in the form of an exchange of letters which has been negotiated to that end should be approved,

**HAS ADOPTED THIS REGULATION:**

### *Article 1*

The Agreement in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Republic of Finland is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

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(1) OJ No L 338, 7.12.1976.

(2) OJ No L 328, 28.11.1973.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

*Article 3*

This Regulation shall enter into force on the 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, 22 July 1976.

*For the Council*  
*The President*  
**L. J. BRINKHORST**



Brussels, . . . . .

Your Excellency,

Under the transitional arrangements provided for in Protocol 1 to the Free Trade Agreement between the European Economic Community and the Republic of Finland signed on 5 October 1973, the United Kingdom is authorized to open each year zero-duty tariff quotas for the products listed in Annex A to Protocol 1. The quota for certain products of Chapter 49 of the Common Customs Tariff is expressed in pounds sterling because during the reference period 1968 to 1971 not all imports of these products were recorded in terms of weight. Meanwhile, inflation and exchange rate fluctuations have distorted this basis. For this reason, it has proved desirable that this quota be expressed in terms of weight. A comparison of the values and weights of UK imports during recent years has made it possible to convert the average imports of the period 1968 to 1971 into metric tons. This figure is 631 metric tons.

Accordingly the Community considers that, pursuant to Article 1 (4) of Protocol 1 to the aforementioned Agreement, the initial zero-duty quota which the United Kingdom was entitled to open in 1974 for certain products of Chapter 49 and which is stated in the United Kingdom column of Annex A to the said Protocol should read 766·985 metric tons and not 192 477 pounds sterling. Therefore, in accordance with Article 1 (4) of Protocol 1, the quota which the United Kingdom is entitled to open for 1976 is 845·600 metric tons.

I should be grateful if you would confirm the agreement of your Government to the contents of this letter.

Please accept, Your Excellency, the assurance of my highest consideration.

*On behalf of the Council of  
the European Communities*

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows:

'Under the transitional arrangements provided for in Protocol 1 to the Free Trade Agreement between the European Economic Community and the Republic of Finland signed on 5 October 1973, the United Kingdom is authorized to open each year zero-duty tariff quotas for the products listed in Annex A to Protocol 1. The quota for certain products of Chapter 49 of the Common Customs Tariff is expressed in pounds sterling because during the reference period 1968 to 1971 not all imports of these products were recorded in terms of weight. Meanwhile, inflation and exchange rate fluctuations have distorted this basis. For this reason, it has proved desirable that this quota be expressed in terms of weight. A comparison of the values and weights of UK imports during recent years has made it possible to convert the average imports of the period 1968 to 1971 into metric tons. This figure is 631 metric tons.

Accordingly the Community considers that, pursuant to Article 1 (4) of Protocol 1 to the aforementioned Agreement, the initial zero-duty quota which the United Kingdom was entitled to open in 1974 for certain products of Chapter 49 and which is stated in the United Kingdom column of Annex A to the said Protocol should read 766.985 metric tons and not 192 477 pounds sterling. Therefore, in accordance with Article 1 (4) of Protocol 1, the quota which the United Kingdom is entitled to open for 1976 is 845.600 metric tons.

I should be grateful if you would confirm the agreement of your Government to the contents of this letter.'

I have the honour to confirm the agreement of my Government to the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Government of  
the Republic of Finland*

AGREEMENT  
BETWEEN THE EUROPEAN ECONOMIC COM-  
MUNITY AND THE REPUBLIC OF FINLAND<sup>(1)(2)</sup>

DECISIONS OF THE EEC-FINLAND  
JOINT COMMITTEE

taken in the framework of the Agreement between the European Economic Community and the Republic of Finland and amending the text thereof

*Decision 1/75 of the Joint Committee of 2 December 1975 amending Article 23 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation* <sup>(3)</sup>

*Decision 1/76 of the Joint Committee of 12 April 1976 amending List A annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation* <sup>(4)</sup>

*Decision No 2/76 of the Joint Committee supplementing and amending Lists A and B annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and the list contained in Article 25 of that Protocol* <sup>(5)</sup>

*Decision No 3/76 of the Joint Committee supplementing Note 11, Article 23 in Annex I to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation* <sup>(5)</sup>

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(1) This Agreement appears in Volume 2, page 1.

(2) Protocol No 3 to this Agreement has been amended a number of times. These amendments were a matter for the Joint Committee, and the decisions it took appear on pages 30 to 61 of this Volume.

(3) OJ No L 338, 31.12.1975.

(4) OJ No L 215, 7.8.1976.

(5) OJ No L 328, 26.11.1976.

# REGULATION (EEC) No 3421/75 OF THE COUNCIL

of 18 December 1975

on the application of Decisions 1/75 and 2/75 of the EEC-Finland Joint Committee concerning the methods of administrative cooperation <sup>(1)</sup>

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Whereas an Agreement between the European Economic Community and the Republic of Finland <sup>(2)</sup> was signed on 5 October 1973 and entered into force on 1 January 1974;

Whereas pursuant to Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which is an integral part of that Agreement, the Joint Committee adopted on 2 December 1975 Decisions 1/75 and 2/75 concerning the methods of administrative cooperation;

Whereas it is necessary to give effect within the Community to those Decisions,

HAS ADOPTED THIS REGULATION:

## *Article 1*

For the purpose of applying the Agreement between the European Economic Community and the Republic of Finland, Decisions 1/75 and 2/75 of the Joint Committee annexed hereto shall apply within the Community.

## *Article 2*

This Regulation shall enter into force on 1 January 1976.

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(1) For Decision No 1/75 see page 30 of this Volume.

(2) OJ No L 328, 28.11.1973.

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**

## DECISION 2/75 OF THE JOINT COMMITTEE

of 2 December 1975

amending Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and amending Joint Committee Decision 4/74 and repealing Joint Committee Decision 5/74

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Finland, signed in Brussels on 5 October 1973;

Having regard to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation (hereinafter referred to as 'Protocol 3'), and in particular Article 28 thereof;

Whereas it is desirable that the value limits laid down in Article 14 of Protocol 3 should be raised;

Whereas it is necessary to provide a box in the movement certificate EUR.1 and in form EUR.2 in which the name of the country of origin should be inserted; whereas it is as a result, desirable to amend the models of this certificate and form;

Whereas it is also necessary to simplify further the procedure for issuing this certificate and for completing this form and *inter alia* by extending the measures adopted by Joint Committee Decision 5/74 to other means of transport, as well as to raise the value limit laid down in that Decision,

HAS DECIDED AS FOLLOWS:

### *Article 1*

The text of Article 14 (1) and (2) of Protocol 3 shall be deleted and replaced by the following:

1. The Community and Finland shall admit as originating products benefiting from the Agreement without requiring the production of a movement certificate EUR.1 or a form EUR.2 any goods sent as small packages to private persons or forming part of travellers' personal luggage, 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 100 units of account in the case of small packages or 300 units of account in the case of the contents of travellers' personal luggage.'

#### *Article 2*

The model movement certificate EUR.1 given in Annex V to Protocol 3, as amended by Joint Committee Decision 3/74, shall be replaced by the model given in Annex I hereto.

#### *Article 3*

Note 8 to Article 10 of Annex I to Protocol 3 shall be deleted.

#### *Article 4*

1. Article 7 of Joint Committee Decision 4/74 shall be deleted.
2. The first subparagraph of Article 18 (2) of Joint Committee Decision 4/74 shall be replaced by the following:

'For the purpose of implementing the provisions of paragraph 1, the customs authorities of the importing State shall return the movement certificate or the form EUR.2 or a photocopy thereof, to the customs authorities of the exporting State, giving, where appropriate, the reasons of substance or form for an inquiry. The invoice, if it has been submitted, or a copy thereof shall be attached to the 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.'

### *Article 5*

Article 20 of Decision 4/74 of the Joint Committee shall be replaced by the following:

#### *'Article 21*

The initials and the endorsements referred to in Articles 12, 13 and 19 shall be inserted in the "Remarks" box of the certificate.'

### *Article 6*

1. Without prejudice to Article 8 (1) of Protocol 3, originating products within the meaning of that Protocol shall, provided the consignment consists only of originating products and provided the value does not exceed 1 500 units of account per consignment, benefit from the provisions of the Agreement on import into the Community or Finland on presentation of form EUR.2 of which a model is given in Annex II.

2. One form EUR.2 shall be completed for each consignment.

### *Article 7*

Form EUR.2 shall be completed by the exporter or, under his responsibility, by his authorized representative. It shall be made out on the form of which a model is given in Annex II. This form shall be printed in one or more of the languages in which the Agreement is drawn up or in Swedish. It shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State. If it is handwritten it must be completed in ink and in block letters.

Form EUR.2 shall be 210 × 148 mm. A tolerance of up to plus 8 or minus 5 mm in the length may be allowed. The paper used shall be white paper dressed for writing not containing mechanical pulp and weighing not less than 64 g/m<sup>2</sup>.

The Member States of the Community and Finland may reserve the right to print the forms themselves or may have them printed by printers approved by them. In the latter case each form must bear a reference to such approval. In addition, the form 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, whether or not printed, by which it can be identified.



### *Article 8*

In order to ensure proper application of this Decision, the Member States of the Community and Finland shall assist each other, through their respective customs administrations, in checking the authenticity and accuracy of exporters' declarations made on forms EUR.2.

### *Article 9*

Penalties shall be imposed on any person who completes a form or causes a form to be completed which contains inaccurate information for the purpose of enabling goods to benefit from preferential treatment.

### *Article 10*

1. Movement certificates made out on the forms previously in force may be used until depletion of stocks and at the latest up to and including 30 June 1977, under the conditions laid down before the entry into force of this Decision.

2. Forms EUR.2 made out on the form previously in force may be used until depletion of stocks and at the latest up to and including 30 June 1977 for postal consignments (including parcel post) under the conditions laid down before the entry into force of this Decision.

Additionally, they may be used until depletion of stocks and at the latest up to and including 30 June 1977, under the conditions laid down by this Decision. In that case, the information to be given in box 8 of the forms, models of which are to be found in Annex II, should be given in box 7.

### *Article 11*

Decision 5/74 of the Joint Committee is hereby repealed.

### *Article 12*

The text of Article 17 of Joint Committee Decision 4/74 shall be replaced by the following:

#### *'Article 18*

Under the responsibility of the exporter, he or his authorized representative shall complete and sign the form EUR.2.

If the goods contained in the consignment have already been subject to verification in the exporting country by reference to the definition of the concept of "originating products", the exporter may refer to this check in the "Remarks" box of form EUR.2.'

*Article 13*

An exporter who has completed a form EUR.2. shall be obliged to submit, at the request of the customs authorities of the exporting country, supporting evidence concerning the use of this form.

*Article 14*

This Decision shall enter into force on 1 February 1976.

Done at Brussels, 2 December 1975.

*For the Joint Committee*  
*The President*  
R. de KERGORLAY

7

*ANNEX I*  
MOVEMENT CERTIFICATE

1. Exporter (Name, full address, country):	<b>EUR. 1</b> No <b>A</b> 000.000		
	See notes overleaf before completing this form		
3. Consignee (Name, full address, country) (Optional):	<div style="border: 2px solid black; padding: 5px;">                 2. Certificate used in preferential trade between   <div style="text-align: center;">and</div>                   (insert appropriate countries, groups of countries or territories)             </div>		
	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
6. Transport details (Optional):	7. Remarks		
8. Item number; Marks and numbers; Number and kind of packages (1); Description of goods	9. Gross weight (kg) or other measure (litres, m <sup>3</sup> , etc.)	10. Invoices (Optional)	

(1) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

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**11. CUSTOMS ENDORSEMENT**

Declaration certified  
Export document <sup>(7)</sup>

Stamp

Form ..... No .....

Customs office .....

Issuing country or territory .....

.....

Date .....

(Signature)

**12. DECLARATION BY THE EXPORTER**

I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.

Place and date: .....

.....

(Signature)

<sup>(7)</sup> Complete only where the regulations of the exporting country or territory require.

<p>13. REQUEST FOR VERIFICATION, to</p>	<p>14. RESULT OF VERIFICATION,</p>
<p>Verification of the authenticity and accuracy of this certificate is requested.</p> <p>..... (Place and date)</p> <p>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)</p> <p>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

1. <b>Exporter</b> (Name, full address, country)	<b>EUR. 1</b> No <b>A</b> 000.000	
3. <b>Consignee</b> (Name, full address, country) (Optional)	See notes overleaf before completing this form	
	<b>2. Application for a certificate to be used in preferential trade between</b>  <div style="text-align: center;">..... and .....</div> <small>(insert appropriate countries, groups of countries or territories)</small>	
6. <b>Transport details</b> (Optional)	4. <b>Country, group of countries or territory in which the products are considered as originating</b>	5. <b>Country, group of countries or territory of destination</b>
	7. <b>Remarks</b>	



2

(3) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

8. Item number; Marks and numbers; Number and kind of packages (3); Description of goods	9. Gross weight (kg) or other measure (litres, m <sup>3</sup> , etc.)	10. Invoices (Optional)

## 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 (if):

.....

.....

.....

↘

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.

## ANNEX II

Before completing this form read carefully the instructions on the other side.

FORM <b>EUR. 2</b> No		1 Form used in preferential trade between (1) ..... and .....	
		2 Exporter (Name, full address, country)	
4 Consignee (Name, full address, country)		3 Declaration by exporter I, the undersigned, exporter of the goods described below, declare that the goods comply with the requirements for the completion of this form and that the goods have obtained the status of originating products within the provisions governing preferential trade shown in box 1.	
		5 Place and date	
7 Remarks (2)		6 Signature of exporter	
		8 Country of origin ( )	9 Country of destination (1)
		10 Gross weight (kg)	
11 Marks; Numbers of consignment; Description of goods		12 Authority in the exporting country (1) responsible for verification of the declaration by the exporter	

(1) Insert the countries, groups of countries or territories concerned.

(2) Refer to any verification already carried out by the appropriate authorities.

(3) The term 'country of origin' means country, group of countries or territory where the goods are considered to be originating.

(4) The term 'country' means country, group of countries or territory of destination.

<p><b>13 Request for verification</b></p> <p>The verification of the declaration by the exporter on the front of this form is requested <sup>(1)</sup></p> <p>..... 19.....          (Place and date) Stamp</p> <p>.....          (Signature)</p>	<p><b>14 Result of verification</b></p> <p>Verification carried out shows that <sup>(1)</sup></p> <p><input type="checkbox"/> the statements and particulars given in this form are accurate.</p> <p><input type="checkbox"/> this form does not meet the requirements as to accuracy and authenticity (see remarks appended.)</p> <p>..... 19.....          (Place and date) Stamp</p> <p>.....          (Signature)</p> <p>(1) Insert X in the appropriate box.</p>
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(\* Subsequent verifications of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubt as to the accuracy of the information regarding the authenticity of the forms and the true origin of the goods in question.

### Instructions for the completion of form EUR. 2

1. A form EUR.2 may be made out only for goods which in the exporting country fulfil the conditions specified by the provisions governing the trade referred to in box 1. These provisions must be studied carefully before the form is completed.
2. In the case of a consignment by parcel post the exporter attaches the form to the dispatch note. In the case of a consignment by letter post he encloses the form in a package. The reference 'EUR.2' and the serial number of the form should be stated on the customs green label declaration C1 or on the customs declaration C2 CP3, as appropriate.
3. These instructions do not exempt the exporter from complying with any other formalities required by customs or postal regulations.
4. An exporter who uses this form is obliged to submit to the appropriate authorities any supporting evidence which they may require and to agree to any inspection by them of his accounts and of the processes of manufacture of the goods described in box 11 of this form.

## INFORMATION CONCERNING

the AGREEMENT in the form of an exchange of letters amending Annex A to Protocol 1 to the AGREEMENT between the European Economic Community and the Republic of Finland <sup>(1)</sup> <sup>(2)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC	8.12.1976	-	8.12.1976	until 31.12.1976
FINLAND				

(1) OJ No L 338, 7.12.1976.

(2) The latter Agreement appears in Volume 2, page 1.

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**Agreement**  
**between the EEC and the Kingdom of Norway**





## AGREEMENT

in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Kingdom of Norway <sup>(1)</sup>

**COUNCIL REGULATION (EEC) No 2960/76**

**of 22 July 1976**

**approving the Agreement in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Kingdom of Norway**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the recommendation of the Commission,

Whereas Annex A to Protocol 1 to the Agreement between the European Economic Community and the Kingdom of Norway <sup>(2)</sup> should be amended and the Agreement in the form of an exchange of letters which has been negotiated to that end should be approved,

**HAS ADOPTED THIS REGULATION:**

### *Article 1*

The Agreement in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Kingdom of Norway is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

<sup>(1)</sup> OJ No L 338, 7.12.1976.

<sup>(2)</sup> OJ No L 171, 17.6.1973.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

*Article 3*

This Regulation shall enter into force on the 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, 22 July 1976.

*For the Council*

*The President*

L. J. BRINKHORST

Brussels,.....

Your Excellency,

Under the transitional arrangements provided for in Protocol 1 to the Free Trade Agreement between the European Economic Community and the Kingdom of Norway signed on 14 May 1973, the United Kingdom is authorized to open each year zero-duty tariff quotas for the products listed in Annex A to Protocol 1. The quota for certain products of Chapter 49 of the Common Customs Tariff is expressed in pounds sterling because during the reference period 1968 to 1971 not all imports of these products were recorded in terms of weight. Meanwhile, inflation and exchange rate fluctuations have distorted this basis. For this reason, it has proved desirable that this quota be expressed in terms of weight. A comparison of the values and weights of UK imports during recent years has made it possible to convert the average imports of the period 1968 to 1971 into metric tons. This figure is 56·458 metric tons.

Accordingly the Community considers that, pursuant to Article 1 (4) of Protocol 1 to the aforementioned Agreement, the initial zero-duty quota which the United Kingdom was entitled to open in 1974 for certain products of Chapter 49 and which is stated in the United Kingdom column of Annex A to the said Protocol should read 68·625 metric tons and not 45 396 pounds sterling. Therefore, in accordance with Article 1 (4) of Protocol 1, the quota which the United Kingdom is entitled to open for 1976 is 75·659 metric tons.

I should be grateful if you would confirm the agreement of your Government to the contents of this letter.

Please accept, Your Excellency, the assurance of my highest consideration.

*On behalf of the Council of  
the European Communities*

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows:

'Under the transitional arrangements provided for in Protocol 1 to the Free Trade Agreement between the European Economic Community and the Kingdom of Norway signed on 14 May 1973, the United Kingdom is authorized to open each year zero-duty tariff quotas for the products listed in Annex A to Protocol 1. The quota for certain products of Chapter 49 of the Common Customs Tariff is expressed in pounds sterling because during the reference period 1968 to 1971 not all imports of these products were recorded in terms of weight. Meanwhile, inflation and exchange rate fluctuations have distorted this basis. For this reason, it has proved desirable that this quota be expressed in terms of weight. A comparison of the values and weights of UK imports during recent years has made it possible to convert the average imports of the period 1968 to 1971 into metric tons. This figure is 56·458 metric tons.

Accordingly the Community considers that, pursuant to Article 1 (4) of Protocol 1 to the aforementioned Agreement, the initial zero-duty quota which the United Kingdom was entitled to open in 1974 for certain products of Chapter 49 and which is stated in the United Kingdom column of Annex A to the said Protocol should read 68·625 metric tons and not 45 396 pounds sterling. Therefore, in accordance with Article 1 (4) of Protocol 1, the quota which the United Kingdom is entitled to open for 1976 is 75·659 metric tons.

I should be grateful if you would confirm the agreement of your Government to the contents of this letter.'

I have the honour to confirm the agreement of my Government to the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Government of  
the Kingdom of Norway*

AGREEMENT  
BETWEEN THE EUROPEAN ECONOMIC COM-  
MUNITY AND THE KINGDOM OF NORWAY<sup>(1)</sup>(<sup>2</sup>)

DECISIONS OF THE EEC-NORWAY JOINT  
COMMITTEE

taken in the framework of the Agreement between the Euro-  
pean Economic Community and the Kingdom of Norway  
and amending the text thereof

*Decision 1/75 of the Joint Committee of 1 December 1975 amending  
Article 23 of Protocol 3 concerning the definition of the concept of 'origin-  
ating products' and methods of administrative cooperation* (<sup>3</sup>)

*Decision 2/75 of the Joint Committee of 1 December 1975 amending  
Protocol 3 concerning the definition of the concept of 'originating products'  
and methods of administrative cooperation and amending Joint Committee  
Decision 3/73 and repealing Joint Committee Decision 4/73* (<sup>3</sup>)

*Decision 1/76 of the Joint Committee of 12 April 1976 amending List A  
annexed to Protocol 3 concerning the definition of the concept of 'origin-  
ating products' and methods of administrative cooperation* (<sup>4</sup>)

*Decision No 2/76 of the Joint Committee supplementing and amending  
Lists A and B annexed to Protocol 3 concerning the definition of the  
concept of 'originating products' and methods of administrative cooperation  
and the list contained in Article 25 of that Protocol* (<sup>5</sup>)

(1) This Agreement appears in Volume 2, page 231.

(2) Protocol No 3 to this Agreement has been amended a number of times. These amend-  
ments were a matter for the Joint Committee, and the decisions it took appear on  
pages 30 to 61 of this Volume.

(3) OJ No L 338, 31.12.1975.

(4) OJ No L 215, 7.8.1976.

(5) OJ No L 328, 26.11.1976.

*Decision No 3/76 of the Joint Committee supplementing Note 11, Article 23 in Annex I to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation (1)*

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(1) OJ No L 328, 26.11.1976.

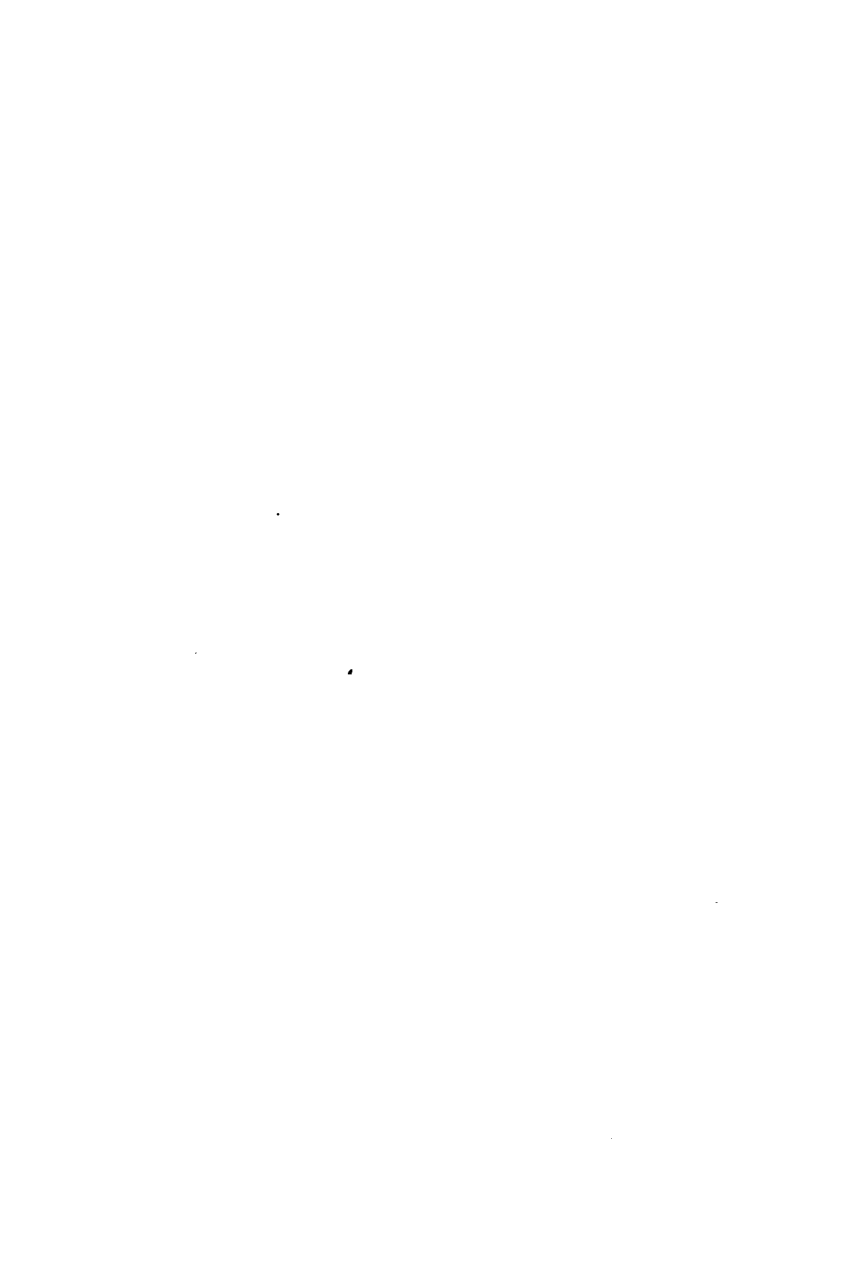
## INFORMATION CONCERNING

the AGREEMENT in the form of an exchange of letters amending Annex A to Protocol 1 to the AGREEMENT between the European Economic Community and the Kingdom of Norway <sup>(1)</sup> <sup>(2)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC NORWAY	8.12.1976	—	8.12.1976	until 31.12.1976

(1) OJ No L 338, 7.12.1976.

(2) The latter Agreement appears in Volume 2, page 231.





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**Agreement**  
**between the EEC and the Kingdom of Sweden**



## AGREEMENT

in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Kingdom of Sweden <sup>(1)</sup>

**COUNCIL REGULATION (EEC) No 2961/76**

**of 22 July 1976**

**approving the Agreement in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Kingdom of Sweden**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the recommendation of the Commission,

Whereas Annex A to Protocol 1 to the Agreement between the European Economic Community and the Kingdom of Sweden <sup>(2)</sup> should be amended and the Agreement in the form of an exchange of letters which has been negotiated to that end should be approved,

**HAS ADOPTED THIS REGULATION:**

### *Article 1*

The Agreement in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Kingdom of Sweden is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

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(1) OJ No L 338, 7.12.1976.

(2) OJ No L 300, 31.12.1972. English version appears in OJ Special Edition 1972 (31 December).

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

*Article 3*

This Regulation shall enter into force on the 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, 22 July 1976.

*For the Council*  
*The President*  
L. J. BRINKHORST

Brussels,.....

Your Excellency,

Under the transitional arrangements provided for in Protocol 1 to the Free Trade Agreement between the European Economic Community and the Kingdom of Sweden signed on 22 July 1972, the United Kingdom is authorized to open each year zero-duty tariff quotas for the products listed in Annex A to Protocol 1. The quota for certain products of Chapter 49 of the Common Customs Tariff is expressed in pounds sterling because during the reference period 1968 to 1971 not all imports of these products were recorded in terms of weight. Meanwhile, inflation and exchange rate fluctuations have distorted this basis. For this reason, it has proved desirable that this quota be expressed in terms of weight. A comparison of the values and weights of UK imports during recent years has made it possible to convert the average imports of the period 1968 to 1971 into metric tons. This figure is 1 077·254 metric tons.

Accordingly the Community considers that, pursuant to Article 1 (4) of Protocol 1 to the aforementioned Agreement, the initial zero-duty quota which the United Kingdom was entitled to open in 1974 for certain products of Chapter 49 and which is stated in the United Kingdom column of Annex A to the said Protocol should read 1 309·409 metric tons and not 674 473 pounds sterling. Therefore, in accordance with Article 1 (4) of Protocol 1, the quota which the United Kingdom is entitled to open for 1976 is 1 443·623 metric tons.

I should be grateful if you would confirm the agreement of your Government to the contents of this letter.

Please accept, Your Excellency, the assurance of my highest consideration.

*On behalf of the Council of  
the European Communities*

Brussels, . . . . .

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows:

'Under the transitional arrangements provided for in Protocol 1 to the Free Trade Agreement between the European Economic Community and the Kingdom of Sweden signed on 22 July 1972, the United Kingdom is authorized to open each year zero-duty tariff quotas for the products listed in Annex A to Protocol 1. The quota for certain products of Chapter 49 of the Common Customs Tariff is expressed in pounds sterling because during the reference period 1968 to 1971 not all imports of these products were recorded in terms of weight. Meanwhile, inflation and exchange rate fluctuations have distorted this basis. For this reason, it has proved desirable that this quota be expressed in terms of weight. A comparison of the values and weights of UK imports during recent years has made it possible to convert the average imports of the period 1968 to 1971 into metric tons. This figure is 1 077·254 metric tons.

Accordingly the Community considers that, pursuant to Article 1 (4) of Protocol 1 to the aforementioned Agreement, the initial zero-duty quota which the United Kingdom was entitled to open in 1974 for certain products of Chapter 49 and which is stated in the United Kingdom column of Annex A to the said Protocol should read 1 309·409 metric tons and not 674 473 pounds sterling. Therefore, in accordance with Article 1 (4) of Protocol 1, the quota which the United Kingdom is entitled to open for 1976 is 1 443·623 metric tons.

I should be grateful if you would confirm the agreement of your Government to the contents of this letter.'

I have the honour to confirm the agreement of my Government to the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Government of  
the Kingdom of Sweden*

AGREEMENT  
BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE KINGDOM OF SWEDEN<sup>(1)</sup>(<sup>2</sup>)

DECISIONS OF THE EEC-SWEDEN JOINT COMMITTEE

taken in the framework of the Agreement between the European Economic Community and the Kingdom of Sweden and amending the text thereof

*Decision 1/75 of the Joint Committee of 2 December 1975 amending Article 23 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation* (<sup>3</sup>)

*Decision 2/75 of the Joint Committee of 2 December 1975 amending Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and amending Joint Committee Decision 3/73 and repealing Joint Committee Decision 4/73* (<sup>3</sup>)

*Decision 1/76 of the Joint Committee of 12 April 1976 amending List A annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation* (<sup>4</sup>)

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(1) This Agreement appears in Volume 2, page 377.

(2) Protocol No 3 to this Agreement has been amended a number of times. These amendments were a matter for the Joint Committee, and the decisions it took appear on pages 30 to 61 of this Volume.

(3) OJ No L 338, 31.12.1975.

(4) OJ No L 215, 7.8.1976.

*Decision No 2/76 of the Joint Committee supplementing and amending Lists A and B annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and the list contained in Article 25 of that Protocol <sup>(1)</sup>*

*Decision No 3/76 of the Joint Committee supplementing Note 11, Article 23 in Annex I to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation <sup>(1)</sup>*

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<sup>(1)</sup> OJ No L 328, 26.11.1976.



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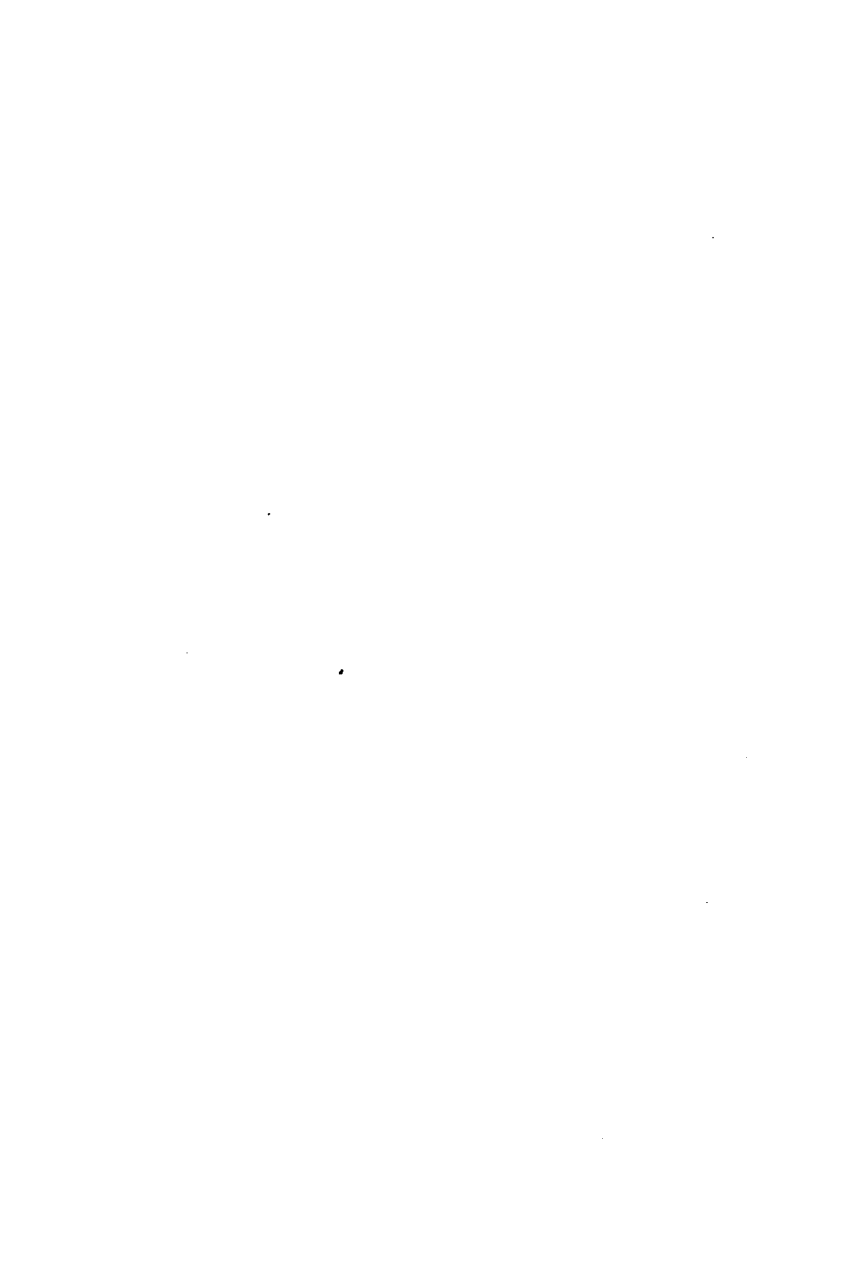
## INFORMATION CONCERNING

the AGREEMENT in the form of an exchange of letters amending Annex A to Protocol 1 to the AGREEMENT between the European Economic Community and the Kingdom of Sweden <sup>(1)</sup> <sup>(2)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC	8.12.1976	—	8.12.1976	until 31.12.1976
SWEDEN				

(1) OJ No L 338, 7.12.1976.

(2) The latter Agreement appears in Volume 2, page 377.



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**Agreements**  
**between the EEC and the Republic of Iceland**



## AGREEMENT

in the form of an exchange of letters amending Protocol 6 to the Agreement between the European Economic Community and the Republic of Iceland <sup>(1)</sup>

**COUNCIL REGULATION (EEC) No 1976/76**

**of 20 July 1976**

**approving the Agreement in the form of an exchange of letters amending Protocol 6 to the Agreement between the European Economic Community and the Republic of Iceland**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the recommendation from the Commission,

Whereas Protocol 6 to the Agreement between the European Economic Community and the Republic of Iceland <sup>(2)</sup> should be amended and the Agreement in the form of an exchange of letters which has been negotiated to that end should be approved,

**HAS ADOPTED THIS REGULATION:**

### *Article 1*

The Agreement in the form of an exchange of letters amending Protocol 6 to the Agreement between the European Economic Community and the Republic of Iceland is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

<sup>(1)</sup> OJ No L 217, 10.8.1976.

<sup>(2)</sup> OJ No L 301, 31.12.1972. English version appears in OJ Special Edition 1972 (31 December).

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement so that it shall be binding on the Community.

*Article 3*

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

The date of entry into force of the Agreement shall be published 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*  
M. van der STOEL

Brussels,.....

Your Excellency,

Article 1 (1) of Protocol 6 to the Agreement between the European Economic Community and the Republic of Iceland signed on 22 July 1972 provides for a progressive reduction of the customs duty of 15% applied to imports of fish fillets falling within subheading 03.01 B II b) of the Common Customs Tariff.

Following a decision adopted in 1972 by the Committee on Common Customs Tariff Nomenclature, frozen raw fish fillets coated with breadcrumbs now fall within subheadings 16.04 C and G (prepared or preserved fish).

In order to avoid fish fillets coated with breadcrumbs falling within subheadings 16.04 C and G being excluded, as a result of this amendment, from the benefit of the said Article, amendments of form should be made to the text of that Article. These amendments, which are set out in the Annex, are applicable as from 1 July 1976.

I should be grateful if you would kindly confirm the agreement of your Government to these amendments.

Please accept, your Excellency, the assurance of my highest consideration.

*On behalf of the Council of  
the European Communities*

*ANNEX*

**Amendments to be made to Protocol 6 to the Agreement between the European Economic Community and the Republic of Iceland**

1. In the table set out in Article 1 (1), the following shall be substituted for the text under heading No 16.04:

CCT heading No	Description
16.04	Prepared or preserved fish, including caviar and caviar substitutes: A. Caviar and caviar substitutes C. Herring: I. Fillets, raw, coated with batter or breadcrumbs, deep frozen G. Other: I. Fillets, raw, coated with batter or breadcrumbs, deep frozen

2. In the table set out in Article 1 (3), the following shall be substituted for the text under heading No 16.04:

CCT heading No	Description
16.04	Prepared or preserved fish, including caviar and caviar substitutes: C. Herring: II. Other ex G. Other: II. Other, excluding preserved smoked coalfish



Brussels,.....

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows:

Article 1 (1) of Protocol 6 to the Agreement between the European Economic Community and the Republic of Iceland signed on 22 July 1972 provides for a progressive reduction of the customs duty of 15% applied to imports of fish fillets falling within subheading 03.01 B II b) of the Common Customs Tariff.

Following a decision adopted in 1972 by the Committee on Common Customs Tariff Nomenclature, frozen raw fish fillets coated with breadcrumbs now fall within subheadings 16.04 C and G (prepared or preserved fish).

In order to avoid fish fillets coated with breadcrumbs falling within subheadings 16.04 C and G being excluded, as a result of this amendment, from the benefit of the said Article, amendments of form should be made to the text of that Article. These amendments, which are set out in the Annex, are applicable as from 1 July 1976.

I should be grateful if you would kindly confirm the agreement of your Government to these amendments.'

I have the honour to confirm the agreement of my Government to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of  
the Republic of Iceland*

## ANNEX

### Amendments to be made to Protocol 6 to the Agreement between the European Economic Community and the Republic of Iceland

1. In the table set out in Article 1 (1), the following shall be substituted for the text under heading No 16.04:

CCT heading No	Description
16.04	Prepared or preserved fish, including caviar and caviar substitutes: A. Caviar and caviar substitutes C. Herring: I. Fillets, raw, coated with batter or breadcrumbs, deep frozen G. Other: I. Fillets, raw, coated with batter or breadcrumbs, deep frozen

2. In the table set out in Article 1 (3), the following shall be substituted for the text under heading No 16.04:

CCT heading No	Description
16.04	Prepared or preserved fish, including caviar and caviar substitutes: C. Herring: II. Other ex G. Other: II. Other, excluding preserved smoked coalfish

## AGREEMENT

in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Republic of Iceland (1)

**COUNCIL REGULATION (EEC) No 2959/76**  
**of 22 July 1976**

**approving the Agreement in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Republic of Iceland**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the recommendation of the Commission,

Whereas Annex A to Protocol 1 to the Agreement between the European Economic Community and the Republic of Iceland (2) should be amended and the Agreement in the form of an exchange of letters which has been negotiated to that end should be approved,

**HAS ADOPTED THIS REGULATION:**

### *Article 1*

The Agreement in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Republic of Iceland is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

(1) OJ No L 338, 7.12.1976.

(2) OJ No L 301, 31.12.1972. English version appears in OJ Special Edition 1972 (31 December).

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

*Article 3*

This Regulation shall enter into force on the 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, 22 July 1976.

*For the Council*  
*The President*  
L. J. BRINKHORST

Brussels,.....

Your Excellency,

Under the transitional arrangements provided for in Protocol 1 to the Free Trade Agreement between the European Economic Community and the Republic of Iceland signed on 22 July 1972, the United Kingdom is authorized to open each year zero-duty tariff quotas for the products listed in Annex A to Protocol 1. The quota for certain products of Chapter 49 of the Common Customs Tariff is expressed in pounds sterling because during the reference period 1968 to 1971 not all imports of these products were recorded in terms of weight. Meanwhile, inflation and exchange rate fluctuations have distorted this basis. For this reason, it has proved desirable that this quota be expressed in terms of weight. A comparison of the values and weights of UK imports during recent years has made it possible to convert the average imports of the period 1968 to 1971 into metric tons. This figure is 1·765 metric tons.

Accordingly the Community considers that, pursuant to Article 1 (4) of Protocol 1 to the aforementioned Agreement, the initial zero-duty quota which the United Kingdom was entitled to open in 1974 for certain products of Chapter 49 and which is stated in the United Kingdom column of Annex A to the said Protocol should read 2·144 metric tons and not 1 804 pounds sterling. Therefore, in accordance with Article 1 (4) of Protocol 1, the quota which the United Kingdom is entitled to open for 1976 is 2·363 metric tons.

I should be grateful if you would confirm the agreement of your Government to the contents of this letter.

Please accept, Your Excellency, the assurance of my highest consideration.

*On behalf of the Council of  
the European Communities*

Brussels,.....

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows:

'Under the transitional arrangements provided for in Protocol 1 to the Free Trade Agreement between the European Economic Community and the Republic of Iceland signed on 22 July 1972, the United Kingdom is authorized to open each year zero-duty tariff quotas for the products listed in Annex A to Protocol 1. The quota for certain products of Chapter 49 of the Common Customs Tariff is expressed in pounds sterling because during the reference period 1968 to 1971 not all imports of these products were recorded in terms of weight. Meanwhile, inflation and exchange rate fluctuations have distorted this basis. For this reason, it has proved desirable that this quota be expressed in terms of weight. A comparison of the values and weights of UK imports during recent years has made it possible to convert the average imports of the period 1968 to 1971 into metric tons. This figure is 1·765 metric tons.

Accordingly the Community considers that, pursuant to Article 1 (4) of Protocol 1 to the aforementioned Agreement, the initial zero-duty quota which the United Kingdom was entitled to open in 1974 for certain products of Chapter 49 and which is stated in the United Kingdom column of Annex A to the said Protocol should read 2·144 metric tons and not 1 804 pounds sterling. Therefore, in accordance with Article 1 (4) of Protocol 1, the quota which the United Kingdom is entitled to open for 1976 is 2·363 metric tons.

I should be grateful if you would confirm the agreement of your Government to the contents of this letter.'

I have the honour to confirm the agreement of my Government to the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Government of  
the Republic of Iceland*

AGREEMENT  
BETWEEN THE EUROPEAN ECONOMIC COM-  
MUNITY AND THE REPUBLIC OF ICELAND<sup>(1)</sup><sup>(2)</sup>

DECISIONS OF THE EEC-ICELAND JOINT  
COMMITTEE

taken in the framework of the Agreement between the European Economic Community and the Republic of Iceland and amending the text thereof

*Decision 1/75 of the Joint Committee of 2 December 1975 amending Article 23 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation* <sup>(3)</sup>

*Decision 2/75 of the Joint Committee of 2 December 1975 amending Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and amending Joint Committee Decision 3/73 and repealing Joint Committee Decision 4/73* <sup>(3)</sup>

*Decision 1/76 of the Joint Committee of 12 April 1976 amending List A annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation* <sup>(4)</sup>

*Decision No 2/76 of the Joint Committee supplementing and amending Lists A and B annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and the list contained in Article 25 of that Protocol* <sup>(5)</sup>

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<sup>(1)</sup> This Agreement appears in Volume 2, page 529.

<sup>(2)</sup> Protocol No 3 to this Agreement has been amended a number of times. These amendments were a matter for the Joint Committee, and the decisions it took appear on pages 30 to 61 of this Volume.

<sup>(3)</sup> OJ No L 338, 31.12.1975.

<sup>(4)</sup> OJ No L 215, 7.8.1976.

<sup>(5)</sup> OJ No L 328, 26.11.1976.

*Decision No 3/76 of the Joint Committee supplementing Note 11, Article 23 in Annex I to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation <sup>(1)</sup>*

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<sup>(1)</sup> OJ No L 328, 26.11.1976.



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INFORMATION CONCERNING

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
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— the AGREEMENT in the form of an exchange of letters amending Protocol 6 <sup>(1)</sup> to the AGREEMENT between the European Economic Community and the Republic of ICELAND <sup>(2)</sup> <sup>(3)</sup>

EEC	29.6.1976	—	29.6.1976 <sup>(4)</sup>	indefinite
ICELAND				

— the AGREEMENT in the form of an exchange of letters amending Annex A to Protocol 1 to the AGREEMENT between the European Economic Community and the Republic of ICELAND <sup>(3)</sup> <sup>(5)</sup>

EEC	8.12.1976	—	8.12.1976	until 31.12.1976
ICELAND				

<sup>(1)</sup> The Protocol has been applied since 1.7.1976 (see Council Regulation No 1440/76 of 18 June 1976, OJ No L 161, 23.6.1976).

<sup>(2)</sup> OJ No L 217, 10.8.1976.

<sup>(3)</sup> The latter Agreement appears in Volume 2, page 529.

<sup>(4)</sup> This Agreement is applicable as from 1.7.1976.

<sup>(5)</sup> OJ No L 338, 7.12.1976.



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**Agreement**  
**between the EEC and the Swiss Confederation**



## AGREEMENT

in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Swiss Confederation<sup>(1)</sup>

**COUNCIL REGULATION (EEC) No 2962/76**

**of 22 July 1976**

**approving the Agreement in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Swiss Confederation**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation of the Commission,

Whereas Annex A to Protocol 1 to the Agreement between the European Economic Community and the Swiss Confederation <sup>(2)</sup> should be amended and the Agreement in the form of an exchange of letters which has been negotiated to that end should be approved,

**HAS ADOPTED THIS REGULATION:**

### *Article 1*

The Agreement in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Swiss Confederation is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

(1) OJ No L 338, 7.12.1976.

(2) OJ No L 300, 31.12.1972. English version appears in OJ Special Edition 1972 (31 December).

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

*Article 3*

This Regulation shall enter into force on the 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, 22 July 1976.

*For the Council*  
*The President*  
L. J. BRINKHORST

Brussels, . . . . .

Your Excellency,

Under the transitional arrangements provided for in Protocol 1 to the Free Trade Agreement between the European Economic Community and the Swiss Confederation signed on 22 July 1972, the United Kingdom is authorized to open each year zero-duty tariff quotas for the products listed in Annex A to Protocol 1. The quota for certain products of Chapter 49 of the Common Customs Tariff is expressed in pounds sterling because during the reference period 1968 to 1971 not all imports of these products were recorded in terms of weight. Meanwhile, inflation and exchange rate fluctuations have distorted this basis. For this reason, it has proved desirable that this quota be expressed in terms of weight. A comparison of the values and weights of UK imports during recent years has made it possible to convert the average imports of the period 1968 to 1971 into metric tons. This figure is 756·055 metric tons.

Accordingly the Community considers that, pursuant to Article 1 (4) of Protocol 1 to the aforementioned Agreement, the initial zero-duty quota which the United Kingdom was entitled to open in 1974 for certain products of Chapter 49 and which is stated in the United Kingdom column of Annex A to the said Protocol should read 918·989 metric tons and not 756 918 pounds sterling. Therefore, in accordance with Article 1 (4) of Protocol 1, the quota which the United Kingdom is entitled to open for 1976 is 1 013·186 metric tons.

I should be grateful if you would confirm the agreement of your Government to the contents of this letter.

Please accept, Your Excellency, the assurance of my highest consideration.

*On behalf of the Council of  
the European Communities*

Brussels, . . . . .

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows:

'Under the transitional arrangements provided for in Protocol 1 to the Free Trade Agreement between the European Economic Community and the Swiss Confederation signed on 22 July 1972, the United Kingdom is authorized to open each year zero-duty tariff quotas for the products listed in Annex A to Protocol 1. The quota for certain products of Chapter 49 of the Common Customs Tariff is expressed in pounds sterling because during the reference period 1968 to 1971 not all imports of these products were recorded in terms of weight. Meanwhile, inflation and exchange rate fluctuations have distorted this basis. For this reason, it has proved desirable that this quota be expressed in terms of weight. A comparison of the values and weights of UK imports during recent years has made it possible to convert the average imports of the period 1968 to 1971 into metric tons. This figure is 756·055 metric tons.

Accordingly the Community considers that, pursuant to Article 1 (4) of Protocol 1 to the aforementioned Agreement, the initial zero-duty quota which the United Kingdom was entitled to open in 1974 for certain products of Chapter 49 and which is stated in the United Kingdom column of Annex A to the said Protocol should read 918·989 metric tons and not 756 918 pounds sterling. Therefore, in accordance with Article 1 (4) of Protocol 1, the quota which the United Kingdom is entitled to open for 1976 is 1 013·186 metric tons.

I should be grateful if you would confirm the agreement of your Government to the contents of this letter.'

I have the honour to confirm the agreement of my Government to the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Government of  
the Swiss Confederation*



## AGREEMENT

in the form of an exchange of letters amending the English version of Table II of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation <sup>(1)</sup>

**COUNCIL REGULATION (EEC) No 2816/76**

**of 8 November 1976**

**concluding the Agreement in the form of an exchange of letters amending the English version of Table II of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the recommendation from the Commission,

Whereas it is necessary to conclude the Agreement in the form of an exchange of letters amending the English version of Table II of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation, which should be done by an Agreement in the form of an exchange of letters,

**HAS ADOPTED THIS REGULATION:**

### *Article 1*

The Agreement in the form of an exchange of letters amending the English version of Table II of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

<sup>(1)</sup> OJ No L 328, 26.11.1976.

### *Article 2*

The President of the Council shall be authorized to designate the person empowered to sign the Agreement referred to in Article 1 in order to bind the Community.

### *Article 3*

This Regulation shall enter into force on the 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, 8 November 1976.

*For the Council*  
*The President*  
W. F. DUISENBERG

ANNEX

Letter No 1

Your Excellency,

I should like to draw your attention to a clerical error in the English version of Table II of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation.

Examination of the English text of heading No 19.02 ex 10 of the Swiss Customs Tariff in this table reveals that part of the description of the goods has been omitted. The missing words are as follows: 'preparations containing powdered milk, excluding'.

Consequently, the text should be amended to read as follows:

'Swiss Customs Tariff heading No	Description	Basic duties	Duty applicable on 1 July 1977
19.02. ex 10	— preparations in which potato flour predominates whether or not in the form of semolina, flakes, etc., and preparations containing powdered milk, excluding preparations containing by weight more than 12% of milk fats, in packages exceeding a net weight of 2 kg'		

I should be grateful if you would confirm the agreement of your Government with the content of this letter.

Please accept, Your Excellency, the assurance of my highest consideration.

*On behalf of the Council  
of the European Communities*

*Letter No 2*

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows:

'I should like to draw your attention to a clerical error in the English version of Table II of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation.

Examination of the English text of heading No 19.02 ex 10 of the Swiss Customs Tariff in this table reveals that part of the description of the goods has been omitted. The missing words are as follows: "preparations containing powdered milk, excluding".

Consequently, the text should be amended to read as follows:

"Swiss Customs Tariff heading No	Description	Basic duties	Duty applicable on 1 July 1977
19.02. ex 10	— preparations in which potato flour predominates whether or not in the form of semolina, flakes, etc., and preparations containing powdered milk, excluding preparations containing by weight more than 12% of milk fats, in packages exceeding a net weight of 2 kg"		

I should be grateful if you would confirm the agreement of your Government with the content of this letter.'

I have the honour to confirm the agreement of my Government with the content of your letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Government  
of the Swiss Confederation*

## ADDENDUM

to Volume 3 (Part one, Chapter I)  
and to Volume 5 (Parts two and three)

Agreement in the form of an exchange of letters between the Swiss Confederation and the Commission of the European Communities on the subject of recognition by the Swiss authorities of the *laissez-passer* issued by the European Communities to members and servants of Community institutions <sup>(1)</sup>

Brussels, 5 December 1974

Monsieur Roland de KERGORLAY  
Deputy Director-General  
Directorate-General for  
External Relations  
Commission of the European  
Communities  
200 rue de la Loi  
1040 Brussels

Sir,

I have the honour to inform you that following the contacts between your services and the Swiss Mission to the European Communities, my Government is prepared to recognize as a valid travel document within the territory of the Swiss Confederation the *laissez-passer* issued by the European Communities to members and servants of Community institutions. This recognition will take effect one month after acknowledgement of receipt of this letter.

Please accept, Sir, the assurance of my highest consideration.

*Head of the Swiss Mission*  
C. CAILLAT

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(1) Not published in the OJ. This Agreement was signed on 5.12.1974 and entered into force on 5.1.1975 for an indefinite period.

Brussels, 5 December 1974

Your Excellency,

I have the honour to acknowledge receipt of your letter of 5 December 1974, worded as follows:

'Sir,

I have the honour to inform you that following the contacts between your services and the Swiss Mission to the European Communities, my Government is prepared to recognize as a valid travel document within the territory of the Swiss Confederation the *laissez-passer* issued by the European Communities to members and servants of Community institutions. This recognition will take effect one month after acknowledgement of receipt of this letter.'

I confirm the agreement of the Commission of the European Communities to the content of this letter.

Please accept, Your Excellency, the assurance of my highest consideration.

Roland de KERGORLAY  
*Deputy Director-General*

## JOINT DECLARATION

On the occasion of the exchange of letters of 5 December 1974 between the Swiss Mission to the European Communities and Directorate-General I of the Commission of the European Communities concerning recognition by the Swiss authorities of the *laissez-passer* issued by the European Communities to members and servants of Community institutions, the two Parties are agreed that bearers of the said *laissez-passer* shall not be entitled on Swiss territory to the privileges and immunities provided for in the Protocol on Privileges and Immunities annexed to the Treaty establishing a single Council and a single Commission of the European Communities.

Roland de KERGORLAY  
*Deputy Director-General*

Claude CAILLAT  
*Ambassador*  
*Head of the Swiss Mission*





AGREEMENT  
BETWEEN THE EUROPEAN ECONOMIC COM-  
MUNITY AND THE SWISS CONFEDERATION<sup>(1)(2)</sup>

DECISIONS OF THE EEC-SWITZERLAND  
JOINT COMMITTEE

taken in the framework of the Agreement between the  
European Economic Community and the Swiss Confedera-  
tion and amending the text thereof

*Decision 1/75 of the Joint Committee of 1 December 1975 amending  
Article 23 of Protocol 3 concerning the definition of the concept of 'origina-  
ting products' and methods of administrative cooperation* <sup>(3)</sup>

*Decision 2/75 of the Joint Committee of 1 December 1975 amending  
Protocol 3 concerning the definition of the concept of 'originating products'  
and methods of administrative cooperation and amending Joint Committee  
Decision 3/73 and repealing Joint Committee Decision 4/73* <sup>(3)</sup>

*Decision 1/76 of the Joint Committee of 12 April 1976 amending List A  
annexed to Protocol 3 concerning the definition of the concept of 'orig-  
inating products' and methods of administrative cooperation* <sup>(4)</sup>

(1) This Agreement appears in Volume 3, page 15.

(2) Protocol No 3 to this Agreement has been amended a number of times. These amend-  
ments were a matter for the Joint Committee, and the decisions it took appear on  
pages 30 to 61 of this Volume.

(3) OJ No L 338, 31.12.1975.

(4) OJ No L 215, 7.8.1976.

*Decision No 2/76 of the Joint Committee supplementing and amending Lists A and B annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and the list contained in Article 25 of that Protocol (1)*

*Decision No 3/76 of the Joint Committee supplementing Note 11, Article 23 in Annex I to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation (1)*

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(1) OJ No L 328, 26.11.1976.

# INFORMATION CONCERNING

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Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
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— the AGREEMENT in the form of an exchange of letters amending Annex A to Protocol 1 to the AGREEMENT between the European Economic Community and the Swiss Confederation <sup>(1)</sup> <sup>(2)</sup>

EEC	8.12.1976	—	8.12.1976	until 31.12.1976
SWITZERLAND				

— the AGREEMENT in the form of an exchange of letters amending the English version of Table II of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation <sup>(3)</sup>

EEC	14.12.1976	—	14.12.1976	indefinite
SWITZERLAND				

— the AGREEMENT in the form of an exchange of letters between the Swiss Confederation and the Commission of the European Communities concerning the recognition by the Swiss authorities of the *laissez-passer* issued by the European Communities to members and servants of Community institutions <sup>(4)</sup>

EEC, EAEC, ECSC	5.12.1974	—	5.1.1975	indefinite
SWITZERLAND				

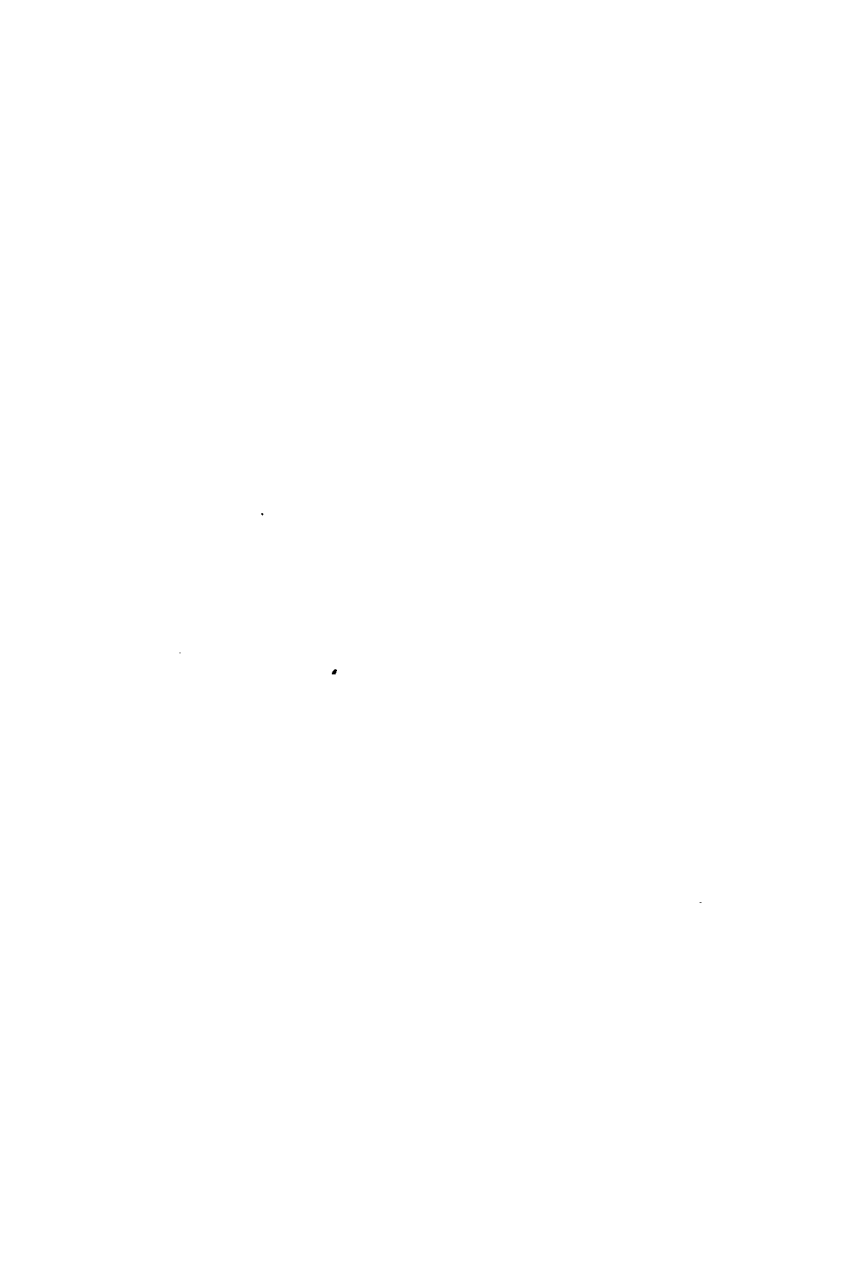
(1) OJ No L 338, 7.12.1976.

(2) This Agreement appears in Volume 3, page 15.

(3) OJ No L 328, 26.11.1976.

(4) Not published in OJ. Addendum to Volume 3 (Part one, Chapter I) and Volume 5 (Parts two and three).

Reminder: the Additional Agreement to the Agreement concerning products of the clock and watch industry between the EEC and its Member States and the Swiss Confederation – neither of which appears in this Collection (see Volume 3, note on page 389) – was the subject of an amendment (concerning the list specified in Article 2 of the Additional Agreement) which entered into force on 15.9.1976 (OJ No C 253, 22.10.1977).



CHAPTER II

**Asian countries**



7

**Agreement**  
**between the EEC and Hong Kong**





## AGREEMENT

between the European Economic Community and Hong Kong on trade in textile products<sup>(1)</sup>

COUNCIL REGULATION (EEC) No 903/76

of 8 April 1976

concluding the Agreement between the European Economic Community and Hong Kong on trade in textile products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Agreement on trade in textile products negotiated between the European Economic Community and Hong Kong should be concluded,

HAS ADOPTED THIS REGULATION:

### *Article 1*

The Agreement between the European Economic Community and Hong Kong on trade in textile products is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

### *Article 2*

The President of the Council shall notify the other Contracting Party of the completion by the Community of the procedures required for the entry into force of the Agreement.

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(<sup>1</sup>) OJ No L 108, 26.4.1976.

*Article 3*

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 Luxembourg, 8 April 1976.

*For the Council*  
*The President*  
G. THORN

## AGREEMENT

between the European Economic Community and Hong Kong on trade in textile products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part,

THE GOVERNMENT OF HONG KONG,

of the other part,

DESIRING to ensure the orderly and equitable development of trade in textile products between the European Economic Community (hereinafter referred to as 'the Community') and Hong Kong,

HAVING REGARD to the provisions of the Arrangement regarding International Trade in Textiles (hereinafter referred to as 'the Geneva Arrangement') and in particular Article 4 thereof,

HAVE DECIDED, in a spirit of mutual cooperation and in conformity with the Geneva Arrangement, to conclude this Agreement and to this end have designated as Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

THE GOVERNMENT OF HONG KONG:

WHO HAVE AGREED AS FOLLOWS:

### *Article 1*

1. The parties recognize and confirm that, subject to the provisions of this Agreement and without prejudice to their rights and obligations under the General Agreement on Tariffs and Trade, the conduct of their mutual trade in textile products shall be governed by the provisions of the Geneva Arrangement.

2. This Agreement shall apply to trade in those categories of textile products originating in and dispatched from Hong Kong which are listed in Annexes I and II and to trade in those textile products which are referred to in Article 4.

3. Hong Kong shall establish quantitative limits on exports to the Community in accordance with the schedule set out in Annex I. Quantities of the quota shares set out in Annex I not taken up by a Member State of the Community may be re-allocated to another Member State

within the limits decided by the Community in accordance with the procedures in force in the Community. The Community shall respond within four weeks of its receipt to any request made by Hong Kong for such re-allocation. It is understood that any re-allocation so effected would not need to be confined within any limits set in flexibility provisions established elsewhere in this Agreement.

### *Article 2*

In respect of the categories of textile products to which this Agreement applies, and subject to the satisfactory operation of this Agreement, the Community shall not introduce new quantitative restrictions and shall refrain from invoking the provisions of Article 3 of the Geneva Arrangement provided that exports to the Community of such textile products originating in and dispatched from Hong Kong do not exceed the quantitative limits established under the provisions of this Agreement.

### *Article 3*

1. Imports into the Community of those textile products to which this Agreement applies which are for immediate re-export or for inward processing and subsequent re-export outside the Community shall not be subject to quantitative limits established under this Agreement, provided they are entered as such under an administrative system of control in force for this purpose within the Community.

2. In any case where Community authorities ascertain that imports described in paragraph 1 have been retained for consumption within the Community, the latter shall notify Hong Kong on a quarterly basis of the amounts involved. Hong Kong shall in such cases and at the request of the Community, charge such amounts against the quantitative limits in question for the current Agreement year or for the next following Agreement year.

3. In any case where the competent authorities within the Community ascertain under an administrative system of control in force that imports of textile products to which this Agreement applies have been charged against quantitative limits established under this Agreement but subsequently re-exported outside the Community, the competent authority concerned shall inform the Hong Kong authorities of the quantities

involved and authorize imports of the same quantities which shall not be charged to the quantitative limits under the Agreement.

#### *Article 4*

1. The parties shall enter promptly into consultation with each other at the request of either party on any matter concerning their trade in textile products and in particular on any problem arising from the application of this Agreement. Such consultations shall be held in conformity with the provisions of the Geneva Arrangement and shall be approached by both parties in a spirit of compromise and with a view to the conciliation of differences existing between them.

2. In view of the desire of the parties to avoid, on the one hand, real risks of market disruption in the Community and, on the other hand, disruption to the textile trade of Hong Kong, and having full regard to the need for equitable treatment of participating countries in the Geneva Arrangement, the following specific consultation procedures shall apply to the products set out in Annex II.

3. Hong Kong acknowledges that, in accordance with the Community's statement accompanying its acceptance of the Geneva Arrangement, the procedures referred to in this Article may be invoked by the Community at the level of the Member States.

4. In respect of the products set out in Annex II Hong Kong shall issue export authorizations and provide fortnightly returns to the Commission, showing, by product and by Member State, the quantities covered by export authorizations issued to Hong Kong exporters in order to provide the Commission with advance information on the development of trade by product and by region of the Community.

5. The Community may request consultations with a view to reaching agreement on an appropriate level of restraint for any product set out in Annex II whenever, in the opinion of the Community, conditions in any of its markets are such that a limitation on further trade in any such product may be necessary to eliminate real risks of market disruption.

6. The request for such consultation shall be accompanied, within a reasonable period of time, by a statement of the market conditions in the Community which, in the opinion of the Community, make necessary the request for consultation. The statement shall include data designed

to demonstrate the existence of real risks of market disruption (as defined in Annex A to the Geneva Arrangement).

7. Until such time as a mutually satisfactory conclusion has been arrived at by means of such consultations, Hong Kong shall, if so requested by the Community:

- (i) cease the issue of further export authorizations from the date on which the Community's request for consultations was made;
- (ii) not thereafter resume the issue of export authorizations for as long as may be necessary to ensure that exports to the Community recorded for the product in question do not exceed, at an annual rate, the exports recorded in the 12 months ending two months before the month in which the Community's request for consultations was made.

8. Export authorizations issued prior to the receipt of the request for consultations referred to above may be honoured by the issue of export licences by Hong Kong, and the Community shall admit imports of all goods in respect of which export authorizations have already been issued at the date on which the Community requested consultations.

9. The parties shall consult as soon as possible within 30 days of the request for such consultations and make their best efforts to complete such consultations within 60 days of the request for consultations.

10. In the event of the parties being unable to reach agreement during such consultations either of the parties may elect to bring the matter before the Textiles Surveillance Body in accordance with Article 11 (4) of the Geneva Arrangement. Either party choosing to adopt such course of action shall immediately notify the other of its intention.

11. In implementation of paragraphs 4 to 9 Hong Kong shall advise the Community immediately upon receipt of any applications for export authorizations in exceptionally large amounts or unusual concentration of applications for export authorizations in a particular product. In judging what constitutes exceptionally large amounts or unusual concentrations of applications, Hong Kong will have regard to recent levels of trade and shall ensure that the quantities covered by the issue of export authorizations in question would not be such as to cause a sharp and substantial increase of imports of the products in question into the Community.

12. The parties shall consult at the request of either party in order to review the need for the maintenance or modification of any limit established in respect of a particular product as a result of these consultation arrangements.

13. If an excessive product concentration of trade takes place in any category for which Community quantitative limits are provided under this Agreement, or to which this Article otherwise applies, which, in the opinion of the Community, creates real risks of market disruption in respect of that product, the Community may request consultations with Hong Kong under the same conditions as those set out in paragraph 7, save that the term 'export authorizations' used therein shall be replaced for the purposes of this paragraph by 'export licences'.

14. If, in the opinion of the Community, imports into the Community of products which, apart from their fibre composition, are like products to products listed in Annexes I and II and are in direct competition with such products, create risks of market disruption, the Community may request consultations with Hong Kong under the same conditions as those specified in paragraph 7.

#### *Article 5*

1. (a) Within any one Agreement year, unused portions of quantitative limits established under this Agreement may be transferred to another quantitative limit so established, under the conditions set out below.
- (b) Transfers may only be effected under this Agreement as follows:
  - (i) the ceiling for any specific category may be increased by the transfer from any other category or categories of a maximum percentage amount calculated in accordance with the table of equivalences set out in Annex IV;
  - (ii) the maximum percentage by which any specific ceiling may be exceeded shall be:
    - (a) 7% of the ceiling in respect of categories other than categories 3, 4, 6, 8, 11 and 12 set out in Annex I,
    - (b) 7% of the ceiling in respect of categories 3, 4, 6, 8 11 and 12 set out in Annex I where the transfer is effected by a

corresponding reduction in any of categories 3, 4, 6, 8, 11 and 12,

- (c) 5% of the ceiling in respect of categories 3, 4, 6, 8, 11 and 12 where the transfer is from categories other than categories 3, 4, 6, 8, 11 and 12.

2. Portions of any quantitative limit established under this Agreement which are not used during any Agreement year may be carried over and added to the corresponding quantitative limit in the following Agreement year within the limit set out in paragraph 4.

3. Advance delivery may be authorized from the quantitative limit established for the same product for the following Agreement year, within the limit set out in paragraph 4. Amounts delivered in advance shall be deducted from the quantitative limit for the product in question for the following Agreement year.

4. In any one Agreement year carry over and carry forward may be utilized to a limit of 10% of which carry forward shall not represent more than 5%.

5. The preceding flexibility provisions shall not, in any given Agreement year, result in a quantitative limit for any category being exceeded by more than 15% of the quantitative limit for that category for that Agreement year.

6. The use of the provisions for carry over and carry forward set out above shall be preceded by a written notification to the Community by Hong Kong.

7. Hong Kong shall set out in its periodical statistical reports the maximum export levels for each category subject to a specific ceiling and the rate of utilization of these levels.

#### *Article 6*

1. Hong Kong shall endeavour to ensure that exports of all textile products for which quantitative limits may be established under this Agreement are spaced out as evenly as possible over each of the Agreement years, due account being taken, in particular, of seasonal factors.

2. In particular, Hong Kong shall use its best endeavours to ensure that exports from Hong Kong of products to which this Agreement applies



will not, in the calendar year 1975, exceed the limits established by virtue of this Agreement for 1975. Should any excess occur which, in the opinion of the Community, gives rise to serious difficulties, the parties shall consult each other with a view to arriving at solutions to resolve the difficulties. Hong Kong shall give sympathetic consideration to any proposals by the Community for such solutions.

#### *Article 7*

The parties shall exchange all useful information concerning their mutual trade in textile products in order to ensure the successful implementation of this Agreement.

#### *Article 8*

1. The quantitative limits established under this Agreement shall be managed under a system of double checking, the details of which are set out in Annex III.
2. Hong Kong shall furnish the Community with precise statistical information, on a fortnightly basis (or other intervals as may be agreed), of all export licences issued by Hong Kong for all categories of textile products exported to the Community to which this Agreement applies.
3. The Community shall likewise forward to Hong Kong, on a quarterly basis, precise statistical information of imports of such products into the Community.

#### *Article 9*

1. The parties shall take all possible measures to ensure that traditional channels and methods of trade between them are maintained.
2. Should the Community inform Hong Kong that the application of this Agreement has given rise to difficulties regarding the maintenance of existing commercial relations between importers in the Community and their suppliers in Hong Kong, the Parties shall consult in accordance with the procedure set out in Article 4 (1).

### *Article 10*

Without prejudice to the other provisions of this Agreement, quantitative restrictions with regard to imports into Ireland of the following textile products from Hong Kong may be maintained until 30 June 1977 at the latest.

Brussels Tariff Nomenclature heading No	Description
55.05	Cotton yarn, not put up for retail sale
55.06	Cotton yarn, put up for retail sale
55.07	Cotton gauze

### *Article 11*

This Agreement shall apply to the territories where the Treaty establishing the European Economic Community applies, on the conditions established in the said Treaty, and to the territory of Hong Kong.

### *Article 12*

1. This Agreement shall enter into force on the first day of the month following the date on which the parties have notified each other of the completion of the procedures necessary for the purpose. It shall remain in force until 31 December 1977.
2. This Agreement shall have effect from 18 July 1975.
3. Either party may at any time propose modifications to this Agreement or denounce it provided that notice is given at least 120 days before the expiry of any 12-month period; in the latter event the Agreement will come to an end at the expiry of the said 12-month period.
4. The Annexes and the Protocol to this Agreement shall form an integral part thereof.

### *Article 13*

This Agreement shall be drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, each of these texts being equally authentic.

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## ANNEX I

## Schedule of quantitative limits established under Article 1 (3)

Category	Description	Control unit	Member State	Quantitative limit		
				1975	1976	1977
1	Woven fabrics of cotton (other than gauze, terry towelling and similar terry fabrics, narrow fabrics of a width not exceeding 30 cm, pile fabrics and chenille fabrics, tulle and other net fabrics): — Unbleached — Bleached	Equivalent 1 000 kg (a)	Germany	1 813	2 352	2 924
	France		400	600	900	
			Italy	1 800	2 198	2 625
			Benelux	1 700	2 056	2 373
			United Kingdom	17 291 (b)	17 377 (b)	17 464 (b)
			Ireland	450	452	461
			Denmark	157	229	285
			EEC	23 611 (b)	25 264 (b)	27 032 (b)
	Woven fabrics of man-made fibres (discontinuous or waste): Of synthetic textile fibres: — Unbleached or bleached					
<p>Within the limits specified for category 1, sublimits as set out below are established, with respect only to the United Kingdom, for the products falling within subcategory 1 A.</p>						
1A	Woven fabrics of man-made fibres (continuous), including woven fabrics of mono-fil or strip: Of synthetic textile fibres: — Unbleached or bleached	Equivalent 1 000 kg (a)	United Kingdom	7 298	7 334	7 371
	Woven fabrics of man-made fibres (discontinuous or waste): Of synthetic textile fibres: — Unbleached or bleached					

2	Woven fabrics of cotton (other than gauze, terry towelling and similar terry fabrics, narrow fabrics of a width not exceeding 30 cm, pile fabrics and chenille fabrics, tulle and other net fabrics): — Other than unbleached or bleached	Equivalent 1 000 kg (a)	Germany	600	876	1 137
	France		340	502	657	
			Italy	150	225	337
			Benelux	370	473	601
			United Kingdom	8 105 (c)	8 146 (c)	8 187 (c)
			Ireland	150	155	161
			Denmark	80	104	134
			EEC	9 795 (c)	10 481 (c)	11 214 (c)
	Woven fabrics of man-made fibres (discontinuous or waste): Of synthetic textile fibres: — Other than unbleached or bleached					
Within the limits specified for category 2, sublimits as set out below are established, for the United Kingdom only, for the products falling within subcategory 2 A.						
2 A	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip: Of synthetic textile fibres: — Other than unbleached or bleached	Equivalent 1 000 kg (a)	United Kingdom	4 140	4 160	4 182
	Woven fabrics of man-made fibres (discontinuous or waste): — Other than unbleached or bleached					

- (a) Equivalent weight means the weight obtained on dividing the total area of the fabric in m<sup>2</sup> by the average area of the fabric in m<sup>2</sup> per kg. For this purpose the average area per kg is to be taken as follows:  
— for woven fabrics of cotton: 5 m<sup>2</sup> per kg,  
— for woven fabrics of synthetic textile fibres (discontinuous or waste): 6 m<sup>2</sup> per kg,  
— for woven fabrics of synthetic textile fibres (continuous): 8 m<sup>2</sup> per kg.
- (b) The limits specified under this category for the share attributed to the United Kingdom also cover exports of the products of BTN heading No 51.04 Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02: ex A. Woven fabrics of synthetic textile fibres — Unbleached or bleached.
- (c) The limits specified under this category for the share attributed to the United Kingdom also cover exports of the products of BTN heading No 51.04 Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02: ex A. Woven fabrics of synthetic textile fibres — Other than unbleached or bleached.

Category	Description	Control unit	Member State	Quantitative limit		
				1975	1976	1977
3	Undergarments, knitted or crocheted, not elastic or rubberized: — Shirts, T-shirts, undervests, singlets and the like	1 000 units (a)	Germany	9 189	9 336	9 502
			France	65	221	324
			Italy	203	283	393
			Benelux	1 479	1 591	1 717
			United Kingdom	11 527	11 585	11 643
			Ireland	88	97	107
			Denmark	763	784	808
			EEC	23 314	23 897	24 494
4	Outer garments and other articles, knitted or crocheted, not elastic or rubberized: — Jerseys, pullovers, slippers, twinsets, cardigans, bedjackets and jumpers	1 000 pieces	Germany	10 405	10 619	10 864
			France	130	300	414
			Italy	367	489	642
			Benelux	2 241	2 402	2 574
			United Kingdom	17 585	17 673	17 761
			Ireland	23	31	41
			Denmark	939	968	998
			EEC	31 690	32 482	33 294
5	Outer garments and other articles, knitted or crocheted, not elastic or rubberized: — Infants' garments — Bathing costumes and trunks — Dresses and frocks — Skirts — Combination sets (d)	1 000 kg (b)	Germany	735	840	914
			France	33	50	75
			Italy	27	41	62
			Benelux	352	386	410
			United Kingdom	1 821 (c)	1 850 (c)	1 924 (c)
			Denmark	2	3	5
			Ireland	61	75	85
			EEC	3 031 (c)	3 245 (c)	3 475 (c)

6	Men's and boys' outer garments: — Raincoats of the overcoat type	1 000 pieces	Germany	1 068	1 077	1 089
	France		15	25	34	
	Women's, girls' and infants' outer garments: — Raincoats of the overcoat type		Italy	194	209	224
			Benelux	720	724	728
			United Kingdom	549	572	595
			Ireland	1	1	2
			Denmark	57	61	64
			EEC	2 604	2 669	2 736
7	Men's and boys' outer garments (other than knitted or crocheted):	1 000 pieces (e)	Germany	6 106	6 137	6 168
	— Suits		France	47	251	376
	— Jackets, blazers and the like		Italy	291	437	656
			Benelux	1 163	1 327	1 502
			United Kingdom	2 378	2 725	3 146
			Ireland	5	14	21
			Denmark	644	647	650
			EEC	10 634	11 538	12 519
8	Men's and boys' outer garments (other than knitted or crocheted):	1 000 pieces	Germany	21 010	21 342	21 717
	— Trousers, jeans, breeches and the like		France	187	496	725
	Women's, girls' and infants' outer garments (other than knitted or crocheted):		Italy	713	982	1 313
			— Trousers, jeans, breeches and the like, except divided skirts	Benelux	2 023	2 239
			United Kingdom	25 953	26 083	26 213
			Ireland	12	27	39
			Denmark	2 381	2 417	2 452
			EEC	52 279	53 586	54 926

- (a) One shirt, one T-shirt and one undershirt shall be reckoned as one unit. One singlet shall be reckoned as one half of a unit.  
 (b) This weight is to be taken as that of the textile components of the garments.  
 (c) The limits established under this category in respect of the United Kingdom also cover exports of all other outer garments and clothing accessories classified under BTN heading No 60.05 other than those specified under categories 4 and 5.  
 (d) A knitted combination set consists of two or three pieces, including a knitted top garment and a knitted lower garment which are contracted for, packed, consigned and sold together.  
 (e) One suit shall be reckoned as two pieces.

Category	Description	Control unit	Member State	Quantitative limit		
				1975	1976	1977
9	Women's, girls' and infants' outer garments (other than knitted or crocheted): — Coats and jackets	1 000 pieces	Germany	2 824	2 838	2 852
			France	52	78	117
			Italy	42	63	95
			Benelux	207	306	416
			United Kingdom	1 083	1 260	1 436
			Ireland	3	5	8
			Denmark	111	139	164
			EEC	4 322	4 689	5 088
10	Women's, girls' and infants' outer garments (other than knitted or crocheted): — Dresses — Skirts, including divided skirts	1 000 pieces	Germany	5 584	5 843	6 092
			France	136	204	306
			Italy	226	339	509
			Benelux	883	1 093	1 297
			United Kingdom	4 167	4 408	4 642
			Ireland	7	11	17
			Denmark	184	240	307
			EEC	11 187	12 138	13 170
11	Women's, girls' and infants' outer garments (other than knitted or crocheted): — Shirts and blouses	1 000 pieces	Germany	16 069	16 149	16 230
			France	88	225	321
			Italy	159	183	261
			Benelux	1 504	1 623	1 746
			United Kingdom	5 546	5 742	5 936
			Ireland	5	12	17
			Denmark	389	420	452
			EEC	23 760	24 354	24 963



12	Men's and boys' under garments (other than knitted or crocheted) including collars, shirt fronts and cuffs: — Shirts	1 000 pieces	Germany France Italy Benelux United Kingdom Ireland Denmark  EEC	28 189 169 963 3 051 27 460 9 2 125  61 966	28 526 588 1 270 3 327 27 597 32 2 175  63 515	28 917 850 1 681 3 642 27 735 46 2 232  65 103
13	Men's and boys' under garments (other than knitted or crocheted), including collars, shirt fronts and cuffs: — Pyjamas and other night garments Women's, girls' and infants' under garments (other than knitted or crocheted): — Pyjamas, nightdresses and other night garments	1 000 pieces	Germany France Italy Benelux United Kingdom Ireland Denmark  EEC	6 878 83 18 648 3 600 4 209  11 440	6 912 270 219 853 3 871 15 272  12 412	6 947 405 328 1 147 4 256 22 362  13 467
14	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles: — Bed linen — Table linen — Toilet linen and kitchen linen	1 000 kg	Germany France Italy Benelux United Kingdom Ireland Denmark  EEC	1 124 75 70 123 4 260 3 99  5 754	1 356 112 105 179 4 281 4 120  6 157	1 580 168 158 229 4 302 6 145  6 588

*ANNEX II*

**Products subject to the specific consultation procedures under  
Article 4**

Brussels Tariff Nomenclature heading No	Description
ex 60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized:  Gloves impregnated or coated with artificial plastic materials: — Other: — Of synthetic textile fibres — Of cotton
ex 60.04	Undergarments, knitted or crocheted, not elastic or rubberized, other than: — Shirts, T-shirts, undervests, singlets and the like
ex 60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized, other than: — Jerseys, pullovers, slipovers, twinsets, cardigans, bedjackets, jumpers — Infants' garments — Bathing costumes and trunks — Dresses and frocks — Skirts — Trousers — Combination sets (a)
ex 61.01	Men's and boys' outer garments: — Waterproof garments and raincoats other than raincoats of the overcoat type
ex 61.02	Women's, girls' and infants' outer garments: — Waterproof garments and raincoats other than raincoats of the overcoat type
ex 61.01	Men's and boys' outer garments: — Work clothing
ex 61.02	Women's, girls' and infants' outer garments: — Other: — Work clothing

(a) A knitted combination set consists of two or three pieces, including a knitted top garment and a knitted lower garment, which are contracted for, packed, consigned and sold together.

Brussels Tariff Nomenclature heading No	Description
ex 61.01	Men's and boys' outer garments: — Articles of apparel used for sports
ex 61.02	Women's, girls' and infants' outer garments: — Other: — Articles of apparel used for sports
ex 61.01	Men's and boys' outer garments other than: — Waterproof garments — Work clothing — Articles of apparel used for sports — Suits — Trousers, breeches and the like — Jackets, blazers and the like
ex 61.02	Women's, girls' and infants' outer garments other than: — Waterproof garments — Work clothing — Articles of apparel used for sports — Coats and jackets — Dresses — Skirts — Shirts and blouses — Trousers, jeans and the like
ex 61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs, other than: — Shirts — Pyjamas and other night garments
ex 61.04	Women's, girls' and infants' undergarments other than: — Pyjamas, nightdresses and other nightwear
ex 61.09	Corsets, corset-belts, suspender-belts, brassières, braces, suspen- ders, garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic: — Brassières
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles: — Net curtains — Other: — Curtains and other furnishing articles

## *ANNEX III*

### **System of double checking**

As agreed between the parties in Article 8 of the Agreement, the administration of exports from Hong Kong and imports into the Community of those textile products to which the Agreement applies will be based on a system of double checking. The details of this system have been agreed between the parties and are set out below.

The competent authorities within the Community will, automatically and without delay, accept imports of the textile products referred to above on submission of the importer's application together with a certified copy of the export licence. The competent authorities within the Community shall be entitled to require the presentation of a certificate of Hong Kong origin and a certified copy of an export licence in respect of those textile products originating in Hong Kong and set out in Annex I and (in any case where Article 4 has been invoked) in Annex II. These export licences will be issued by Hong Kong up to the total amount of the agreed ceilings.

The export licences issued by Hong Kong in respect of the products subject to restraint under this Agreement shall specify and contain:

1. destination;
2. serial number;
3. importer's name and address;
4. exporter's name and address;
5. quantity in the units as designated in the Agreement and, where the quantity is expressed other than in weight, the equivalent weight calculated in accordance with the table of equivalences as set out in Annex IV;
6. category and description of product;
7. certification by Hong Kong that the quantity has been debited against the agreed ceiling for exports to the Community or, where appropriate, is for immediate re-export or for inward processing and subsequent re-export outside the Community.

The competent authorities within the Community will not raise difficulties in the event of a discrepancy between the weight indicated in the

export licence and the shipment or import weight provided it is within reasonable limits.

Hong Kong will forward to the competent authorities within the Community, via the representatives of the Member States of the Community and directly to the Commission, the periodic returns provided for in Article 8 of the Agreement showing the details referred to in (1), (5) and (6), covered by the export licences issued against the quantitative limits for exports to the Community, as well as the allocation of these export licences amongst the Member States of the Community for all categories of textile exports to the Community or any of its Member States to which the Agreement applies.

*ANNEX IV*

**Table of equivalences agreed for the purpose of the application of Article 5**

Category	Brussels Tariff Nomenclature heading No	Description	Ratio of equivalency
3	ex 60.04	— Shirts, T-shirts and undervests, knitted or crocheted — Singlets, knitted or crocheted	6.40 units/kg 12.80 units/kg
4	ex 60.05	Jerseys, pullovers, slipovers, twinsets, cardigans, bedjackets and jumpers, knitted or crocheted	5.18 pieces/kg
6	ex 61.01 } ex 61.02 }	Raincoats of the overcoat type	1.29 pieces/kg
7	ex 61.01	— Men's and boys' suits — Men's and boys' jackets, blazers and the like	0.70 pieces/kg 1.40 pieces/kg
8	ex 61.01 } ex 61.02 }	Men's, boys', women's, girls' and infants' trousers, jeans, breeches and the like	2.47 pieces/kg
9	ex 61.02	Women's, girls' and infants' coats and jackets	1.25 pieces/kg
10	ex 61.02	Women's, girls' and infants' dresses and skirts	2.79 pieces/kg
11	ex 61.02	Women's, girls' and infants' shirts and blouses	5.55 pieces/kg
12	ex 61.03	Men's and boys' shirts	4.60 pieces/kg
13	ex 61.03 } ex 61.04 }	Pyjamas, nightdresses and other night garments	3.22 pieces/kg
15	ex 60.02	Gloves	11.50 pairs/kg
17	ex 61.01 } ex 61.02 }	Waterproof garments and raincoats other than raincoats of the overcoat type	1.29 pieces/kg
18	ex 61.01 } ex 61.02 }	Work clothing	1.40 pieces/kg
19	ex 61.01 } ex 61.02 }	Articles of apparel used for sports	2.00 pieces/kg
21	ex 61.03 } ex 61.04 }	Other woven under garments	6.67 pieces/kg

## **PROTOCOL**

### **to the Agreement between the European Economic Community and Hong Kong on trade in textile products**

1. Pursuant to Article 4 of the Agreement, consultations have been held between the parties regarding exports from Hong Kong to the Community of the textile products listed overleaf.
2. As agreed in the consultations mentioned above, Hong Kong shall limit exports of the products listed overleaf to the regions of the Community and to the quantitative limits indicated.

Category	Brussels Tariff Nomenclature heading No	Description	Control unit	Region(s) covered	Quantitative limits		
					1975	1976	1977
15	ex 60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized: — Gloves impregnated or coated with artificial plastic material — Other: — Of synthetic textile fibres — Of cotton	1 000 pairs	Benelux (a) France Italy	2 260 197 510	2 396 209 541	2 540 222 573
16	ex 60.04	Undergarments, knitted or crocheted, not elastic or rubberized, other than: — Shirts, T-shirts, undervests, singlets and the like — Men's and boys' drawers and briefs	1 000 kg	Germany United Kingdom	350 733	364 763	379 793
17	ex 61.01  ex 61.02	Men's and boys' outer garments: — Waterproof garments and raincoats other than raincoats of the overcoat type  Women's, girls' and infants' outer garments: — Waterproof garments and raincoats other than raincoats of the overcoat type	1 000 pieces	United Kingdom	1 522	1 613	1 710



18	ex 61.01	Men's and boys' outer garments: — Work clothing	1 000 pieces	United Kingdom	2 133	2 240	2 352
	ex 61.02	Women's, girls' and infants' outer garments: — Other: — Work clothing					
19	ex 61.01	Men's and boys' outer garments: — Articles of apparel used for sports	1 000 pieces	United Kingdom	405	429	455
	ex 61.02	Women's, girls' and infants' outer garments: — Other: — Articles of apparel used for sports					
20	ex 61.01	Men's and boys' outer garments other than: — Waterproof garments — Work clothing — Articles of apparel used for sports — Suits — Trousers, breeches and the like — Jackets, blazers and the like	1 000 kg	United Kingdom	2 699	2 861	3 033

(a) For Benelux, this category includes only gloves impregnated or coated with artificial plastic material.

Category	Brussels Tariff Nomenclature heading No	Description	Control unit	Region(s) covered	Quantitative limits		
					1975	1976	1977
	ex 61.02	Women's, girls' and infants' outer garments other than: — Waterproof garments — Work clothing — Articles of apparel used for sports — Coats and jackets — Dresses — Skirts — Shirts and blouses — Trousers, jeans and the like					
21	ex 61.03	Men's and boys' under garments including collars, shirt fronts and cuffs, other than: — Shirts — Pyjamas and other night-garments	1 000 pieces	United Kingdom	4 238	4 492	4 762
	ex 61.04	Women's, girls' and infants' under garments other than: — Pyjamas, nightdresses and other nightwear					

### INFORMATION CONCERNING

the AGREEMENT between the European Economic Community and Hong Kong on trade in textile products<sup>(1)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC	26.3.1976	n. EEC                    3.5.1976	1.6.1976 <sup>(2)</sup>	until 31.12.1977
HONG KONG		Hong Kong 18.5.1976		

<sup>(1)</sup> OJ No L 108, 26.4.1976.

<sup>(2)</sup> OJ No L 139, 27.5.1976.



7

**Agreement  
between the EEC and Japan**



7

**AGREEMENT**  
**between the European Economic Community and the**  
**Government of Japan on trade in textiles<sup>(1)</sup>**

**COUNCIL REGULATION (EEC) No 1989/76**  
**of 22 July 1976**

**concluding the Agreement between the European Economic Community**  
**and the Government of Japan on trade in textiles and the exchange of letters**  
**relating thereto**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**  
Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,  
Having regard to the recommendation from the Commission,  
Whereas the Agreement negotiated between the European Economic Community and the Government of Japan on trade in textiles and the exchange of letters relating thereto should be concluded,

**HAS ADOPTED THIS REGULATION:**

*Article 1*

The Agreement between the European Economic Community and the Government of Japan on trade in textiles and the exchange of letters relating thereto are hereby concluded on behalf of the Community.

The texts of the Agreement and of the exchange of letters are annexed to this Regulation.

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<sup>(1)</sup> OJ No L 219, 12.8.1976.

*Article 2*

The President of the Council shall notify the other Contracting Party of the completion by the Community of the procedures necessary for the entry into force of the Agreement and of the exchange of letters.

*Article 3*

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, 22 July 1976.

*For the Council*  
*The President*

**L. J. PRINKHORST**



## AGREEMENT

**between the European Economic Community and the Government of Japan  
on trade in textiles**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,  
of the one part,

THE GOVERNMENT OF JAPAN,  
of the other part,

DESIRING to ensure, in accordance with the provisions of the Arrangement regarding international trade in textiles done in Geneva on 20 December 1973 (hereinafter referred to as 'the Geneva Arrangement'), the orderly and equitable development of trade in textiles between the European Economic Community (hereinafter referred to as 'the Community') and Japan,

DESIRING to solve any problem regarding their trade in textiles through consultations and in a spirit of mutual cooperation,

HAVE AGREED AS FOLLOWS:

### *Article 1*

This Agreement shall apply to the trade between the parties in those categories of textiles originating in and dispatched from either party which are referred to in Article 12 (1) of the Geneva Arrangement.

### *Article 2*

1. The provisions of this Agreement shall not affect the respective rights and obligations of the parties under the Geneva Arrangement or under the General Agreement on tariffs and trade.
2. The parties recognize and confirm that this Agreement shall not affect the respective rights and obligations of the parties under Article 3 of the Geneva Arrangement, except as may be agreed otherwise between them under the provisions of this Agreement.

### *Article 3*

All existing unilateral quantitative restrictions, bilateral agreements and any other quantitative measures in force having a restrictive effect, which have been notified by either party to the Textiles Surveillance Body under Article 2 (1) of the Geneva Arrangement, shall, unless justified under the provisions of the General Agreement on Tariffs and Trade, be terminated as soon as possible after the conclusion of this Agreement and in any case by 31 March 1977.

### *Article 4*

1. The parties shall enter promptly into consultations with each other at the request of either party on any problem concerning their trade in textiles and in particular on any problem arising from the application of this Agreement. Such consultations shall be held in conformity with the provisions of the Geneva Arrangement in a spirit of mutual confidence and cooperation and with a view to the conciliation of differences existing between them.

2. (i) In view of the desire of the parties to avoid, on the one hand, real risks of market disruption (as defined in Annex A to the Geneva Arrangement) in the Community and in Japan and, on the other hand, 'disruption to their export trade in textiles, specific procedures for consultations are set out below.
- (ii) Consultations shall be held at the request of either party in any case in which, in the opinion of that party, conditions prevailing in its market (in the case of the Community, in the markets in any or all of its regions) are such as to demonstrate the existence of real risks of market disruption. Any request for such consultations shall be accompanied by a statement of the market conditions which shall include data designed to demonstrate the existence of real risks of market disruption.
- (iii) In such consultations, the parties shall examine the case on the basis of relevant data with a view to clarifying the situation and to arriving at mutually acceptable solutions which realize the objectives set out in subparagraph (i) above.
- (iv) Until such time as a mutually satisfactory conclusion is reached in such consultations, each party shall accord sympathetic consideration to any proposal for short-term interim measures considered by the other party requesting consultations as

urgently necessary to avoid a deterioration of the situation pending the conclusion of consultations.

- 7
- (v) The consultations referred to in this paragraph shall be held as soon as possible and normally within 60 days of the request for such consultations. In the event that the parties are unable to reach agreement during such consultations either party may bring the matter before the Textiles Surveillance Body in accordance with Article 11 (4) of the Geneva Arrangement. The party choosing to adopt such course of action shall immediately notify the other party of its intention.

3. If, having regard to the provisions of the Geneva Arrangement, either party considers that, as a result of the application of the provisions of this Agreement, it is being placed in an inequitable position as compared with a third country, that party may request consultations with the other party under the conditions set out in paragraph 1 above.

#### *Article 5*

1. The parties will exchange all useful information concerning their trade in textiles for the successful implementation of this Agreement.
2. Representatives of the parties will meet at the request of either party and at least once a year for a general overall review of this Agreement, its implementation and developments in their trade in textiles, with a view to ensuring progressive liberalization and orderly expansion of such trade.

#### *Article 6*

1. This Agreement shall enter into force on the first day of the month following the date on which the parties have notified each other of the completion of the procedures necessary for the purpose. It shall remain in force until 31 December 1977.
2. This Agreement shall enter into force in the manner defined in paragraph 1 of this Article with effect from 1 January 1975.
3. (i) Either party may at any time propose modifications to this Agreement.  
(ii) Either party may, by giving at least 120 days' notice to the other party, terminate the Agreement at the end of any calendar year.

4. This Agreement shall apply, in the case of the Community, to the territories to which the Treaty establishing the European Economic Community applies on the conditions established in the said Treaty.

Done at Brussels, on 9 July 1976 in duplicate, in the Danish, Dutch, English, French, German, Italian and Japanese languages, each of these texts being equally authentic.

*For the Council  
of the European Communities*

*For the Government of Japan*

*Benedict Wijnman Hiroshi Uetake*

## Exchange of letters

Sir,

I have the honour to confirm on behalf of the Government of Japan that as a result of consultations held under Article 4 of the Agreement between the Government of Japan and the European Economic Community on trade in textiles (hereinafter referred to as 'the Agreement'), the following provisions are agreed upon between the Government of Japan and the European Economic Community:

1. As temporary measures, the Government of Japan will:
  - (a) limit its exports to the European Economic Community (hereinafter referred to as 'the Community') of the textiles listed in Part A of Annex I as provided for therein; and
  - (b) undertake further consultations, in accordance with Article 4 of the Agreement, should a consultation level as shown in Part B of Annex I be exceeded or be likely to be exceeded, it being understood that, as a result of such consultations, the Government of Japan would, if so requested by the Community, limit its exports of the textiles listed in Part B of Annex I in such manner as to eliminate real risks of market disruption in the Community or its regions.
2. The quantitative limits established in paragraph 1 above shall be managed under a control system administered by the Government of Japan as set out in Annex II.
3. Imports of the textiles listed in Annex I which are for immediate re-export or for inward processing and subsequent re-export shall not be subject to quantitative limits, provided that they are entered as such under an administrative system of control in force for this purpose in the Community.
4. The Government of Japan will endeavour to ensure that exports of the textiles for which quantitative limits are established are spaced out as evenly as possible over each calendar year, due account being taken, in particular, of seasonal factors.
5. The Government of Japan and the Community shall take all possible measures to ensure that traditional channels and methods of trade between Japan and the Community are maintained.

6. In respect of the products for which quantitative limits are established as shown in Annex I, the Community shall refrain from invoking the provisions of Article 3 of the Arrangement regarding international trade in textiles done in Geneva on 20 December 1973, provided that the quantitative limits as established in Annex I in respect of the regions of the Community concerned are respected.
7. Within any calendar year, unused portions of quantitative limits established may be transferred to other quantitative limits established under the conditions set out below.
  - (a) The quantitative limit for any specific category established may be increased in any calendar year by the transfer from any other quantitative limit or limits of a maximum of 7% of the quantitative limit to which the transfer is made.
  - (b) Portions of any quantitative limit established which are not used during any calendar year may be carried over and added to the quantitative limit established for the same product in the following calendar year within a limit of 10%.
  - (c) Advance delivery may be authorized from the quantitative limit established for the same product for the following calendar year within a limit of 10%. Amounts delivered in advance shall be deducted from the quantitative limit for the product in question for the following calendar year.
  - (d) The preceding flexibility provisions for transfer, carry over and advance delivery shall not in any calendar year result in a quantitative limit for any category being exceeded by more than 15% of the quantitative limit for that category for that year.
  - (e) If the Government of Japan or the Community wishes to utilize the provisions for transfer, carry over and advance delivery set out above, it shall notify the other in writing in advance.
8. (i) It is recognized that the implementation of quantitative restraints depends in large part upon mutual cooperation on statistical questions. Accordingly, the Government of Japan and the Community shall promptly supply to each other available statistical data if so requested.

- (ii) In particular the Government of Japan shall furnish the Community with precise statistical information on a quarterly basis (or other intervals as may be agreed) of all licensed shipments for export from Japan to the Community of the textiles listed in Part A of Annex I.
- (iii) The Community shall likewise forward to the Government of Japan precise statistical information on a quarterly basis for imports of such textiles into the Community.
- 7
9. The Government of Japan and the Community shall consult with each other at the request of either in order to review the need for the maintenance or modification of the quantitative limits established. They shall also consult with each other, at the request of either, in respect of any matter concerning the implementation of the quantitative restraints.
10. The preceding provisions will be implemented by the Government of Japan and the Community in accordance with their respective laws and regulations.

I should be grateful if you would confirm the foregoing on behalf of the Council of the European Communities.

I avail myself of this opportunity to extend to you, Sir, the assurance of my high consideration.

**ANNEX I**  
**PART A**  
**Community ceilings**

Category No	CCT heading No	Description	Control unit	Member State	Quantitative limit		
					1975 <sup>(1)</sup>	1976 <sup>(1)</sup>	1977 <sup>(2)</sup>
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: ex A. Of synthetic textile fibres (see footnotes)	1 000 kg	D	886	1 280	1 400
				F	254	381	493
				I	212	318	412
				BNL	384	490	536
				UK	844	1 075	1 175
				IRL	856	860	863
				DK	64	96	121
				EEC	3 500	4 500	5 000
2	55.09 56.07	Woven fabrics of cotton Woven fabrics of man-made fibres: A. Of synthetic textile fibres	1 000 kg	D	3 761	4 100	4 500
				F	2 665	2 900	3 200
				I	1 573	1 700	1 900
				BNL	1 003	1 500	1 700
				UK	998	1 300	1 500
				IRL	759	1 000	1 300
				DK	901	950	1 000
				EEC	11 660	13 450	15 100

<sup>(1)</sup> For the years 1975 and 1976, the coverage for Category 1 is Nimexe Nos 05, 07, 13, 15, 21, 23, ex 25 (polyamid, heavier than 70 g/m<sup>2</sup> and polyester, heavier than 100 g/m<sup>2</sup> but lighter than 200 g/m<sup>2</sup>) 27, 28, 32, 34, 36, 42, 46, 48.

<sup>(2)</sup> For the year 1977, the coverage for Category 1 is Nimexe Nos 05, 07, 21, 23, ex 25 (polyamid, heavier than 70 g/m<sup>2</sup> and polyester, heavier than 100 g/m<sup>2</sup> but lighter than 200 g/m<sup>2</sup>), 27, 32, 34.



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### Regional ceilings

Category No	CCT heading No	Description	Control unit	Member State	Quantitative limit		
					1975	1976	1977
3	53.07 (Nimexe .11, .19)	Yarn of combed sheep's or lambs' wool (worsted yarn) not put up for retail sale	1 000 kg	D	500	750	1 000
4	58.04	Woven pile fabrics and chenille fabrics	1 000 kg	F I	300 200	310 212	450 225
5a	58.05 (Nimexe .51, .59, .61, .69)	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	1 000 kg	BNL	120	140	160
5b	58.05 (All Nimexe Nos other than 16)	<i>idem</i>	1 000 kg	UK	120	150	180
Temporary regional ceilings for Italy (termination: 31 March 1977)					15-month period 1 January 1976 to 31 March 1977 600 000		
6	ex 61.01 ex 61.02	Raincoats of the overcoat type	pieces	I			

## PART B

## Consultation level

CCT heading No	Description	Control unit	Member State	Quantity (calendar year)
56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale: A. Of synthetic textile fibres	1 000 kg	D	3 358
			F	1 200
			I	500
			BNL	1 522
			UK	360
			DK	712
			IRL	22
			EEC	7 674

## ANNEX II

### Details of control system

1. The Government of Japan establishes the following system of export restraints:
  - (1) The Ministry of International Trade and Industry issues export licences to exporters who have firm sales contract of the products concerned up to the quantitative limits determined on a yearly basis.
  - (2) Without such export licences exporters are not permitted to export the products concerned to the Community.
2. The Government of Japan is prepared to furnish the Community with statistical information, on a quarterly basis, showing the amount of licensed shipments for export from Japan to the Community of the products concerned.
3. Furthermore, provided that no documentation other than that required for normal customs documents and health and sanitary or consumers' protection purposes is made mandatory at the importing end, the Government of Japan will issue a 'certificate of export' in English which certifies that the shipment forms part of the quantitative limit for the relevant Member State of the Community and which is to accompany each consignment. This provision shall not preclude any requirement for import documentation for statistical purposes which is accorded freely and without delay, provided that the requirement is applicable *erga omnes*.
4. The 'certificate of export', an example of which is attached hereto, shall specify and contain:
  - (1) destination,
  - (2) serial number,
  - (3) name of exporter,
  - (4) name of importer,
  - (5) description of products,
  - (6) quantity (in terms of the relevant control unit).
5. Should the inflow of the products concerned to the Community via one or more third countries and not accompanied by a 'certificate of export' undermine the objectives of the export restraints, the Government of Japan is prepared to enter into consultations with the Community with a view to remedying the situation effectively and promptly.

*Attachment to Annex II*

**Certificate of export from Japan**

Date .....

Certificate No of export to European Economic Community      No  
(Name of Member State)

.....  
Export licence No .....

1. Name of exporter .....

2. Name of importer .....

3. Item No and description .....

4. Quantity .....

I hereby certify that the abovementioned cargo of Japanese origin forms part of and has been debited from the export quota to the European Economic Community (Name of Member State).

Signature: .....

Title: .....

Ref. ....

Name of vessel .....

Date of shipment .....

Sir,

I have the honour to acknowledge the receipt of your letter of today's date which reads as follows:

I have the honour to confirm on behalf of the Government of Japan that as a result of consultations held under Article 4 of the Agreement between the Government of Japan and the European Economic Community on trade in textiles (hereinafter referred to as "the Agreement"), the following provisions are agreed upon between the Government of Japan and the European Economic Community:

1. As temporary measures, the Government of Japan will:
  - (a) limit its exports to the European Economic Community (hereinafter referred to as "the Community") of the textiles listed in Part A of Annex I as provided for therein; and
  - (b) undertake further consultations, in accordance with Article 4 of the Agreement, should a consultation level as shown in Part B of Annex I be exceeded or be likely to be exceeded, it being understood that, as a result of such consultations, the Government of Japan would, if so requested by the Community, limit its exports of the textiles listed in Part B of Annex I in such manner as to eliminate real risks of market disruption in the Community or its regions.
2. The quantitative limits established in paragraph 1 above shall be managed under a control system administered by the Government of Japan as set out in Annex II.
3. Imports of the textiles listed in Annex I which are for immediate re-export or for inward processing and subsequent re-export shall not be subject to quantitative limits, provided that they are entered as such under an administrative system of control in force for this purpose in the Community.
4. The Government of Japan will endeavour to ensure that exports of the textiles for which quantitative limits are established are spaced out as evenly as possible over each calendar year, due account being taken, in particular, of seasonal factors.
5. The Government of Japan and the Community shall take all possible measures to ensure that traditional channels and methods of trade between Japan and the Community are maintained.

6. In respect of the products for which quantitative limits are established as shown in Annex I, the Community shall refrain from invoking the provisions of Article 3 of the Arrangement regarding international trade in textiles done in Geneva on 20 December 1973, provided that the quantitative limits as established in Annex I in respect of the regions of the Community concerned are respected.
7. Within any calendar year, unused portions of quantitative limits established may be transferred to other quantitative limits established under the conditions set out below.
  - (a) The quantitative limit for any specific category established may be increased in any calendar year by the transfer from any other quantitative limit or limits of a maximum of 7% of the quantitative limit to which the transfer is made.
  - (b) Portions of any quantitative limit established which are not used during any calendar year may be carried over and added to the quantitative limit established for the same product in the following calendar year within a limit of 10%.
  - (c) Advance delivery may be authorized from the quantitative limit established for the same product for the following calendar year within a limit of 10%. Amounts delivered in advance shall be deducted from the quantitative limit for the product in question for the following calendar year.
  - (d) The preceding flexibility provisions for transfer, carry over and advance delivery shall not in any calendar year result in a quantitative limit for any category being exceeded by more than 15% of the quantitative limit for that category for that year.
  - (e) If the Government of Japan or the Community wishes to utilize the provisions for transfer, carry over and advance delivery set out above, it shall notify the other in writing in advance.
8. (i) It is recognized that the implementation of quantitative restraints depends in large part upon mutual cooperation on statistical questions. Accordingly, the Government of Japan and the Community shall promptly supply to each other available statistical data if so requested.

- (ii) In particular the Government of Japan shall furnish the Community with precise statistical information on a quarterly basis (or other intervals as may be agreed) of all licensed shipments for export from Japan to the Community of the textiles listed in Part A of Annex I.
- (iii) The Community shall likewise forward to the Government of Japan precise statistical information on a quarterly basis for imports of such textiles into the Community.
9. The Government of Japan and the Community shall consult with each other at the request of either in order to review the need for the maintenance or modification of the quantitative limits established. They shall also consult with each other, at the request of either, in respect of any matter concerning the implementation of the quantitative restraints.
10. The preceding provisions will be implemented by the Government of Japan and the Community in accordance with their respective laws and regulations.

I should be grateful if you would confirm the foregoing on behalf of the Council of the European Communities.'

I have further the honour to confirm the foregoing on behalf of the Council of the European Communities.

I avail myself of this opportunity to extend to you, Sir, the assurance of my high consideration.

*For the Council  
of the European Communities*

## ANNEX I

## PART A

## Community ceilings

Category No	CCT heading No	Description	Control unit	Member State	Quantitative limit		
					1975 <sup>(1)</sup>	1976 <sup>(1)</sup>	1977 <sup>(2)</sup>
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: ex A. Of synthetic textile fibres (see footnotes)	1 000 kg	D	886	1 280	1 400
				F	254	381	493
				I	212	318	412
				BNL	384	490	536
				UK	844	1 075	1 175
				IRL	856	860	863
				DK	64	96	121
				EEC	3 500	4 500	5 000
2	55.09 56.07	Woven fabrics of cotton Woven fabrics of man-made fibres: A. Of synthetic textile fibres	1 000 kg	D	3 761	4 100	4 500
				F	2 665	2 900	3 200
				I	1 573	1 700	1 900
				BNL	1 003	1 500	1 700
				UK	998	1 300	1 500
				IRL	759	1 000	1 300
				DK	901	950	1 000
				EEC	11 660	13 450	15 100

(1) For the years 1975 and 1976, the coverage for Category 1 is Nimex Nos 05, 07, 13, 15, 21, 23, ex 25 (polyamid, heavier than 70 g/m<sup>2</sup> and polyester, heavier than 100 g/m<sup>2</sup> but lighter than 200 g/m<sup>2</sup>), 27, 28, 32, 34, 36, 42, 46, 48.

(2) For the year 1977, the coverage for Category 1 is Nimex Nos 05, 07, 21, 23, ex 25 (polyamid, heavier than 70 g/m<sup>2</sup> and polyester, heavier than 100 g/m<sup>2</sup> but lighter than 200 g/m<sup>2</sup>), 27, 32, 34.



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### Regional ceilings

Category No	CCT heading No	Description	Control unit	Member State	Quantitative limit		
					1975	1976	1977
3	53.07 (Nimexe .11, .19)	Yarn of combed sheep's or lambs' wool (worsted yarn) not put up for retail sale	1 000 kg	D	500	750	1 000
4	58.04	Woven pile fabrics and chenille fabrics	1 000 kg	F I	300 200	310 212	450 225
5a	58.05 (Nimexe .51, .59, .61, .69)	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	1 000 kg	BNL	120	140	160
5b	58.05 (All Nimexe Nos other than 16)	<i>idem</i>	1 000 kg	UK	120	150	180
Temporary regional ceilings for Italy (termination: 31 March 1977)							
6	ex 61 01 ex 61.02	Raincoats of the overcoat type	pieces	I	<i>15-month period 1 January 1976 to 31 March 1977 600 000</i>		

**PART B**  
**Consultation level**

CCT heading No	Description	Control unit	Member State	Quantity (calendar year)
56.05	Yarn of man-made fibres (discontinuous or waste), not put up retail sale:  A. Of synthetic textile fibres	1 000 kg	D F I BNL UK DK IRL EEC	3 358 1 200 500 1 522 360 712 22 7 674

## ANNEX II

### Details of control system

1. The Government of Japan establishes the following system of export restraints:
  - (1) The Ministry of International Trade and Industry issues export licences to exporters who have firm sales contracts of the products concerned up to the quantitative limits determined on a yearly basis.
  - (2) Without such export licences exporters are not permitted to export the products concerned to the Community.
2. The Government of Japan is prepared to furnish the Community with statistical information, on a quarterly basis, showing the amount of licensed shipments for export from Japan to the Community of the products concerned.
3. Furthermore, provided that no documentation other than that required for normal customs documents and health and sanitary or consumers' protection purposes is made mandatory at the importing end, the Government of Japan will issue a 'certificate of export' in English which certifies that the shipment forms part of the quantitative limit for the relevant Member State of the Community and which is to accompany each consignment. This provision shall not preclude any requirement for import documentation for statistical purposes which is accorded freely and without delay, provided that the requirement is applicable *erga omnes*.
4. The 'certificate of export', an example of which is attached hereto, shall specify and contain:
  - (1) destination,
  - (2) serial number,
  - (3) name of exporter,
  - (4) name of importer,
  - (5) description of products,
  - (6) quantity (in terms of the relevant control unit).
5. Should the inflow of the products concerned to the Community via one or more third countries and not accompanied by a 'certificate of export' undermine the objectives of the export restraints, the Government of Japan is prepared to enter into consultations with the Community with a view to remedying the situation effectively and promptly.

*Attachment to Annex II*

**Certificate of export from Japan**

Date.....

Certificate No of export to European Economic Community      No  
(Name of Member State)

.....  
Export licence No .....

1. Name of exporter .....

2. Name of importer .....

3. Item No and description .....

4. Quantity .....

I hereby certify that the abovementioned cargo of Japanese origin forms part of and has been debited from the export quota to the European Economic Community (Name of Member State).

Signature: .....

Title: .....

Ref. ....

Name of vessel .....

Date of shipment .....

INFORMATION CONCERNING

the AGREEMENT between the European Economic Community and the Government of Japan on trade in textiles<sup>(1)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC	9.7.1976	n. EEC 9.7.1976 Japan 30.7.1976	1.8.1976	31.12.1977
JAPAN				

<sup>(1)</sup> OJ No L 219, 12.8.1976.



7

**Agreement**  
**between the EEC and the Republic of India**





## AGREEMENT

on cane sugar in the form of exchanges of letters between  
the European Economic Community and the Republic  
of India<sup>(1)</sup>

COUNCIL REGULATION (EEC) No 1654/76

of 29 June 1976

on the conclusion of the Agreements in the form of exchanges of letters on the guaranteed prices for cane sugar for 1976/77 between the European Economic Community and Barbados, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago and the Republic of India

### THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the implementation of Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé<sup>(2)</sup> and of the Agreement between the European Economic Community and the Republic of India on cane sugar,<sup>(3)</sup> is carried out within the framework of the management of the common organization of the sugar market;

Whereas in respect of the guaranteed prices to apply to cane sugar in 1976/77 it is appropriate to conclude Agreements, in the form of exchanges of letters, between the Community and the States referred to in Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé, and the Republic of India,<sup>(4)</sup>

(1) OJ No L 176, 1.7.1976.

(2) OJ No L 25, 30.1.1976.

(3) OJ No L 190, 23.7.1975.

(4) The Agreements with the ACP States appear on pages 1003 and 1523 of this Volume.

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreements on the guaranteed prices to apply to cane sugar in 1976/77 are concluded on behalf of the Community in the form of exchanges of letters between the Community and Barbados, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago and the Republic of India.

The texts of these Agreements are annexed to this Regulation.

*Article 2*

The President of the Council is authorized to designate the person empowered to sign the Agreement referred to in Article 1 and to confer on him the powers required in order to bind the Community.

*Article 3*

This Regulation shall enter into force the 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 Luxembourg, 29 June 1976.

*For the Council*  
*The President*  
G. THORN

## AGREEMENT

on cane sugar in the form of exchanges of letters between the European Economic Community and the Republic of India

*Letter No 1*

Brussels, .....

Sir,

Following the conclusion of the negotiations referred to in Article 5 (4) of the Agreement between the European Economic Community and the Republic of India on cane sugar, the Commission, on behalf of the European Economic Community, and the Republic of India have agreed as follows:

For the period 1 April 1976 to 30 June 1977 the guaranteed prices referred to in Article 5 (4) of the Agreement shall be:

- (a) for raw sugar, 26.70 units of account per 100 kilograms;
- (b) for white sugar, 34.14 units of account per 100 kilograms.

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 contains a premium of 0.48 unit of account per 100 kilograms of white sugar which will be recoverable from the exporting State concerned to the extent that the price realized on sale from intervention is less than the guaranteed price for raw sugar.

I should be obliged if you would kindly acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.

Please accept, Sir, the assurance of my highest consideration.

*For the Council of  
the European Communities*

*Letter No 2*

Brussels, .....

Sir,

I have the honour to acknowledge receipt of your letter which reads as follows:

'Following the conclusion of the negotiations referred to in Article 5 (4) of the Agreement between the European Economic Community and the Republic of India on cane sugar, the Commission, on behalf of the European Economic Community, and the Republic of India have agreed as follows:

For the period 1 April 1976 to 30 June 1977 the guaranteed prices referred to in Article 5 (4) of the Agreement shall be:

- (a) for raw sugar, 26·70 units of account per 100 kilograms;
- (b) for white sugar, 34·14 units of account per 100 kilograms.

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 contains a premium of 0·48 unit of account per 100 kilograms of white sugar which will be recoverable from the exporting State concerned to the extent that the price realized on sale from intervention is less than the guaranteed price for raw sugar.

I should be obliged if you would kindly acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.'

I have the honour to confirm the agreement of my Government with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government  
of the Republic of India*

7

## INFORMATION CONCERNING

the AGREEMENT on cane sugar in the form of exchanges of letters between the European Economic Community and the Republic of India<sup>(1)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC	14.7.1976	—	14.7.1976 <sup>(2)</sup>	until 30.6.1977
INDIA				

<sup>(1)</sup> OJ No L 176, 1.7.1976.

<sup>(2)</sup> Applicable for the period 1.4.1976 to 30.6.1977.



7

**Agreement  
between the EEC and the Islamic  
Republic of Pakistan**





COMMERCIAL COOPERATION AGREEMENT  
between the European Economic Community and the  
Islamic Republic of Pakistan<sup>(1)</sup>

COUNCIL REGULATION (EEC) No 1503/76  
of 21 June 1976

concluding the Commercial Cooperation Agreement between the European  
Economic Community and the Islamic Republic of Pakistan

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic  
Community, and in particular Articles 113 and 114 thereof,

Having regard to the recommendation from the Commission,

Whereas the Commercial Cooperation Agreement negotiated between  
the Community and the Islamic Republic of Pakistan should be con-  
cluded,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Commercial Cooperation Agreement between the European Economic  
Community and the Islamic Republic of Pakistan, the text of which  
is annexed to this Regulation, is hereby concluded on behalf of the  
Community.

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<sup>(1)</sup> OJ No L 168, 28.6.1976.

## *Article 2*

The President of the Council shall notify the other Contracting Party, in accordance with Article 15 of the Agreement, of the completion, as regards the Community, of the procedures necessary for the entry into force of this Agreement<sup>(1)</sup>.

## *Article 3*

The Community shall be represented on the Joint Commission provided for in Article 8 of the Agreement by the Commission of the European Communities, assisted by representatives of the Member States.

## *Article 4*

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 Luxembourg, 21 June 1976.

*For the Council*  
*The President*  
J. HAMILIUS

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<sup>(1)</sup> The exchange of instruments of notification of the completion of the procedures necessary for the entry into force of the Commercial Cooperation Agreement between the European Economic Community and the Islamic Republic of Pakistan, signed at Brussels on 1 June 1976, having taken place on 25 June 1976 at Brussels, the Agreement will enter into force, in accordance with its Article 15, on 1 July 1976.

## **COMMERCIAL COOPERATION AGREEMENT**

**between the European Economic Community and the Islamic Republic of Pakistan**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

of the one part,

**THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF PAKISTAN,**

of the other part,

**HAVING REGARD** to the friendly relations and historic links between the Member States of the European Economic Community and the Islamic Republic of Pakistan and their common desire to consolidate and expand their commercial and economic relations;

**INSPIRED** by their determination to strengthen, deepen and diversify their commercial and economic relations on the basis of comparative advantage and mutual benefit;

**VIEWING** modern commercial policy as an important instrument for furthering international economic cooperation;

**AFFIRMING** their common will to contribute to a new phase of international economic cooperation and to facilitate the development of their respective human and material resources on the basis of freedom, equality and justice;

**HAVE DECIDED** to conclude a Commercial Cooperation Agreement and to this end have designated as their Plenipotentiaries:

**THE COUNCIL OF THE EUROPEAN COMMUNITIES:**

**THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF PAKISTAN:**

**WHO**, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

*Article 1*

The Contracting Parties are determined to develop their commercial exchanges on the basis of comparative advantage and mutual benefit so as to contribute to their economic and social progress and to the improvement of the balance of their mutual trade to as high a level as possible.

*Article 2*

The Contracting Parties shall, in their commercial relations, grant each other most-favoured-nation treatment in accordance with the provisions of the General Agreement on Tariffs and Trade.

*Article 3*

The Contracting Parties shall grant each other the highest degree of liberalization of imports and exports which they apply to third countries in general, and shall endeavour to provide maximum facilities compatible with their respective policies and obligations with regard to products of interest to either Party.

*Article 4*

The Contracting Parties undertake to promote the development and diversification of their mutual trade to the highest possible level. They shall take all appropriate steps to achieve these results, including particular measures which are relevant to the pattern and potential of their mutual trade.

*Article 5*

The Contracting Parties may develop their economic cooperation, when linked with trade, in fields of mutual interest and in the light of developments in their economic policies.

### *Article 6*

With a view to implementing Articles 4 and 5, the Contracting Parties agree to enhance contacts and cooperation between their economic organizations and to support the institutions which have been or may be set up to this end.

### *Article 7*

The Contracting Parties will endeavour to increase their cooperation in commercial and related economic matters in third countries, so far as it is in their mutual interest.

### *Article 8*

1. A Joint Commission shall be established comprising representatives of the Community and of Pakistan. It shall hold one session each year. Additional sessions may be convened by common agreement at the request of either Contracting Party.

2. The Joint Commission shall adopt its own rules of procedure and programme of work.

3. The Joint Commission may set up specialized sub-commissions to assist it in the performance of such tasks as it may mandate.

### *Article 9*

The Joint Commission shall ensure the proper functioning of this Agreement and shall devise and recommend practical measures for achieving its objectives. It shall examine any difficulties likely to hinder the development and diversification of trade between the Contracting Parties.

### *Article 10*

The Joint Commission shall in particular:

(a) study and devise ways of overcoming trade barriers and in particular non-tariff and quasi-tariff barriers in the various sectors of trade,

taking into account the relevant work undertaken in this field by the international organizations concerned;

- (b) endeavour to find ways of encouraging the development of economic and commercial cooperation between the Contracting Parties, in so far as this would promote the development and diversification of their trade;
- (c) facilitate exchanges of information and encourage contacts on all subjects bearing upon the prospects for cooperation in the economic field between the Contracting Parties on a mutually advantageous basis and the creation of favourable conditions for such cooperation.

#### *Article 11*

The Joint Commission shall also ensure the proper functioning of any sectoral Agreements between the Contracting Parties and, to this end, shall exercise the responsibilities entrusted to the joint bodies which have been or may be set up under such Agreements.

#### *Article 12*

The provisions of this Agreement shall be substituted for provisions of Agreements concluded between Member States of the Community and Pakistan to the extent to which the latter are either incompatible or identical with the former.

#### *Article 13*

The Annexes form an integral part of this Agreement.

#### *Article 14*

This Agreement shall apply to the territories where the Treaty establishing the European Economic Community applies, on the conditions laid down in the said Treaty, and to the territories where the Constitution of the Islamic Republic of Pakistan applies.

### *Article 15*

1. This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties notify each other of the completion of the procedures necessary for this purpose.

2. This Agreement is concluded for a period of five years and shall be extended from year to year if neither Contracting Party denounces it six months before the date of expiry.

3. If both Contracting Parties agree, this Agreement may, however, be amended at any time, to take account of emerging situations in the economic field and the evolution of economic policies on both sides.

### *Article 16*

This Agreement is drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, each text being equally authentic.

## *ANNEX I*

### **Joint Declaration on the functioning of the Joint Commission**

1. The representatives of the Contracting Parties in the Joint Commission will transmit the agreed recommendations to their respective authorities, for consideration and action to be taken as speedily and effectively as possible. In the event of the Joint Commission being unable to evolve a recommendation on a matter considered by either Contracting Party to be urgent or important, it shall submit the views of the two sides to the said authorities for further consideration.
2. The Joint Commission should, when making proposals and recommendations, have due regard to the Islamic Republic of Pakistan's development plans and to the progress of economic, industrial, social, environmental and scientific policies of the Community as well as to the level of economic development of the Contracting Parties.
3. The Joint Commission will examine possibilities of and make recommendations for the efficient utilization of all available instruments, besides most-favoured-nation tariffs and Generalized Preferences, to promote trade in items of interest to the Islamic Republic of Pakistan.



## *ANNEX II*

### **Declaration of the European Economic Community on tariff adjustments and other measures for facilitating trade**

1. On 1 July 1971, the Community autonomously introduced a Generalized Scheme of Preferences on the basis of Resolution 21 (II) of the Second United Nations Conference on Trade and Development, 1968. The Community is prepared, in the course of its endeavours to improve this system, to take into account the interests of the Islamic Republic of Pakistan in the extension and strengthening of its trade relations with the Community.
2. The Community is also prepared to examine in the Joint Commission possibilities for tariff adjustments to promote the development of trade with Pakistan.
3. Recognizing the vital importance of exports of cotton products and Basmati rice to the economic development of Pakistan, the Community is ready to examine in the Joint Commission the situation of Pakistan's trade with the Community in these products and to explore possibilities for facilitating it, in so far as cotton products are concerned to the extent permitted by the current agreement between the Contracting Parties and their multilateral obligations.
4. The Community understands that the Islamic Republic of Pakistan will also be prepared to discuss in the Joint Commission the Community's proposals, if any, with regard to tariff adjustments by the Islamic Republic of Pakistan aimed at the development of trade between the Contracting Parties, taking into consideration the development needs of Pakistan.

### *ANNEX III*

#### **Declaration of the Islamic Republic of Pakistan on tariff adjustments and other measures for facilitating trade**

1. The Islamic Republic of Pakistan notes that the Community is prepared, in the course of its endeavours to improve the system of Generalized Preferences, to take into account the interests of the Islamic Republic of Pakistan in the extension and strengthening of its trade relations with the Community. In this connection, the Islamic Republic of Pakistan will identify for consideration by the Community the areas in which the Community's Generalized Preferences can be improved, more especially in the context of the provisions of the Joint Declaration of Intent.
2. The Islamic Republic of Pakistan also notes that the Community is prepared to examine in the Joint Commission possibilities for tariff adjustments to promote the development of trade with Pakistan. In this connection, the Islamic Republic of Pakistan may notify the Community of products in respect of which such concessions are desired, for examination in the Joint Commission.
3. The Islamic Republic of Pakistan further notes that the Community is ready to examine in the Joint Commission the situation of Pakistan's trade with the Community in cotton products and Basmati rice and to explore possibilities for facilitating it, in so far as cotton products are concerned to the extent permitted by the current agreement between the Contracting Parties and their multilateral obligations.
4. The Islamic Republic of Pakistan will also be prepared to discuss in the Joint Commission the Community's proposals, if any, with regard to tariff adjustments by the Islamic Republic of Pakistan aimed at the development of trade between the Contracting Parties, taking into consideration the development needs of Pakistan.

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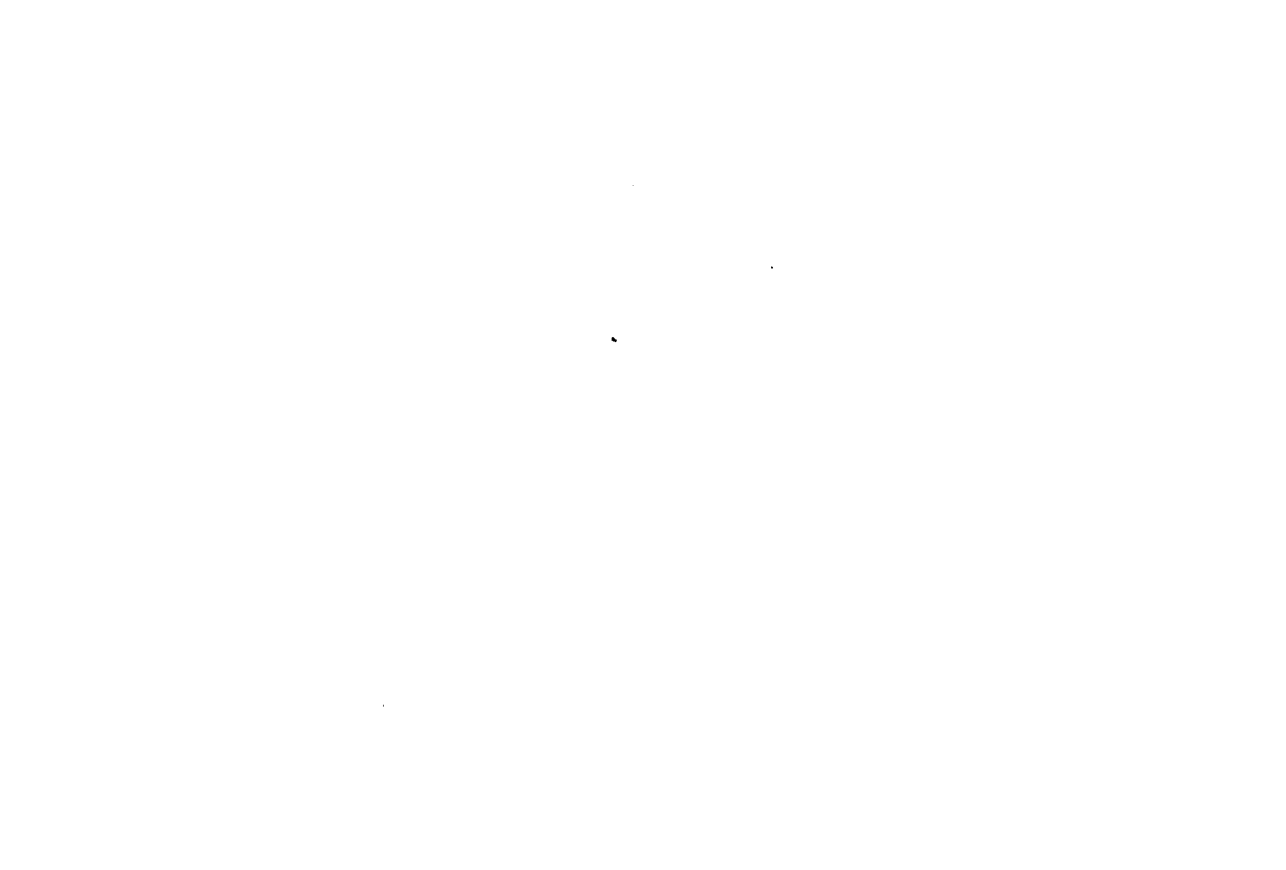
INFORMATION CONCERNING

the COMMERCIAL COOPERATION AGREEMENT between the European Economic Community  
and the Islamic Republic of Pakistan<sup>(1)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC	1.6.1976	n. 25.6.1976	1.7.1976	5 years, thereafter tacit annual extension
PAKISTAN				

(<sup>1</sup>) OJ No L 168, 28.6.1976.

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7

**Agreement**  
**between the EEC and the People's**  
**Republic of Bangladesh**



7

**COMMERCIAL COOPERATION AGREEMENT**  
between the European Economic Community and the  
People's Republic of Bangladesh<sup>(1)</sup>

**COUNCIL REGULATION (EEC) No 2785/76**  
of 16 November 1976

on the conclusion of the Commercial Cooperation Agreement between the  
European Economic Community and the People's Republic of Bangladesh

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic  
Community, and in particular Articles 113 and 114 thereof,

Having regard to the recommendation from the Commission,

Whereas the Commercial Cooperation Agreement between the European  
Economic Community and the People's Republic of Bangladesh should  
be concluded,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Commercial Cooperation Agreement between the European  
Economic Community and the People's Republic of Bangladesh is  
hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

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(<sup>1</sup>) OJ No L 319, 19.11.1976.

*Article 2*

The President of the Council shall notify the other Contracting Party in accordance with Article 15 of the Agreement of the completion, as regards the Community, of the procedures necessary for the entry into force of the Agreement.

*Article 3*

The Community shall be represented on the Joint Commission provided for in Article 8 of the Agreement by the Commission of the European Communities, assisted by representatives of the Member States.

*Article 4*

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, 16 November 1976.

*For the Council*  
*The President*  
M. van der STOEL



## COMMERCIAL COOPERATION AGREEMENT

between the European Economic Community and the People's Republic of Bangladesh

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part,

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH,

of the other part,

HAVING REGARD to the friendly relations and historic links between the Member States of the European Economic Community and Bangladesh and their common desire to consolidate and expand their commercial and economic relations,

INSPIRED by their determination to strengthen, deepen and diversify their commercial and economic relations on the basis of comparative advantage and mutual benefit,

CONSIDERING Bangladesh as one of the least developed of the developing countries,

CONSCIOUS of the special characteristics and needs of the economy of Bangladesh,

AFFIRMING their common will to contribute to a new phase of international economic cooperation, and to facilitate the development of their respective human and material resources on the basis of freedom, equality and justice,

VIEWING modern commercial policy as an important instrument for furthering international economic cooperation,

HAVE DECIDED to conclude a Commercial Cooperation Agreement and to this end have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH:

WHO, having exchanged their Full Powers, found in good and due form,  
HAVE AGREED AS FOLLOWS:

*Article 1*

The Contracting Parties are determined to develop their commercial exchanges on the basis of mutual benefit so as to contribute to their economic and social progress, and to improving the balance and raising the volume of their mutual trade to as high a level as possible.

*Article 2*

The Contracting Parties shall, in their commercial relations, grant each other most-favoured-nation treatment in accordance with the provisions of the General Agreement on Tariffs and Trade.

*Article 3*

Each Contracting Party' shall grant the other the highest degree of liberalization of imports and exports which it applies to third countries in general, and shall endeavour to provide maximum facilities compatible with its policies and obligations for products of interest to the other Party.

*Article 4*

The Contracting Parties undertake to promote the development and diversification of their mutual trade to the highest possible level. They shall take all appropriate steps to fulfil this undertaking, including particular measures, relevant to the improvement of export opportunities, which would contribute to realizing the trade potential of their economies.

*Article 5*

The Contracting Parties will develop their economic cooperation, where

linked with trade, in fields of mutual interest and in the light of developments in their economic policies.

#### *Article 6*

To assist in giving practical effect to Articles 4 and 5, the Contracting Parties agree to promote contacts and cooperation between their economic organizations and to support institutions which have been or may be set up to this end.

#### *Article 7*

The Contracting Parties shall endeavour to increase their cooperation in commercial and related economic matters in third countries, where this will be in their mutual interest.

#### *Article 8*

1. A Joint Commission shall be set up comprising representatives of the Community and of the People's Republic of Bangladesh. It shall hold one session each year. Additional sessions may be convened by common agreement at the request of either Contracting Party.
2. The Joint Commission shall adopt its own rules of procedure and work programme.
3. The Joint Commission may set up specialized sub-commissions to assist it in the performance of its tasks.

#### *Article 9*

The Joint Commission shall ensure the proper functioning of this Agreement. It shall, in particular, devise and recommend practical measures for achieving the objectives of developing and diversifying trade between the Contracting Parties and shall examine any difficulties likely to hinder those objectives.

### *Article 10*

The Joint Commission shall be further required:

- (a) to study and devise ways of overcoming trade barriers and in particular existing non-tariff and quasi-tariff barriers in the various sectors of trade, taking into account the work undertaken in this field by the international organizations concerned;
- (b) to endeavour to encourage the development of economic and commercial cooperation between the Contracting Parties and their economic organizations, in order to facilitate the development and diversification of their trade;
- (c) to examine and recommend ways and means for the progressive adaptation of the trade pattern and marketing structures of the Contracting Parties with a view to promoting the evolution of their commercial and economic relations in accordance with their complementary possibilities, as well as the long-term objectives of the economies of the Contracting Parties, so as to rectify imbalances and maladjustments;
- (d) to facilitate exchanges of information and encourage contacts on all subjects which may bear upon the prospects for cooperation in the economic field between the Contracting Parties on a mutually advantageous basis and upon the creation of favourable conditions for such cooperation;
- (e) to devise and recommend measures, including assistance for the training of executives and for publicity, market intelligence and expert services, to promote the development and diversification of trade between the Contracting Parties.

### *Article 11*

The Joint Commission shall also ensure the proper functioning of any sectoral Agreements between the Contracting Parties and, to this end, shall exercise the responsibilities entrusted to the joint bodies which have been or may be set up under such Agreements.

#### *Article 12*

The provisions of this Agreement shall be substituted for provisions of Agreements concluded between Member States of the Community and the People's Republic of Bangladesh to the extent to which the latter are either incompatible or identical with them.

#### *Article 13*

This Agreement shall apply to the territories in which the Treaty establishing the European Economic Community applies, on the conditions established in the said Treaty, and to the territory of the People's Republic of Bangladesh.

#### *Article 14*

The Annexes form an integral part of this Agreement.

#### *Article 15*

1. This Agreement shall require ratification, acceptance or approval in accordance with the procedures in force in each of the Contracting Parties, who shall notify each other of the completion of the procedures necessary to that end.
2. This Agreement shall enter into force on the first day of the month following the date on which the notifications referred to in paragraph 1 have been effected.
3. This Agreement is concluded for a period of five years and shall be extended from year to year if neither Contracting Party denounces it six months before it expires.
4. The Contracting Parties may amend this Agreement at any time to take account of new situations arising in the economic field and of the evolution of economic policies on both sides.

#### *Article 16*

This Agreement is drawn up in two copies in the Danish, Dutch, English, French, German, Italian and Bengali languages, each text being equally authentic.

## *ANNEX I*

### **Joint Declaration concerning the functioning of the Joint Commission**

1. The representatives of the Contracting Parties in the Joint Commission will transmit the agreed recommendations to their respective authorities, for consideration and action to be taken as speedily and effectively as possible. In the event of the Joint Commission being unable to evolve a recommendation on a matter considered by either Contracting Party to be urgent or important, it shall submit the views of the two sides to the said authorities for further consideration.
2. The Joint Commission should, when making proposals and recommendations, have due regard to the development plans of Bangladesh and to the progress of economic, industrial, social, environmental and scientific policies of the Community as well as to the level of economic development of the Contracting Parties.
3. The Joint Commission will examine possibilities of and make recommendations for the efficient utilization of all available instruments, besides most-favoured-nation tariffs and Generalized Preferences, to promote trade in items of interest to Bangladesh.
4. Subject to the agreement of the Contracting Parties when drawing up the agenda of the Joint Commission, this may include cooperation on mutually satisfactory terms in the development and utilization of natural resources and in other areas which may be identified as of particular importance to the trade potential of Bangladesh.

ANNEX II

Your Excellency,

During the discussion which led to the conclusion this day of the Commercial Cooperation Agreement between the European Economic Community and the People's Republic of Bangladesh, the Community declared that it is prepared to bind bilaterally the tariffs already applied autonomously in respect of the products listed below which are of particular interest to Bangladesh. These concessions shall remain valid until they are confirmed, or modified, under the General Agreement on Tariffs and Trade, with the agreement of both Contracting Parties.

List of products concerned

Common Customs Tariff heading No	Description	Binding proposed %
03.01	Fish, fresh (live or dead), chilled or frozen: A. Freshwater fish: ex IV. Other: — Hilsa spp.	free
09.02	Tea: A. In immediate packings of a net capacity not exceeding 3 kg B. Other	5 free
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 ex B. Other: — Leather of East India kip, whole, whether or not the heads and legs have been removed, weighing each more than 4.5 kg net and not more than 8 kg, 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 — Bovine skins, chrome tanned in the moist state (wet blue)	free   free free

Common Customs Tariff heading No	Description	Binding proposed %
41.03	Sheep and lamb skin leather, except leather falling within heading No 41.06, 41.07 or 41.08: B. Other: I. Not further prepared than tanned	free
41.04	Goat and kid skin leather, except leather falling within heading No 41.06, 41.07 or 41.08: B. Other: I. Not further prepared than tanned	free
41.05	Other kinds of leather, except leather falling within heading No 41.06, 41.07 or 41.08: B. Other: I. Not further prepared than tanned	free

We should be grateful if you would kindly confirm the agreement of the Government of the People's Republic of Bangladesh to the contents of this letter.

Please accept, Your Excellency, the assurance of our highest consideration.

*Head  
of the Bangladesh delegation*

*For the Council  
of the European Communities*





Common Customs Tariff heading No	Description	Binding proposed %
41.02 (cont'd)	— Bovine skins, chrome tanned in the moist state (wet blue)	free
41.03	Sheep and lamb skin leather, except leather falling within heading No 41.06, 41.07 or 41.08: B. Other: I. Not further prepared than tanned	free
41.04	Goat and kid skin leather, except leather falling within heading No 41.06, 41.07 or 41.08: B. Other: I. Not further prepared than tanned	free
41.05	Other kinds of leather, except leather falling within heading No 41.06, 41.07 or 41.08: B. Other: I. Not further prepared than tanned	free

We should be grateful if you would kindly confirm the agreement of the Government of the People's Republic of Bangladesh to the contents of this letter.'

I have the honour to confirm the agreement of the Government of the People's Republic of Bangladesh to the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

*Head of the delegation of the  
European Economic Community*

*For the Government of the  
People's Republic of Bangladesh*

### *ANNEX III*

#### **Declaration of the European Economic Community concerning tariff adjustments**

1. On 1 July 1971, the Community autonomously introduced a Generalized Scheme of Preferences on the basis of Resolution 21 (II) of the Second United Nations Conference on Trade and Development, 1968. The Community is prepared, in the course of its endeavours to improve this system, to take into account the interests of the People's Republic of Bangladesh in the extension and strengthening of its trade relations with the Community.
2. The Community is also prepared to examine in the Joint Commission the possibilities for further tariff adjustments to promote the development of trade with Bangladesh.
3. The Community notes that, in this connection, the People's Republic of Bangladesh may notify it of the list of products in respect of which tariff concessions are desired, for examination in the Joint Commission.
4. The Community understands that the People's Republic of Bangladesh will also be prepared to discuss in the Joint Commission the Community's proposals, if any, with regard to matters pertaining to the tariffs of the People's Republic of Bangladesh aimed at the development of trade between the Contracting Parties, taking into consideration the development needs of Bangladesh.

#### *ANNEX IV*

### **Declaration of the Government of the People's Republic of Bangladesh concerning tariff adjustments**

1. The People's Republic of Bangladesh notes that the Community is prepared, in the course of its endeavours to improve the system of Generalized Preferences, to take into account the interests of the People's Republic of Bangladesh in the extension and strengthening of its trade relations with the Community. In this connection, the People's Republic of Bangladesh will identify for consideration by the Community the areas in which the Community's Generalized Scheme of Preferences can be improved, more especially in the context of the provisions of the Joint Declaration of Intent.
2. The People's Republic of Bangladesh further notes that the Community is also prepared to examine in the Joint Commission the possibilities for further tariff adjustments to promote the development of trade with Bangladesh.
3. In this connection the People's Republic of Bangladesh may notify the Community of the list of products in respect of which tariff concessions are desired, for examination in the Joint Commission.
4. The People's Republic of Bangladesh will also be prepared to discuss in the Joint Commission the Community's proposals, if any, with regard to matters pertaining to the tariffs of the People's Republic of Bangladesh aimed at the development of trade between the Contracting Parties, taking into consideration the development needs of Bangladesh.

INFORMATION CONCERNING

7

the COMMERCIAL COOPERATION AGREEMENT between the European Economic Community and the People's Republic of Bangladesh<sup>(1)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC	19.10.1976	n. 25.11.1976	1.12.1976 <sup>(2)</sup>	5 years, thereafter tacit annual extension
BANGLADESH				

<sup>(1)</sup> OJ No L 319, 19.11.1976.

<sup>(2)</sup> OJ No L 329, 27.11.1976.



7

**Agreements  
between the EEC and the State of Israel**





## AGREEMENT

in the form of an exchange of letters relating to Article 9 of Protocol 1 to the Agreement between the European Economic Community and the State of Israel and concerning the importation into the Community of fruit salads originating in Israel<sup>(1)</sup>

### COUNCIL REGULATION (EEC) No 118/76

of 30 December 1975

concluding the Agreement in the form of an exchange of letters relating to Article 9 of Protocol 1 to the Agreement between the European Economic Community and the State of Israel and concerning the importation into the Community of fruit salads originating in Israel

#### THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Agreement between the European Economic Community and the State of Israel<sup>(2)</sup> was signed on 11 May 1975;

Whereas the Agreement in the form of an exchange of letters relating to Article 9 of Protocol 1 to the said Agreement and concerning the importation into the Community of fruit salads originating in Israel should be concluded,

HAS ADOPTED THIS REGULATION:

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(1) OJ No L 13, 22.1.1976.

(2) OJ No L 136, 28.5.1975.

### *Article 1*

The Agreement in the form of an exchange of letters relating to Article 9 of Protocol 1 to the Agreement between the European Economic Community and the State of Israel and concerning the importation into the Community of fruit salads originating in Israel is concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

### *Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement, and to confer on them the powers necessary to bind the Community.

### *Article 3*

This Regulation shall enter into force on the eighth 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, 30 December 1975.

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

## AGREEMENT

**in the form of an exchange of letters relating to Article 9 of Protocol 1 to the Agreement between the European Economic Community and the State of Israel and concerning the importation into the Community of fruit salads originating in Israel**

### *Letter No 1*

Sir,

In pursuance of Article 9 of Protocol 1 to the Agreement concluded between the European Economic Community and the State of Israel and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Israel, I have the honour to inform you that Israel undertakes to take all necessary measures in order that the quantities supplied to the Community from 1 January 1976 to 31 December 1976 will not exceed 200 metric tons.

To this end the Government of the State of Israel declares that all exports to the Community of the products concerned will be effected exclusively by exporters whose operations are controlled by the Israeli Ministry of Trade and Industry.

The guarantees relating to quantities will be met in accordance with the procedures agreed between that Ministry and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would kindly confirm the agreement of the Community with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of the State of Israel*

*Letter No 2*

Your Excellency,

I have the honour to acknowledge receipt of your letter of today worded as follows:

'In pursuance of Article 9 of Protocol 1 to the Agreement concluded between the European Economic Community and the State of Israel and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Israel, I have the honour to inform you that Israel undertakes to take all necessary measures in order that the quantities supplied to the Community from 1 January 1976 to 31 December 1976 will not exceed 200 metric tons.

To this end the Government of the State of Israel declares that all exports to the Community of the products concerned will be effected exclusively by exporters whose operations are controlled by the Israeli Ministry of Trade and Industry.

The guarantees relating to quantities will be met in accordance with the procedures agreed between that Ministry and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would kindly confirm the agreement of the Community with the foregoing.'

I am able to confirm the agreement of the Community with the foregoing.

Please accept, Your Excellency, the assurance of my highest consideration.

*On behalf of the Council  
of the European Economic Communities*

## AGREEMENT

in the form of an exchange of letters between the European Economic Community and the State of Israel suspending the implementation of the tariff reduction for imports into the Community of tomato concentrates falling within subheading 20.02 ex C of the Common Customs Tariff and originating in Israel<sup>(1)</sup>

### COUNCIL REGULATION (EEC) No 119/76

of 31 December 1975

concluding the Agreement in the form of an exchange of letters between the European Economic Community and the State of Israel suspending the implementation of the tariff reduction for imports into the Community of tomato concentrates falling within subheading 20.02 ex C of the Common Customs Tariff and originating in Israel

#### THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas Article 9 of Protocol 1 to the Agreement between the European Economic Community and the State of Israel<sup>(2)</sup> provides for a tariff reduction of 30% of the Common Customs Tariff rate for imports into the Community of tomato concentrates originating in Israel, subject to compliance with the conditions agreed upon by exchange of letters;

Whereas an exchange of letters<sup>(3)</sup> covering the period from 1 October to 31 December 1975 was concluded on 16 October 1975;

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(1) OJ No L 13, 22.1.1976.

(2) OJ No L 136, 28.5.1975.

(3) OJ No L 272, 23.10.1975.

Whereas the negotiations with Israel for the conclusion of the exchange of letters covering the year 1976 have not yet resulted in agreement, particularly as regards quantitative voluntary restraint;

Whereas, in these circumstances and until agreement is reached, an agreement should be concluded between the Community and Israel in the form of an exchange of letters suspending the implementation of the tariff reduction in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement in the form of an exchange of letters between the European Economic Community and the State of Israel suspending the implementation of the tariff reduction for imports into the Community of tomato concentrates falling within subheading 20.02 ex C of the Common Customs Tariff and originating in Israel is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the exchange of letters referred to in Article 1 and to confer on him the necessary powers to bind the Community.

*Article 3*

This Regulation shall enter into force on the eighth 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, 31 December 1975.

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

## AGREEMENT

in the form of an exchange of letters between the European Economic Community and the State of Israel suspending the implementation of the tariff reduction for imports into the Community of tomato concentrates falling within subheading 20.02 ex C of the Common Customs Tariff and originating in Israel

### *Letter No 1*

Your Excellency,

Since the exchange of letters provided for in Article 9 of Protocol 1 to the Agreement between the European Economic Community and the State of Israel has not been concluded for the year 1976, the necessary conditions have not been met for the implementation of the tariff reduction for imports into the Community of tomato concentrates prepared or preserved otherwise than by vinegar or acetic acid, falling within subheading 20.02 ex C of the Common Customs Tariff and originating in Israel.

In these circumstances the implementation of the said Article 9 is suspended for the products in question until the entry into force of a new exchange of letters.

I should be grateful if you would confirm your Government's agreement with the foregoing.

Please accept, Your Excellency, the assurance of my highest consideration.

*On behalf of the Council  
of the European Communities*

*Letter No 2*

Sir,

I have the honour to acknowledge receipt of your letter of today's date worded as follows:

'Since the exchange of letters provided for in Article 9 of Protocol 1 to the Agreement between the European Economic Community and the State of Israel has not been concluded for the year 1976, the necessary conditions have not been met for the implementation of the tariff reduction for imports into the Community of tomato concentrates prepared or preserved otherwise than by vinegar or acetic acid, falling within subheading 20.02 ex C of the Common Customs Tariff and originating in Israel.

In these circumstances the implementation of the said Article 9 is suspended for the products in question until the entry into force of a new exchange of letters.

I should be grateful if you would confirm your Government's agreement with the foregoing.'

I am able to confirm my Government's agreement with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of the State of Israel*



7

## INFORMATION CONCERNING

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
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— the AGREEMENT in the form of an exchange of letters relating to Article 9 of Protocol 1 to the AGREEMENT between the European Economic Community and the State of Israel and concerning the importation into the Community of fruit salads originating in Israel<sup>(1)</sup>

EEC	16.1.1976	—	16.1.1976	until 31.12.1976
ISRAEL				

— the AGREEMENT in the form of an exchange of letters between the European Economic Community and the State of Israel suspending the implementation of the tariff reduction for imports into the Community of tomato concentrates falling within subheading 20.02 ex C of the Common Customs Tariff and originating in Israel.<sup>(1)</sup>

EEC	16.1.1976	—	16.1.1976	indefinite
ISRAEL				

<sup>(1)</sup> OJ No L 13, 22.1.1976.



CHAPTER III

**African, Caribbean and  
Pacific States**



7

**Agreements**  
**between the EEC and the Tunisian Republic**



## INTERIM AGREEMENT

between the European Economic Community and the  
Republic of Tunisia<sup>(1)</sup><sup>(2)</sup>

**COUNCIL REGULATION (EEC) No 1289/76**

**of 28 May 1976**

**on the conclusion of the Interim Agreement between the European  
Economic Community and the Republic of Tunisia**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the recommendation from the Commission,

Whereas, pending the entry into force of the Cooperation Agreement signed in Tunis on 25 April 1976, it is necessary to conclude the Interim Agreement between the European Economic Community and the Republic of Tunisia signed in Tunis the same day,

**HAS ADOPTED THIS REGULATION:**

### *Article 1*

The Interim Agreement between the European Economic Community and the Republic of Tunisia and the declarations and exchanges of letters annexed to the Final Act are hereby concluded, approved and confirmed on behalf of the Community.

The texts of the Interim Agreement and of the Final Act are annexed to this Regulation.

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<sup>(1)</sup> OJ No L 141, 28.5.1976.

<sup>(2)</sup> See corrigendum: OJ No L 185, 9.7.1976.

*Article 2*

The President of the Council shall carry out, on behalf of the Community, the notification procedure provided for in Article 42 of the Interim Agreement.

*Article 3*

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, 28 May 1976.

*For the Council*  
*The President*  
G. THORN



## **INTERIM AGREEMENT**

**between the European Economic Community and the Republic of Tunisia**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

of the one part, and

**THE PRESIDENT OF THE REPUBLIC OF TUNISIA,**

of the other part,

### **PREAMBLE**

**WHEREAS** a Cooperation Agreement between the European Economic Community and the Republic of Tunisia was signed this day in Tunis;

**WHEREAS** pending the entry into force of that Agreement, certain provisions of the Agreement relating to trade in goods should be implemented as speedily as possible by means of an Interim Agreement,

**HAVE DECIDED** to conclude this Agreement, and to this end have designated as their Plenipotentiaries:

**THE COUNCIL OF THE EUROPEAN COMMUNITIES:**

**Gaston THORN,**

President-in Office of the Council of the European Communities,

President and Minister for Foreign Affairs of the Government of the Grand Duchy of Luxembourg;

**Claude CHEYSSON,**

Member of the Commission of the European Communities;

**THE REPUBLIC OF TUNISIA:**

**Habib CHATTY,**

Minister for Foreign Affairs.

## Title 1

### TRADE COOPERATION

#### *Article 1*

The object of this Agreement is to promote trade between the Contracting Parties, taking account of their respective levels of development and of the need to ensure a better balance in their trade, with a view to increasing the rate of growth of Tunisia's trade and improving the conditions of access for its products to the Community market.

#### A. INDUSTRIAL PRODUCTS

##### *Article 2*

1. Subject to the special provisions of Articles 4, 5 and 7, products originating in Tunisia which are not listed in Annex II to the Treaty establishing the European Economic Community shall be imported into the Community free of quantitative restrictions and measures having equivalent effect, and of customs duties and charges having equivalent effect.

2. The new Member States shall apply the provisions of paragraph 1, it being understood that in no case may they apply more favourable treatment to Tunisia than to the Community as originally constituted.

##### *Article 3*

1. In the case of customs duties comprising a protective element and a fiscal element, Article 2 shall apply to the protective element.

2. The United Kingdom shall replace the fiscal element of the customs duties referred to in paragraph 1 by an internal tax in accordance with Article 38 of the Act concerning the conditions of accession and the adjustments to the Treaties of 22 January 1972.

##### *Article 4*

The measures provided for in Article 1 of Protocol 7 to the Act concerning the conditions of accession and the adjustments to the Treaties

referred to in Article 3 on imports of motor vehicles and the motor vehicle assembly industry in Ireland, shall apply to Tunisia.

#### Article 5

1. Imports of the following products shall be subject to annual ceilings above which the customs duties actually applied in respect of third countries may be reintroduced in accordance with paragraph 2, the ceiling fixed for the year of the entry into force of the Agreement being indicated in each case.

CCT heading No	Description	Ceiling (in metric tons)
27.10	<p>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:</p> <p>A. Light oils:            III. For other purposes</p> <p>B. Medium oils:            III. For other purposes</p> <p>C. Heavy oils:            I. Gas oils:              c) For other purposes</p> <p>      II. Fuel oils:              c) For other purposes</p> <p>      III. Lubricating oils; other oils:              c) To be mixed in accordance with the terms of Additional Note 7 to Chapter 27</p> <p>      d) For other purposes</p>	175 000
27.11	<p>Petroleum gases and other gaseous hydrocarbons:</p> <p>A. Propane of a purity not less than 99%:            I. For use as power or heating fuel</p> <p>B. Other:            I. Commercial propane and commercial butane:              c) For other purposes</p>	
27.12	<p>Petroleum jelly:</p> <p>A. Crude:            III. For other purposes</p> <p>B. Other</p>	
27.13	<p>Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured:</p>	

CCT heading No	Description	Ceiling (in metric tons)
27.13 (cont'd)	B. Other: I. Crude: c) For other purposes II. Other	175 000
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other: II. Other	
45.02	Natural cork in blocks, plates, sheets or strips (including cubes or square slabs, cut to size for corks or stoppers)	50
45.03	Articles of natural cork	50
45.04	Agglomerated cork (being cork agglomerated with or without a binding substance) and articles of agglomerated cork	800

2. When a ceiling fixed for imports of a product referred to in paragraph 1 is reached, the customs duties actually applied in respect of third countries may be reimposed on imports of the product in question until the end of the calendar year.

When imports into the Community of a product subject to ceilings reach 75 % of the level fixed, the Community shall inform the Joint Committee.

#### *Article 6*

1. The Community reserves the right to modify the arrangements applicable to the petroleum products falling within subheadings or heading Nos 27.10, 27.11 A and B I, 27.12, 27.13 B and 27.14 of the Common Customs Tariff:

- upon adoption of a common definition of origin for petroleum products,
- upon adoption of decisions under a common commercial policy, or
- upon establishment of a common energy policy.

2. In that event the Community shall ensure that imports of these products will enjoy advantages equivalent to those provided for in this

Agreement. For the application of this paragraph consultations shall be held within the Joint Committee at the request of the other party.

3. Subject to paragraph 1, this Agreement shall not affect the non-tariff rules applied to imports of petroleum products.

#### *Article 7*

For goods resulting from the processing of agricultural products listed in Annex A, the reductions specified in Article 2 shall apply to the fixed component of the charge levied on imports of these products into the Community.

### **B. AGRICULTURAL PRODUCTS**

#### *Article 8*

1. Customs duties on imports into the Community of the products originating in Tunisia which are listed below shall be reduced by the rates indicated for each of them.

CCT heading No	Description	Rate of reduction
01.01	Live horses, asses, mules and hinnies: A. Horses: II. For slaughter (a) III. Other	80 % 80 %
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: ex IV. Other: — Excluding meat of domestic sheep	100 %
02.04	Other meat and edible meat offals, fresh, chilled or frozen	100 %
Chapter 3	Fish, crustaceans and molluscs	100 %
06.02	Other live plants, including trees, shrubs, bushes, roots, cuttings and slips: ex D. Other: — Rose trees and bushes, excluding cuttings of rose trees and bushes	60 %

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities of the Community.

CCT heading No	Description	Rate of reduction
07.01	Vegetables, fresh or chilled: A. Potatoes: II. New potatoes: ex a) From 1 January to 15 May: — From 1 January to 31 March  F. Leguminous vegetables, shelled or unshelled: I. Peas: ex a) From 1 September to 31 May: — From 1 October to 30 April II. Beans (of the species Phaseolus): ex a) From 1 October to 30 June: — From 1 November to 30 April G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots: ex II. Carrots, from 1 January to 31 March ex H. Onions, shallots and garlic: — Onions, from 15 February to 15 May ex L. Artichokes: — From 1 October to 31 December M. Tomatoes: ex I. From 1 November to 14 May: — From 15 November to 30 April S. Sweet peppers ex T. Other: — Aubergines, from 1 December to 30 April — Courgettes, from 1 December to the last day of February	    40%    60%  60%  40% 60% 30%  60% 40% 60% 60%
07.03	Vegetables provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption: A. Olives: I. For uses other than the production of oil (a) B. Capers	   60% 90%
07.05	Dried leguminous vegetables, shelled, whether or not skinned or split: A. For sowing: ex I. Peas (including chick peas) and beans (of the species Phaseolus): — Peas ex III. Other: — Broad beans and horse beans B. Other	   60%  60% 100%

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities of the Community.

CCT heading No	Description	Rate of reduction
08.01	Dates, bananas, coconuts, Brazil nuts, cashew nuts, pineapples, avocados, mangoes, guavas and mango-steens, fresh or dried, shelled or not: ex A. Dates: — In immediate containers of a net capacity of 35 kg or less	100%
08.02	Citrus fruit, fresh or dried: ex A. Oranges: — Fresh ex B. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids: — Fresh ex C. Lemons: — Fresh D. Grapefruit	80% 80% 80% 80%
08.04	Grapes, fresh or dried: A. Fresh: I. Table grapes: ex a) From 1 November to 14 July: — From 15 November to 30 April	60%
08.07	Stone fruit, fresh: D. Plums: ex II. From 1 October to 30 June: — From 1 November to 15 June	60%
08.08	Berries, fresh: A. Strawberries: ex II. From 1 August to 30 April: — From 1 November to 31 March ex D. Raspberries, black currants and red currants: — Raspberries, from 15 May to 15 June	60% 50%
ex 08.09	Other fruit, fresh: — Melons, from 1 November to 31 May — Watermelons, from 1 April to 15 June	50% 50%
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: ex B. Oranges: — Comminuted ex E. Other: — Comminuted citrus fruit	80% 80%
09.04	Pepper of the genus 'Piper'; pimento of the genus 'Capsicum' or the genus 'Pimenta': A. Neither crushed nor ground: II. Pimento B. Crushed or ground	100% 100%

CCT heading No	Description	Rate of reduction
09.09	Seeds of anise, badian, fennel, coriander, cumin, caraway and juniper	100%
09.10	Thyme, saffron and bay leaves; other spices	100%
12.03	Seeds, fruit and spores, of a kind used for sowing: E. Other (a)	60%
12.07	Plants and parts (including seeds and fruit) 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	100%
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	100%
13.03	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, derived from vegetable products: ex B. Pectic substances, pectinates and pectates: — Pectic substances and pectinates	25%
16.04	Prepared or preserved fish, including caviar and caviar substitutes: A. Caviar and caviar substitutes B. Salmonidae C. Herring E. Tunny F. Bonito ( <i>Sarda sp.p.</i> ) mackerel and anchovies G. Other	100% 100% 100% 60% 100% 100%
16.05	Crustaceans and molluscs, prepared or preserved	100%
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: — Without added sugar, with the exception of gherkins	100%
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: A. Mushrooms: — Forced mushrooms <sup>(1)</sup> — Other B. Truffles ex C. Tomatoes: — Peeled tomatoes D. Asparagus F. Capers and olives	50% 60% 70% 30% 20% 100%

(a) This concession is solely for seeds complying with the provisions of the Directives on the marketing of seeds and plants.

(<sup>1</sup>) Read 'Cultivated mushrooms' (see corrigendum: OJ No L 185, 9.7.1976).



CCT heading No	Description	Rate of reduction
20.02 (cont'd)	G. Peas: beans in pod H. Other, including mixtures: — Carrots and mixtures — Others	20% 20% 50%
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar: A. Chestnut purée and paste: II. Other B. Jams and marmalades of citrus fruit: III. Other C. Other: III. Other	50% 50% 50%
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: B. Other: II. Not containing added spirit: a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg: 2. Grapefruit segments ex 3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids — Comminuted ex 7. Peaches and apricots: — Apricots ex 8. Other fruits: — Comminuted oranges and lemons b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less: 2. Grapefruit segments ex 3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids: — Comminuted ex 8. Other fruits: — Comminuted oranges and lemons c) Not containing added sugar, in immediate packings of a net capacity: 1. Of 4.5 kg or more: ex aa) Apricots: — Apricot halves ex bb) Peaches (including nectarines) and plums: — Peach halves and nectarine halves ex dd) Other fruits: — Grapefruit segments — Citrus pulp — Comminuted citrus fruit	80% 80% 20% 80% 80% 80% 50% 50% 80% 40% 80%

CCT heading No	Description	Rate of reduction
20.06 (cont'd)	2. Of less than 4.5 kg: ex bb) Other fruits and mixtures of fruit: — Apricot halves, peach halves and nectarine halves — Grapefruit segments — Comminuted citrus fruit	50 % 80 % 80 %
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit: A. Of a specific gravity exceeding 1.33 at 15 °C: III. Other: ex a) Of a value exceeding 30 u.a. per 100 kg net weight: — Orange juice — Grapefruit juice — Other citrus fruit juices ex b) Of a value not exceeding 30 u.a. per 100 kg net weight: — Orange juice — Grapefruit juice — Other citrus fruit juices B. Of a specific gravity of 1.33 or less at 15 °C: II. Other: a) Of a value exceeding 30 u.a. per 100 kg net weight: 1. Orange juice 2. Grapefruit juice ex 3. Lemon juice and other citrus fruit juices: — Other citrus fruit juices (excluding lemon juice) b) Of a value of 30 u.a. or less per 100 kg net weight: 1. Orange juice 2. Grapefruit juice	70 % 70 % 60 % 70 % 70 % 60 % 70 % 70 % 60 % 70 % 70 %
23.01	Flours and meals, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption; greaves	100 %

2. As from the implementation of Community rules on potatoes, the tariff reduction provided for in paragraph 1 for the products of subheading 07.01 A II ex a) shall be 50% and shall be applicable for the period from 1 January to 15 April.

3. Paragraph 1 shall apply to fresh lemons of subheading 08.02 ex C of the Common Customs Tariff on condition that on the internal Community market the prices of lemons imported from Tunisia are, after

customs clearance and deduction of import charges other than customs duties, not less than the reference price plus the incidence on that reference price of the customs duties actually applied in respect of third countries and a fixed amount of 1·20 units of account per 100 kilograms.

4. The import charges other than customs duties referred to in paragraph 3 shall be those laid down for calculating the entry prices referred to in Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables.

However, the Community shall be entitled to calculate the amount to be deducted in respect of the import charges other than customs duties referred to in paragraph 3 in such a way, according to origin, as to avoid difficulties which may arise from the incidence of those charges on entry prices.

Articles 23 to 28 of Regulation (EEC) No 1035/72 shall continue to apply.

#### *Article 9*

1. Provided that Tunisia levies a special charge on exports of olive oil, other than olive oil having undergone a refining process, falling within subheading 15.07 A II of the Common Customs Tariff and provided also that this special charge is reflected in the import price, the Community shall take the necessary measures to ensure that:

- (a) the levy on imports into the Community of the said olive oil, wholly obtained in Tunisia and transported direct from that country to the Community, is the import levy calculated in accordance with Article 13 of Regulation No 136/66/EEC on the establishment of a common organization of the market in oils and fats, less 0·50 unit of account per 100 kilograms;
- (b) the amount of the levy calculated in the manner described under (a) is reduced by an amount equal to that of the special charge paid but not exceeding 10 units of account per 100 kilograms.

2. If Tunisia does not levy the charge referred to in paragraph 1, the Community shall take the necessary measures to ensure that the levy on imports into the Community of olive oil, other than olive oil having

undergone a refining process, falling within subheading 15.07 A II of the Common Customs Tariff, is the import levy calculated in accordance with Article 13 of Regulation No 136/66/EEC on the establishment of a common organization of the market in oils and fats, less 0.50 unit of account per 100 kilograms.

3. Each Contracting Party shall take the measures necessary for implementation of paragraph 1 and, in the event of difficulties and at the request of the other Contracting Party, shall supply the information required for the proper operation of the system.

4. Consultations on the functioning of the system provided for in this Article shall take place within the Joint Committee at the request of one of the Contracting Parties.

#### *Article 10*

Without prejudice to the collection of the variable component of the levy calculated in accordance with Article 14 of Regulation No 136/66/EEC, the fixed component shall not be imposed on imports into the Community of olive oil having undergone a refining process, falling within subheading 15.07 A I of the Common Customs Tariff, wholly obtained in Tunisia and transported direct from that country to the Community.

#### *Article 11*

1. From 1 July 1976, prepared and preserved sardines, falling within subheading 16.04 D of the Common Customs Tariff, originating in Tunisia may be imported into the Community free of customs duties subject to observance of the minimum prices set out in Annex C.

2. Exemption from the customs duties referred to in paragraph 1 shall apply only from the date and for the periods determined by the exchanges of letters laying down the technical rules for applying this Article.

#### *Article 12*

1. Customs duties on imports into the Community of the products originating in Tunisia which are listed below shall be reduced by the following rates:

CCT heading No	Description	Rate of reduction
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: ex C. Tomatoes: — Tomato concentrates	30%
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: B. Other: II. Not containing added spirit: a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg: ex 9. Mixtures of fruit: — Fruit salad b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less: ex 9. Mixtures of fruit: — Fruit salad	55%

2. The tariff reduction referred to in paragraph 1 shall apply only from the date and for the periods determined by exchanges of letters to be concluded annually<sup>(1)</sup> between the Contracting Parties for the purpose of establishing the conditions and detailed rules for such reduction.

#### *Article 13*

1. Customs duties on imports into the Community of wine of fresh grapes falling within heading No. ex 22.05 of the Common Customs Tariff originating in Tunisia shall be reduced by 80%, provided that the import prices of such wine plus the customs duties actually levied are not less at any given time than the Community reference prices for such wine.

<sup>(1)</sup> The word 'annually' should be deleted (see corrigendum: OJ No L 185, 9.7.1976).

2. Wine referred to in paragraph 1 which is entitled to a designation of origin under Tunisian law, is listed in an exchange of letters to be concluded between the Contracting Parties, and is put up in bottles, shall be exempt from customs duties on importation into the Community within the limits of an annual Community tariff quota of 50 000 hectolitres.

In order to qualify for the treatment specified in the first subparagraph the wine must be put up in containers holding two litres or less.

For the purposes of applying this paragraph, Tunisia shall be responsible for verifying the identity of the above wine in accordance with its national rules, particularly as regards analysis criteria. To this end, all the wine concerned shall be accompanied by a certificate of designation of origin issued by the relevant Tunisian authority, in accordance with the model given in Annex D to this Agreement.

3. The tariff reduction provided for in paragraph 2 shall be applicable once the exchange of letters referred to in paragraph 2 has been concluded following verification of the equivalence of Tunisian and Community legislation with regard to wine entitled to a designation of origin; it shall be applied from the date fixed in that exchange of letters.

#### *Article 14*

1. Customs duties on imports into the Community of the following products originating in Tunisia shall be reduced by 30% within the limits of an annual Community tariff quota of 4 300 metric tons.

CCT heading No	Description
22.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: B. Other: II. Not containing added spirit: c) Not containing added sugar, in immediate packings of a net capacity: 1. Of 4.5 kg or more: ex aa) Apricots: — Apricot pulp

2. If paragraph 1 does not apply to a full calendar year, the tariff quota shall be opened *pro rata*.

#### *Article 15*

1. The Community shall take all necessary measures to ensure that the levy on imports into the Community of bran, sharps and other residues derived from the sifting, milling or other working of cereals, other than of maize and rice, falling within subheading 23.02 A II of the Common Customs Tariff and originating in Tunisia, is the import levy calculated in accordance with Article 2 of Regulation (EEC) No 1052/68 on the import and export system for products processed from cereals and from rice, less a fixed amount equivalent to 60% of the variable component of the levy, and that the fixed component is not imposed.

2. The provisions of paragraph 1 shall apply provided that Tunisia levies on exports of the products referred to therein a special charge equal to the amount by which the levy is reduced and that this charge is reflected in the Community import price.

3. Detailed rules for the application of this Article shall be laid down in an exchange of letters between the Community and Tunisia.

4. Consultations on the functioning of the arrangement provided for in this Article shall take place within the Joint Committee at the request of one of the Contracting Parties.

#### *Article 16*

1. The rates of reduction specified in Articles 8, 11, 12, 13 and 14 shall apply to the customs duties actually applied in respect of third countries.

2. However, the duties resulting from the reductions made by Denmark, Ireland and the United Kingdom may in no case be lower than those applied by the said countries to the Community as originally constituted.

3. In derogation from paragraph 1, should the application thereof temporarily result in tariff movements away from alignment on the final duty, Denmark, Ireland and the United Kingdom may maintain their

duties until the level of these duties has been reached on the occasion of a subsequent alignment, or they may apply the duty resulting from a subsequent alignment as soon as a tariff movement reaches or passes the said level.

4. The reduced duties calculated in accordance with Articles 8, 11, 12, 13 and 14 shall be rounded off to the first decimal place.

However, subject to the application by the Community of Article 39 (5) of the Act concerning the conditions of accession and the adjustments to the Treaties referred to in Article 3, as regards the specific duties or the specific part of the mixed duties in the Customs Tariffs of Ireland and of the United Kingdom, the reduced duties shall be rounded off to the fourth decimal place.

5. In the new Member States the variable component of the levy referred to in Article 15 shall be calculated taking into account the rates actually applied in respect of third countries.

#### *Article 17*

1. Should specific rules be introduced as a result of implementation of its agricultural policy or modification of the existing rules, or should the provisions on the implementation of its agricultural policy be modified or developed, the Community may modify the arrangements laid down in the Agreement in respect of the products concerned.

In such cases the Community shall take appropriate account of the interests of Tunisia.

2. If the Community, in applying paragraph 1, modifies the arrangements made by this Agreement for products covered by Annex II to the Treaty establishing the European Economic Community, it shall accord imports originating in Tunisia an advantage comparable to that provided for in this Agreement.

3. Any modification of the arrangements made by this Agreement shall be the subject, at the request of the other Contracting Party, of consultations within the Joint Committee.



## C. COMMON PROVISIONS

### *Article 18*

1. The products originating in Tunisia referred to in this Agreement may not enjoy more favourable treatment when imported into the Community than that applied by the Member States between themselves.
2. For the application of paragraph 1, account shall not be taken of the customs duties and charges having equivalent effect resulting from the application of Articles 32, 36 and 59 of the Act concerning the conditions of accession and the adjustments to the Treaties referred to in Article 3.

### *Article 19*

1. Subject to the special provisions relating to frontier-zone trade, Tunisia shall grant the Community in the field of trade treatment no less favourable than most-favoured-nation treatment.
2. Paragraph 1 shall not apply in the case of the maintenance or establishment of customs unions or free-trade areas.
3. Furthermore, Tunisia may derogate from the provisions of paragraph 1 in the case of measures adopted with a view to the economic integration of the Maghreb, or measures benefiting the developing countries. Such measures shall be notified to the Community.

### *Article 20*

1. The Contracting Parties shall inform each other, within three months of the date of signature of this Agreement, of the provisions relating to the trade arrangements they apply.
2. Tunisia shall be entitled to introduce into its trade arrangements with the Community new customs duties or charges having equivalent effect and new quantitative restrictions or measures having equivalent effect and to increase the duties or charges and the quantitative restrictions or measures having equivalent effect applied to products originating in or going to the Community, where such measures are necessitated by Tunisia's industrialization and development requirements. Such measures shall be notified to the Community.

For the application of these measures consultations shall be held within the Joint Committee at the request of the other Contracting Party.

#### *Article 21*

Where Tunisia applies quantitative restrictions in the form of quotas to a given product in accordance with its own legislation it shall treat the Community as a single entity.

#### *Article 22*

The concept of 'originating products' for the purposes of implementing this Title and the methods of administrative cooperation relating thereto are laid down in the Protocol annexed to this Agreement.

#### *Article 23*

In the event of modifications to the nomenclature of the customs tariffs of the Contracting Parties affecting products referred to in this Agreement, the Joint Committee may adapt the tariff nomenclature of these products to conform with such modifications, subject to the maintenance of the real advantages resulting from this Agreement.

#### *Article 24*

The Contracting Parties shall refrain from any measure or practice of an internal fiscal nature establishing, whether directly or indirectly, discrimination between the products of one Contracting Party and like products originating in the territory of the other Contracting Party.

Products exported to the territory of one of the Contracting Parties may not benefit from repayment of internal taxation in excess of the amount of direct or indirect taxation imposed upon them.

#### *Article 25*

Payments relating to commercial transactions carried out in accordance with foreign trade and exchange regulations and the transfer of such

payments to the Member State of the Community in which the creditor is resident or to Tunisia shall be free from any restrictions.

#### *Article 26*

The Agreement 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 or plants; the protection of national treasures of artistic, historic or archaeological value; the protection of industrial and commercial property, or rules relating to gold or silver. Such prohibitions or restrictions must not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Contracting Parties.

#### *Article 27*

1. If one of the Contracting Parties finds that dumping is taking place in trade with the other Contracting Party, it may take appropriate measures against this practice in accordance with the Agreement on implementation of Article VI of the General Agreement on Tariffs and Trade, under the conditions and in accordance with the procedures laid down in Article 29.

2. In the event of measures being directed against bounties or subsidies the Contracting Parties undertake to respect the provisions of Article VI of the General Agreement on Tariffs and Trade.

#### *Article 28*

If serious disturbances arise in any sector of the economy or if difficulties arise which might bring about serious deterioration in the economic situation of a region, the Contracting Party concerned may take the necessary safeguard measures under the conditions and in accordance with the procedures laid down in Article 29.

#### *Article 29*

1. In the event of a Contracting Party subjecting imports of products liable to give rise to the difficulties referred to in Article 28 to an adminis-

trative procedure, the purpose of which is to provide rapid information on the trend of trade flows, it shall inform the other Contracting Party.

2. In the cases specified in Articles 27 and 28, before taking the measures provided for therein or, in cases to which paragraph 3 (b) applies, as soon as possible, the Contracting Party in question shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Contracting Parties.

In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement. Such measures must not exceed the limits of what is strictly necessary to counteract the difficulties which have arisen.

The safeguard measures shall be notified immediately to the Joint Committee and shall be the subject of periodic consultations within the Joint Committee, particularly with a view to their abolition as soon as circumstances permit.

3. For the implementation of paragraph 2, the following provisions shall apply:

- (a) as regards Articles 27 and 28, consultation in the Joint Committee shall take place before the Contracting Party concerned takes the appropriate measures;
- (b) where exceptional circumstances requiring immediate action make prior examination impossible, the Contracting Party concerned may, in the situations specified in Articles 27 and 28, apply forthwith such precautionary measures as are strictly necessary to remedy the situation.

### *Article 30*

Where one or more Member States of the Community or Tunisia is in serious difficulties or is seriously threatened with difficulties as regards its balance of payments, the Contracting Party concerned may take the necessary safeguard measures. In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement. They shall be notified immediately to the other Contracting Party and shall be the subject of periodic consultations within the Joint Committee, particularly with a view to their abolition as soon as circumstances permit.

## Title II

### GENERAL AND FINAL PROVISIONS

#### *Article 31*

1. A Joint Committee is hereby established which shall have the power, for the purpose of attaining the objectives set out in the Agreement, to take decisions in the cases provided for in the Agreement.

The decisions taken shall be binding on the Contracting Parties, which shall take such measures as are required to implement them.

2. The Joint Committee may also formulate any resolutions, recommendations or opinions which it considers desirable for the attainment of the common objectives and the smooth functioning of the Agreement.

3. The Joint Committee shall adopt its rules of procedure.

#### *Article 32*

1. The Joint Committee shall be composed of representatives of the Community on the one hand and of representatives of the Republic of Tunisia on the other.

2. The Joint Committee shall act by mutual agreement between the Community and Tunisia.

#### *Article 33*

1. The office of Chairman of the Joint Committee shall be held alternately by each of the Contracting Parties, in accordance with detailed rules to be laid down in its rules of procedure.

2. Meetings of the Joint Committee shall be called by its chairman.

The Joint Committee shall, in addition, meet whenever necessary, at the request of one of the Contracting Parties, in accordance with the conditions to be laid down in its rules of procedure.

3. The Joint Committee may decide to set up any working party that can assist it in carrying out its duties.

#### *Article 34*

Either Contracting Party shall, if so requested by the other Contracting Party, provide all relevant information on any agreements it concludes involving tariff or trade provisions, and on any amendments to its customs tariff or external trade arrangements.

Where such amendments or agreements have a direct and particular incidence on the functioning of the Agreement, appropriate consultations shall be held within the Joint Committee at the request of the other Contracting Party so that the interests of the Contracting Parties may be taken into consideration.

#### *Article 35*

When the Community concludes an Association Agreement having a direct and particular incidence on the functioning of the Agreement, appropriate consultations shall be held within the Joint Committee so that the Community may take into consideration the interests of the Contracting Parties as defined by this Agreement.

#### *Article 36*

1. The Contracting Parties shall take any general or specific measures required to fulfil their obligations under the Agreement. They shall see to it that the objectives set out in the Agreement are attained.

2. If either Contracting Party considers that the other Contracting Party has failed to fulfil an obligation under the Agreement, it may take appropriate measures. Before so doing, it shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Contracting Parties.

In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement. These measures shall be notified immediately to the Joint Committee and shall be the subject of consultations within the Joint Committee if the other Contracting Party so requests.

#### *Article 37*

Nothing in the Agreement shall prevent a Contracting Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;
- (b) which relate to trade in arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;
- (c) which it considers essential to its security in time of war or serious international tension.

#### *Article 38*

In the fields covered by the Agreement:

- the arrangements applied by Tunisia in respect of the Community shall not give rise to any discrimination between the Member States, their nationals, or their companies or firms;
- the arrangements applied by the Community in respect of Tunisia shall not give rise to any discrimination between Tunisian nationals, companies or firms.

#### *Article 39*

The Protocol on the definition of the concept of 'originating products' and methods of administrative cooperation, and Annexes A, B, C and D shall form an integral part of the Agreement. The declarations and exchanges of letters shall appear in the Final Act, which shall form an integral part of the Agreement.

#### *Article 40*

This Agreement shall apply, on the one hand, to the territories to which the Treaty establishing the European Economic Community applies under the conditions laid down in that Treaty and, on the other, to the territory of the Republic of Tunisia.

#### *Article 41*

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, German, Italian and Arabic languages, each of these texts being equally authentic.

#### *Article 42*

1. This Agreement shall be subject to approval by the Contracting Parties in accordance with their own procedures. They shall notify each other when the procedures necessary to this end have been completed.

2. This Agreement shall enter into force on the first day of the second month following the date on which the notifications provided for in paragraph 1 have been carried out.

It shall be applicable until the entry into force of the Cooperation Agreement signed this day or until 30 June 1977, whichever is the earlier. However, the period during which this Agreement is applied shall be taken into account for the purposes of applying Article 12 (2) of the Cooperation Agreement and also for the purposes of the declaration by the Community on the provisions of Article 20 (2) of the said Cooperation Agreement.



Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne interimsaftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Interimsabkommen gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Interim Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord intérimaire.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo interinale.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Interimovereenkomst hebben gesteld.

واتهاذا لذلك ، وقع المفوضون اسفل هذا الاتفاق المؤقت .

Udfærdiget i Tunis, den femogtyvende april nitten hundrede og seksoghalvfjerds.

Geschehen zu Tunis am fünfundzwanzigsten April neunzehnhundertsechundsiebzig.

Done at Tunis this twenty-fifth day of April in the year one thousand nine hundred and seventy-six.

Fait à Tunis, le vingt-cinq avril mil neuf cent soixante-seize.

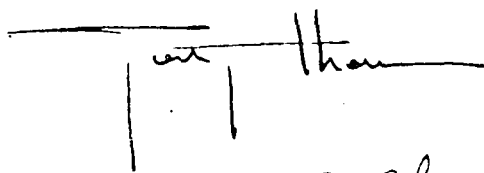
Fatto a Tunisi, addì venticinque aprile millenovecentosettantasei.

Gedaan te Tunis, de vijfentwintigste april negentienhonderd zesenzeventig.

حرر بالبراطية ، في السابع والعشرين من شهر ابريل سنة الف وتسعمائة وستة وسبعين

For Rådet for De europæiske Fællesskaber  
Für den Rat der Europäischen Gemeinschaften  
For the Council of the European Communities  
Pour le Conseil des Communautés européennes  
Per il Consiglio delle Comunità europee  
Voor de Raad van de Europese Gemeenschappen

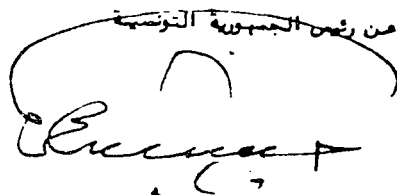
عن مجلس المجموعات الاوروبية



C. Cheyrou

For præsidenten for Derf tunesiske Republik  
Für den Präsidenten der Tunesischen Republik  
For the President of the Republic of Tunisia  
Pour le président de la République tunisienne  
Per il presidente della Repubblica di Tunisia  
Voor de President van de Republiek Tunesië

عن رئيس الجمهورية التونسية



ANNEX A

relating to the products referred to in Article 7

CCT heading No	Description
ex 17.04	Sugar confectionery, not containing cocoa, but not including liquorice extract containing more than 10% by weight of sucrose but not containing other added substances
18.06	Chocolate and other food preparations containing cocoa
19.01	Malt extract
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
19.03	Macaroni, spaghetti and similar products
19.04	Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches
19.05	Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, cornflakes and similar products)
19.06	Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion
ex 21.01	Roasted chicory and other roasted coffee substitutes, extracts, essences and concentrates thereof: — Excluding roasted chicory and extracts thereof
21.06	Natural yeasts (active or inactive); prepared baking powders: A. Active natural yeasts: II. Bakers' yeast
ex 21.07	Food preparations not elsewhere specified or included, containing sugar, dairy products, cereals or products based on cereals <sup>(1)</sup>
ex 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: — Containing milk or milkfats

<sup>(1)</sup> This heading covers only products which, on importation into the Community, are subject to the duty laid down in the Common Customs Tariff, comprising an *ad valorem* duty constituting the fixed component and a variable component.

CCT heading No	Description
29.04	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrated derivatives: C. Polyhydric alcohols: II. Mannitol III. Sorbitol
35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues
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: I. With a basis of amylaceous substances
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: T. Sorbitol, other than that falling within subheading 29.04 C III: I. In aqueous solution: a) Containing 2% or less by weight of mannitol, calculated on the sorbitol content b) Other II. Other: a) Containing 2% or less by weight of mannitol, calculated on the sorbitol content b) Other

## *ANNEX B*

**concerning olive oil, other than olive oil having undergone a refining process, falling within subheading 15.07 A II of the Common Customs Tariff**

In order to take account of:

- the importance of olive oil for the Tunisian economy;
- the programmes and efforts undertaken by Tunisia to rationalize and improve the conditions on its olive-oil market;
- the traditional trade flows in this product between Tunisia and the European Economic Community,

the amount to be deducted from the amount of the levy in accordance with Article 9 (1) (b) of the Agreement concerning olive oil, other than olive oil having undergone a refining process, falling within subheading 15.07 A II of the Common Customs Tariff shall be increased, in view of the exceptional circumstances at present affecting the olive-oil market, by an additional amount of 10 units of account under the same conditions and arrangements as laid down for the application of Article 9 (1) (b) of the Agreement.

## ANNEX C

Size		Net weight		Semi-gross weight	Capacity	Coefficients	Minimum prices (customs duties included) in u.a. per carton 100 tins			
Trade specifications	Total height (mm)	Ounces	Grams	Grams	cm <sup>3</sup>		Community excluding United Kingdom and Denmark:		United Kingdom and Denmark:	
						in olive oil	other	in olive oil	other	
Rectangular base:										
$\frac{1}{8}$ club	20	2	56	95	53	0.60	11.10	10.20	10.66	9.79
$\frac{1}{4}$ club	25	2 $\frac{1}{2}$	80	120	75	0.70	12.95	11.90	12.43	11.42
$\frac{1}{4}$ reduced	18	2 $\frac{3}{8}$	74	130	73	0.77	14.25	13.09	13.68	12.56
$\frac{1}{2}$ club	30	3 $\frac{1}{4}$	90	140	93	0.80	14.80	13.60	14.21	13.06
$\frac{1}{2}$ special	25	3 $\frac{1}{8}$	90	140	90	0.85	15.73	14.45	15.10	13.87
$\frac{1}{2}$ low plat	24	3 $\frac{3}{8}$	95	145	96	0.90	16.65	15.30	15.98	14.69
$\frac{1}{2}$ club	30	4 $\frac{1}{8}$	125	190	125					
$\frac{1}{2}$ P 25				176	125					
$\frac{1}{2}$ usual	22	3 $\frac{3}{8}$	105	180	106	1.00	18.50	17.00	17.76	16.32
$\frac{1}{2}$ (club 30)				188	130					

$\frac{1}{2}$ usual	24	$4\frac{1}{2}$	125	195	125	1-10	20-35	18-70	19-54	17-95
$\frac{1}{2}$ usual	30	$5\frac{1}{2}$	150	240	169					
$\frac{1}{2}$ club	40	$8\frac{1}{2}$	175	250	178	1-30	24-05	22-10	23-09	21-22
$\frac{1}{2}$ P 30				250	187					
$\frac{1}{2}$ American	30	7	200	300	207	1-60	29-60	27-20	28-42	26-11
$\frac{1}{2}$ usual	40	$9\frac{1}{2}$	260	326	250					
$\frac{1}{2}$ P				337	250	1-80	33-30	30-60	31-97	29-38
$\frac{1}{2}$ club long	40	$8\frac{3}{4}$	248	320	241					
$\frac{1}{2}$ low	30	$9\frac{1}{2}$	260	370	245	2-20	40-70	37-40	39-07	35-90
$\frac{1}{2}$ usual long	40	$11\frac{1}{2}$	325	423	313	2-50	46-25	42-50	44-40	40-80
$\frac{1}{2}$ usual	48	11	310	390	297	2-60	48-10	44-20	46-18	42-43
$\frac{1}{2}$ large	40	$11\frac{1}{2}$	325	460	330					
$\frac{1}{2}$ P				476	375	2-70	49-95	45-90	47-95	44-06
$\frac{1}{4}$				902	750					
$\frac{4}{4}$	80	$27\frac{1}{2}$	780	950	771	4-65	86-03	79-05	82-58	75-89
Oval base:										
$\frac{1}{2}$ oval	40	15	425	555	452	3-40	62-90	57-80	60-38	55-49

## ANNEX D

1. المصدر - Eksportør - Ausführer - Exporter - Exportateur - Esportatore - Exporteur:	2. الرقم - Nummer - Nummer - Nummer - Numéro - Numero - Nummer	00000
4. المرسل اليه - Modtager - Empfänger - Consignee - Destinataire - Destinatario - Geadresseerde:	3. (Name of authority guaranteeing the designation of origin)	
6. وسيلة النقل - Transportmiddel - Beförderungsmittel - Means of transport - Moyen de transport - Mezzo di trasporto - Vervoermiddel:	5. شهادة التسمية الاصلية CERTIFIKAT FOR OPRINDELSESBETEGNELSE BESCHEINIGUNG DER URSPRUNGSBEZEICHNUNG CERTIFICATE OF DESIGNATION OF ORIGIN CERTIFICAT D'APPELLATION D'ORIGINE CERTIFICATO DI DENOMINAZIONE DI ORIGINE CERTIFICAAT VAN BENAMING VAN OORSPRONG	
8. مكان الانزاع - Losningssted - Entladungsort - Place of unloading - Lieu de déchargement - Luogo di sbarco - Plaats van lossing:	7. (Designation of origin)	
9. الانواع والارقام ، عدد ونوع الطرود Mærker og numre, kollienes antal og art Zeichen und Nummern, Anzahl und Art der Packstücke Marks and numbers, number and kind of packages Marques et numéros, nombre et nature des colis Marca e numero, quantità e natura dei colli Merken en nummers, aantal en soort der colli	10. الوزن الخام Bruttovægt Rohgewicht Gross weight Poids brut Peso lordo Brutogewicht	11. لمترات Liter Liter Litres Litres Litri Liter



7

12. **ليترات (بالحروف)** - Liter (i bogstaver) - Liter (in Buchstaben) - Litres (in words) - Litres (en lettres) - Litri (in lettere) -  
Liter (voluit):

13. **تأشيرة الهيئة العرسلة** - Påtegning fra udstedende organ - Bescheinigung der erteilenden Stelle - Certificate of the  
issuing authority - Visa de l'organisme émetteur - Visto dell'organismo emittente - Visum van de instantie van afgifte:

14. **تأشيرة الجمارك** - Toldstedets attest - Sichtvermerk der  
Zollstelle - Customs stamp - Visa de la douane - Visto della  
dogana - Visum van de douane

(Oversættelse se nr. 15 - Über-  
setzung siehe Nr. 15 - see the translation under No 15 -  
Voir traduction au n° 15 - Vedi traduzione al n. 15 - Zie voor  
vertaling nr. 15)

15. Det bekræftes, at vinen, der er nævnt i dette certifikat, er fremstillet i ..... området og ifølge tunesisk lovgivning er berettiget til oprindelsesbetegnelsen: ».....«

*Alkohol tilsat denne vin er alkohol fremstillet af vin.*

Wir bestätigen, daß der in dieser Bescheinigung bezeichnete Wein im Bezirk ..... gewonnen wurde und ihm nach tunesischem Gesetz die Ursprungsbezeichnung „.....“ zuerkannt wird.

*Der diesem Wein zugefügte Alkohol ist aus Wein gewonnener Alkohol.*

We hereby certify that the wine described in this certificate is wine produced within the wine district of ..... and is considered by Tunisian legislation as entitled to the designation of origin '.....'

*The alcohol added to this wine is alcohol of vinous origin.*

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de ..... et est reconnu, suivant la loi tunisienne, comme ayant droit à la dénomination d'origine «.....»

*L'alcool ajouté à ce vin est de l'alcool d'origine vinique.*

Si certifica che il vino descritto nel presente certificato è un vino prodotto nella zona di ..... ed è riconosciuto, secondo la legge tunisina, come avente diritto alla denominazione di origine «.....»

*L'alcole aggiunto a questo vino è alcole di origine vinica.*

Wij verklaren dat de in dit certificaat omschreven wijn is vervaardigd in het wijndistrict van ..... en dat volgens de Tunesische wetgeving de benaming van oorsprong „.....“ erkend wordt.

*De aan deze wijn toegevoegde alcohol is alcohol, uit wijn gewonnen.*

16. (!)

7

يحتفظ بهذه الخانة لبيانات اخرى من الدولة المصدرة

- (1) Rubrik forbeholdt eksportlandets andre angivelser.
- (2) Diese Nummer ist weiteren Angaben des Ausfuhrlandes vorbehalten.
- (3) Space reserved for additional details given in the exporting country.
- (4) Case réservée pour d'autres indications du pays exportateur.
- (5) Spazio riservato per altre indicazioni del paese esportatore.
- (6) Ruimte bestemd voor andere gegevens van het land van uitvoer.

## PROTOCOL

### on 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 Agreement and without prejudice to paragraphs 2 and 3, on condition that they were transported in conformity with Article 5, the following shall be considered as:

(a) products originating in Tunisia:

- products wholly obtained in Tunisia,
- products obtained in Tunisia, in the manufacture of which products other than those wholly obtained in Tunisia are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 3;

(b) products originating in the Community:

- products wholly obtained in the Community,
- 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.

2. For the purpose of implementing the first indent of paragraph 1 (a), when products wholly obtained in Algeria, in Morocco or in the Community undergo working or processing in Tunisia, they shall be considered as having been wholly obtained in Tunisia.

For the purpose of implementing the second indent of paragraph 1 (a), working or processing carried out in Algeria, in Morocco or in the Community shall be considered as having been carried out in Tunisia, when the products obtained undergo subsequent working or processing in Tunisia.

This paragraph shall apply subject to the condition that the products concerned are transported in conformity with Article 5.

3. For the purpose of implementing the first indent of paragraph 1 (b), when products wholly obtained in Tunisia undergo working or processing in the Community, they shall be considered as having been wholly obtained in the Community.

For the purposes of implementing the second indent of paragraph 1(b), working or processing carried out in Tunisia shall be considered as having been carried out in the Community, when the products obtained undergo subsequent working or processing in the Community.

This paragraph shall apply subject to the condition that the products concerned are transported in conformity with Article 5.

4. In derogation from paragraph 1 where, pursuant to the provisions of the above paragraphs, and provided that all the conditions laid down in those paragraphs are fulfilled, the originating products are obtained in two or more of the States referred to in these provisions or in the Community, they shall be considered as originating products of the State or the Community according to where the last working or processing took place. For this purpose the working or processing referred to in Article 3 (3) shall not be considered as working or processing.

5. The products in List C in Annex IV shall be temporarily excluded from the scope of this Protocol.

6. The provisions contained in paragraph 2 shall only be applicable to Algeria and Morocco in so far as the rules governing trade between Tunisia, Algeria and Morocco, in the field of these provisions, are identical to the provisions of this Protocol, and on condition that the necessary administrative cooperation between Tunisia, Algeria and Morocco for the control of these provisions is established.

### *Article 2*

The following shall be considered as 'wholly obtained' in Tunisia, Algeria, Morocco or the Community within the meaning of Article 1 (1), (2) and (3):

- (a) mineral products extracted from their soil or from their seabed;
- (b) vegetable products harvested there;
- (c) live animals born and raised there;
- (d) products from live animals raised there;
- (e) products obtained by hunting or fishing conducted there;

- (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 there;
- (j) goods produced there exclusively from products specified in subparagraphs (a) to (i).

### *Article 3*

1. For the purpose of implementing Article 1, 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 II, where the special provisions of that list apply;
- (b) working or processing specified in List B in Annex III.

'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 Lists A and 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 1, the following shall always be considered as insufficient working or processing to confer the status of originating product, 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 packaging 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 mixture do not meet the conditions laid down in this Protocol to enable them to be considered as originating in Tunisia, Algeria, Morocco or the Community;
- (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 Lists A and B referred to in Article 3 provide that goods obtained in Tunisia or in the Community 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 a 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 territory of the Contracting Party 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), (2) and (3), originating products whose transport is effected without entering into territory other than that of Tunisia, Algeria, Morocco or the Community shall be considered as transported directly from Tunisia to the Community or from the Community to Tunisia. However, goods originating in Tunisia, Algeria, Morocco or the Community and constituting one single consignment which is not split up may be transported through territory other than that of these countries or the Community 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 and that the goods have remained under the surveillance of the customs authorities in the country of transit or warehousing, that they have not entered into commerce of such countries nor been delivered for home use there and have not undergone operations other than unloading, reloading or any operation designed to maintain 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 or in Tunisia by the production of:

- (a) a through bill of lading issued in the exporting beneficiary country covering the passage through the country of transit; or
- (b) 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 re-loading 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 of products, within the meaning of this Protocol, is given by a movement certificate EUR. 1 of which a specimen is given in Annex V to this Protocol.

However, the evidence of originating status, within the meaning of this Protocol, 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, may be given by a form EUR. 2, of which a specimen is given in Annex VI to this Protocol.

The unit of account (u.a.) has a value of 0.88867088 gram of fine gold. Should the unit of account be changed, the Contracting Parties shall make contact with each other at the level of the Joint Committee to redefine the value in terms of gold.

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 shall be 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 State 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 V to this Protocol, which shall be completed in accordance with this Protocol.
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 Agreement.
5. Applications for movement certificates EUR. 1 must be preserved for at least two years by the customs authorities of the exporting State.

### *Article 8*

1. The movement certificate EUR. 1 shall be issued by the customs authorities of the exporting State, if the goods can be considered 'originating products' within the meaning of the Agreement.
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 State 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 V to this Protocol. This form shall be printed in one or more of the languages in which the Agreement is drawn up. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State; if they are handwritten, they shall be completed in ink and in capital letters.

Each certificate shall measure  $210 \times 297$  mm, a tolerance of up to plus 8 mm or minus 5 mm in the length being allowed. The paper used must be white, sized writing paper not containing mechanical pulp and weighing not less than  $25 \text{ g/m}^2$ . It shall have a printed green guilloche-pattern background making any falsification by mechanical or chemical means apparent to the eye.

The exporting States 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*

A movement certificate EUR. 1 must be submitted, within five months of the date of issue by the customs authorities of the exporting State, to the customs authorities of the importing State where the goods are entered.

#### *Article 12*

Movement certificates EUR. 1 shall be submitted to customs authorities in the importing State, in accordance with the procedures laid down by that State. 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 Agreement.

#### *Article 13*

1. A movement certificate EUR. 1 which is submitted to the customs authorities of the importing State 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 State 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*

It shall always be possible to replace one or more movement certificates by one or more certificates, provided that this is done at the customs office where the goods are located.

#### *Article 16*

Form EUR. 2, a specimen of which is given in Annex VI, shall be completed by the exporter or, under his responsibility, by his authorized representative. It shall be made out in one of the languages in which the Agreement is drawn up and in accordance with the provisions of the domestic law of the exporting State. If it is handwritten it must be completed in ink and in capital letters. If the goods contained in the consignment have already been subject to verification in the exporting State by reference to the definition of the concept of 'originating products' the exporter may refer to this check in the 'remarks' box of form EUR. 2.

Form EUR. 2 shall measure 210 × 148 mm, a tolerance of up to plus 8 mm or minus 5 mm in the length being allowed. 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 States may reserve the right to print the forms themselves or may have them printed by approved printers. In the latter case each form must include a reference to such approval. In addition, each form 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.

These provisions do not exempt exporters from complying with any other formalities required by customs or postal regulations.

### *Article 17*

1. Goods sent as small packages to private persons or forming part of travellers' personal luggage shall be admitted as originating products 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 18*

1. Goods sent from the Community or from Tunisia for exhibition in a country other than Algeria and Morocco and sold after the exhibition for importation into Tunisia or into the Community shall benefit on importation from the provisions of the Agreement on condition that the goods meet the requirements of this Protocol entitling them to be recognized as originating in the Community or in Tunisia 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 Tunisia 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 Tunisia or in the Community;
- (c) the goods have been consigned during the exhibition or immediately thereafter to Tunisia or 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 19*

1. When a certificate is issued within the meaning of Article 7 (2) of this Protocol 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 Protocol:

— 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 EFTERFØLGENDE', "سَلَمَةٌ فِي وَقْتٍ لَا حَقَّ."

### *Article 20*

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', "نسخة".

### *Article 21*

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 State requested to issue the certificate for products in the manufacture of which products coming from Algeria, Morocco or the Community are used, shall take into consideration the declaration, of which a specimen is given in Annex VII, given by the exporter in the State from which it 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 22 and of which a specimen is given in Annex VIII, 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 22*

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 21 (2), or at the initiative of this exporter, by the competent customs office in the State 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 two years.



### *Article 23*

Tunisia and the Community 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 24*

In order to ensure the proper application of this Title, Tunisia, Algeria, Morocco and the Community 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 referred to in Article 21.

### *Article 25*

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 26*

1. Subsequent verifications of movement certificates EUR. 1 and of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing State 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 State shall return the movement certificate EUR. 1 or the form EUR. 2, or a photocopy thereof, to the customs authorities of the exporting State, 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 the 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 State decide to suspend execution of the Agreement 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 State shall be informed of the results of the verification as soon as possible. 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 State and those of the exporting State, or when they raise a question as to the interpretation of this Protocol, they shall be submitted to the Customs Cooperation Committee provided for in Article 29.

In all cases the settlement of disputes between the importer and the customs authorities of the importing State shall be under the legislation of the said State.

#### *Article 27*

The subsequent verification of the information certificate referred to in Article 21 shall be carried out in the circumstances envisaged in Article 26 following a similar procedure to that envisaged in that Article.

#### *Article 28*

The Joint Committee shall examine annually the application of the provisions of this Protocol and their economic effect with a view to making any necessary changes. This examination may be carried out at more frequent intervals at the request either of the Community or Tunisia.

### *Article 29*

1. A Customs Cooperation Committee shall be set up, charged with carrying out administrative cooperation with a view to the correct and uniform application of this Protocol and with carrying out any other task in the customs field which may be entrusted to it.

2. The Committee shall be composed on the one hand of customs experts of the Member States and of officials of the departments of the Commission of the European Communities who are responsible for customs questions, and on the other hand of Tunisian customs experts.

### *Article 30*

1. The Community and Tunisia shall take any measures necessary to enable movement certificates EUR. 1 as well as forms EUR. 2 to be submitted, in accordance with Articles 11 and 12 of this Protocol, from the day on which the Agreement enters into force.

2. The certificates of type A.TN.1 as well as forms A.TN.2 may be used until stocks are exhausted and at the latest up to and including 30 June 1977, under the conditions laid down by this Protocol.

3. The movement certificates EUR. 1 and the forms EUR. 2 printed in the Member States before the date of the entry into force of the Agreement, and which do not conform to the models in Annexes V and VI to this Protocol, may continue to be used until stocks are exhausted, under the conditions laid down by this Protocol.

### *Article 31*

The Community and Tunisia shall each take the steps necessary to implement this Protocol.

### *Article 32*

The Annexes to this Protocol shall form an integral part thereof.

### *Article 33*

The provisions of the Agreement may be applied to goods which comply with the provisions of Title I and which on the date of the entry into force of the Agreement are either in transit or are in the Community or in Tunisia in temporary storage in bonded warehouses or in free zones subject to the submission to the customs authorities of the importing State within four months of that date of a certificate A.TN.1 issued under the conditions of Article 30 (2) or of a certificate EUR. 1 endorsed retrospectively by the competent authorities of the exporting State together with the documents showing that the goods have been transported directly.

### *Article 34*

The endorsements referred to in Articles 19 and 20 shall be inserted in the 'remarks' box of the certificate.

## ANNEX I

### Explanatory Notes

#### *Note 1 — Articles 1 and 2*

The terms 'the Community' or 'Tunisia' shall also cover the territorial waters of the Member States of the Community or of Tunisia respectively.

Vessels operating on the high seas, including factory ships, on which fish caught is worked or processed, shall be considered as part of the territory of the State to which they belong provided that they satisfy the conditions set out in Explanatory Note 6.

#### *Note 2— Article 1*

In order to determine whether goods originate in the Community, Tunisia, Algeria or Morocco, 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, Tunisia, Algeria or Morocco, 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, Tunisia, Algeria or Morocco.

#### *Note 4—Articles 3 (1), (2) and 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—Article 2 (f)*

The term 'their vessels' shall apply only to vessels:

- which are registered or recorded in a Member State, Tunisia, Algeria or Morocco,
- which sail under the flag of a Member State, Tunisia, Algeria or Morocco,
- which are owned to an extent of at least 50% by nationals of the Member States, Tunisia, Algeria or Morocco or by a company with its head office in a Member State, Tunisia, Algeria or Morocco, of which the manager, managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such board are nationals of the Member States, Tunisia, Algeria or Morocco, of which, in addition in the case of partnerships or limited companies, at least half the capital belongs to the Member States, Tunisia, Algeria or Morocco or to public bodies or nationals of the Member States, Tunisia, Algeria or Morocco,
- of which at least 50% of the crew, captain and officers included, are nationals of the Member States, Tunisia, Algeria or Morocco.

*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 5*

For the purposes of applying Article 5, the ports of embarkation of products originating in Tunisia for destination in the Community are for example:

Algiers — Al-Hoceima — Agadir — Annaba — Arzew — Azilah —  
Bajaia — Beni-Saf — Bizerta — Casablanca — Ceuta — Constantine —  
Dellys — El Jadida — Essaouira — Gabès — Ghazaouet — Ifni —  
Kenitra — Larache — Melilla — Mohammedia — Oran — Rabat —  
Safi — Sfax — Skikda — Sousse — Tangier — Tarfaya — Ténès —  
Tunis.

*Note 9 — Article 24*

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 and in Tunisia, Algeria and Morocco.

## 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

CCT heading No	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
	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
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

CCT heading No	Products obtained Description	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
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	
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
19.04	Tapioca and sago; tapioca and sago substitutes from potato or other starches	Manufacture from potato starch	

CCT heading No	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
	Description		
19.05	Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, corn-flakes 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: A. Nuts  B. Other fruits		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
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	

(1) 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		
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	
ex 23.03	Residues from the manufacture of maize starch (excluding concentrated steeping liquors), 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 Chapter 31 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>(2)</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>(2)</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>(2)</sup>	

(1) This rule does not apply where fruit juices of pineapple, lime and grapefruit are concerned.

(2) 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.

CCT heading No	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
	Description		
35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues		Manufacture from maize or potatoes
37.01	Photographic plates and film in the flat, sensitized, unexposed of any material other than paper, paper-board 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
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: — Fusel oil and Dippel's oil;	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.

CCT heading No	Products obtained Description	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
ex 38.19 (cont'd)	<ul style="list-style-type: none"> <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 alkyl-naphthalenes;</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> <li>— Sorbitol other than sorbitol of heading No 29.04</li> </ul>		
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>

<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		
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
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
50.09 <sup>(2)</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>(2)</sup>	Woven fabrics of noil silk	Manufacture from products of heading No 50.02 or 50.03

- (1) 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.
- (2) 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.

CCT heading No	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
	Description		
51.01 <sup>(1)</sup>	Yarn of man-made fibres (continuous), not put up for retail sale		Manufacture from chemical products or textile pulp
51.02 <sup>(1)</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>(1)</sup>	Yarn of man-made fibres (continuous), put up for retail sale		Manufacture from chemical products or textile pulp
51.04 <sup>(2)</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>(1)</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>(2)</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>(1)</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>(1)</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
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

- (<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:
- 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 No ex 51.01 and ex 58.07;
  - 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		
54.04(1)	Flax or ramie yarn, put up for retail sale		Manufacture from materials of heading No 54.01 or 54.02
54.05(2)	Woven fabrics of flax or of ramie		Manufacture from materials of heading No 54.01 or 54.02
55.05(1)	Cotton yarn, not put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.06(1)	Cotton yarn, put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.07(2)	Cotton gauze		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.08(2)	Terry towelling and similar terry fabrics, of cotton		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.09(2)	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 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

- (1) 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.
- (2) 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.

CCT heading No	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
	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
58.05 <sup>(2)</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>(2)</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

- (1) 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.
- (2) 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.

CCT heading No	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
	Description		
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 or coated		Manufacture either from natural fibres or from chemical products or textile 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 eight 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

<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.

CCT heading No	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
	Description		
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
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 of 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>

(1) 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.

(2) 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.

CCT heading No	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
	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>
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>(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.

CCT heading No	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
	Description		
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>

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, sunblinds, 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

<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.

CCT heading No	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
	Description		
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	
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		
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	
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	
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)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>1)</sup>
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 for 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	

<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.

CCT heading No	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
	Description		
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	
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.

CCT heading No	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
	Description			
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			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>
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>

<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.

CCT heading No	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
	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 <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
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 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		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

(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.

CCT heading No	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
	Description		
76.11	Containers of aluminium for compressed or liquefied 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
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>
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

<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.

CCT heading No	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
	Description		
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

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 screw-driving), 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

<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		
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>(1)</sup> used are originating products
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: <ul style="list-style-type: none"> <li>(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</li> <li>(b) the thread tension, crochet and zigzag mechanisms are originating products</li> </ul>
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	<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>
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	<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>
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)	<p>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</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 this Protocol 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		
ex Chapter 87	Vehicles, other than railway or 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 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
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 this Protocol 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>
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

<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 this Protocol 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		
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 III

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

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
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, 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
ex 31.03	Calcined, crushed and powdered natural aluminium calcium phosphates, treated thermally	Crushing and powdering of calcined natural aluminium calcium phosphates, treated thermally
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 of 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
ex 50.09	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 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		
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

Finished products		Working or processing that confers the status of originating products
CCT 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 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 within 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
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
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

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
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
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 paper-board 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	<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% of the materials and parts<sup>(1)</sup> used for assembly of the head (motor excluded) are originating products, and</p> <p>(b) the thread tension, crochet and zigzag mechanisms are originating products</p>
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>

- (1) 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 this Protocol determining:
    - (i) the value of imported products,
    - (ii) the value of products of undetermined origin.
- (2) 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	
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>(1)</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
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>(2)</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>(2)</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

- 
- (1) 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.
- (2) 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 IV*

**LIST C**

**List of products excluded from the scope of this Protocol**

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



C

*ANNEX V*  
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>  ..... <b>and</b> ..... (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>	<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<sup>(1)</sup>; Description of goods</b>	<b>9. Gross weight (kg) or other measure (litres, m<sup>3</sup>, etc.)</b>	<b>10. Invoices (Optional)</b>	

(1) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

7

**11. CUSTOMS ENDORSEMENT**

Declaration certified  
Export document (2)

Form ..... No .....

Customs office .....

Issuing country or territory .....

.....

.....

Date .....

.....

(Signature)

Stamp

**12. DECLARATION BY THE EXPORTER**

I, the undersigned, declare that the goods described above meet the conditions required for the issue of the attached certificate.

Place and date: .....

.....

.....

(Signature)

(2) Complete only where the regulations of the exporting country or territory require.

<p>13. REQUEST FOR VERIFICATION, to</p>	<p>14. RESULT OF VERIFICATION,</p>
<p>Verification of the authenticity and accuracy of this certificate is requested.</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)</p> <p style="text-align: right;">Stamp</p>	<p>(Place and date)</p> <p style="text-align: right;">Stamp</p>
<p>(Signature)</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

1. Exporter (Name, full address, country)	<b>EUR.1</b> No <b>A</b> 000.000		
	See notes overleaf before completing this form		
3. Consignee (Name, full address, country) (Optional)	2. Application for a certificate to be used in preferential trade between  ..... and ..... (insert appropriate countries, groups of countries or territories)		
	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
6. Transport details (Optional)	7. Remarks		
8. Item number; Marks and numbers; Number and kind of packages <sup>(1)</sup> ; Description of goods	9. Gross weight (kg) or other measure (litres, m <sup>3</sup> , etc.)	10. Invoices (Optional)	

<sup>(1)</sup> If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

*(Front)*

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## 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 (1):

.....

.....

.....



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)

.....  
(1) 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.

## ANNEX VI

Before completing this form read carefully the instructions on the other side.

<b>FORM EUR. 2</b> No		<b>1</b> Form used in preferential trade between (1) ..... and .....	
<b>2</b> <b>Exporter</b> (Name, full address, country)		<b>3</b> <b>Declaration by exporter</b> I, the undersigned, exporter of the goods described below, declare that the goods comply with the requirements for the completion of this form and that the goods have obtained the status of originating products within the provisions governing preferential trade shown in box 1.	
<b>4</b> <b>Consignee</b> (Name, full address, country)		<b>5</b> <b>Place and date</b>	
		<b>6</b> <b>Signature of exporter</b>	
<b>7</b> <b>Remarks</b> (2)		<b>8</b> <b>Country of origin</b> (1)	<b>9</b> <b>Country of destination</b> (4)
			<b>10</b> <b>Gross weight</b> (kg)
<b>11</b> <b>Marks; Numbers of consignment; Description of goods</b>		<b>12</b> <b>Authority in the exporting country</b> (4) responsible for verification of the declaration by the exporter	

(1) Insert the countries, groups of countries or territories concerned.

(2) Refer to any verification already carried out by the appropriate authorities.

(3) The term 'country of origin' means country, group of countries or territory where the goods are considered to be originating.

(4) The term 'country' means country, group of countries or territory of destination.

<p><b>13 Request for verification</b></p> <p>The verification of the declaration by the exporter on the front of this form is requested (*)</p>  <p>..... 19.....          (Place and date) Stamp</p> <p>.....          (Signature)</p>	<p><b>14 Result of verification</b></p> <p>Verification carried out shows that <sup>(1)</sup></p> <p><input type="checkbox"/> the statements and particulars given in this form are accurate.</p> <p><input type="checkbox"/> this form does not meet the requirements as to accuracy and authenticity (see remarks appended.)</p>  <p>..... 19.....          (Place and date) Stamp</p> <p>.....          (Signature)</p> <p>(<sup>1</sup>) Insert X in the appropriate box</p>
---	--

(\*) Subsequent verifications of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubt as to the accuracy of the information regarding the authenticity of the forms and the true origin of the goods in question.

#### Instructions for the completion of form EUR. 2

1. A form EUR.2 may be made out only for goods which in the exporting country fulfil the conditions specified by the provisions governing the trade referred to in box 1. These provisions must be studied carefully before the form is completed.
2. In the case of a consignment by parcel post the exporter attaches the form to the dispatch note. In the case of a consignment by letter post he encloses the form in a package. The reference 'EUR.2' and the serial number of the form should be stated on the customs green label declaration C1 or on the customs declaration C2/CP3, as appropriate.
3. These instructions do not exempt the exporter from complying with any other formalities required by customs or postal regulations.
4. An exporter who uses this form is obliged to submit to the appropriate authorities any supporting evidence which they may require and to agree to any inspection by them of his accounts and of the processes of manufacture of the goods described in box 11 of this form.

*ANNEX VII***Specimen of Declaration**

I, the undersigned, declare that the goods listed on this invoice were obtained in.....

.....

and (as appropriate):

(a) <sup>(1)</sup> satisfy the rules on the definition of the concept of 'wholly obtained products'

or

(b) <sup>(1)</sup> were produced from the following products:

Description	Country of origin <sup>(2)</sup>	Value <sup>(1)</sup>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

and have undergone the following processes:

7

..... (indicate processings)

in

.....

Done at ..... (Signature)

---

(1) Complete if necessary.

(2) Complete if necessary. In the event that:

- the goods originate in a country covered by the Agreement or Convention concerned: indicate the country;
- the products originate in another country: indicate 'third country'.

## ANNEX VIII

1. Supplier <sup>(1)</sup>	<p style="text-align: center;"><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;"> <p><b>EUROPEAN ECONOMIC COMMUNITY</b> and</p> <p>..... (in block letters)</p> </div>	
2. Consignee <sup>(1)</sup>		
3. Processor <sup>(1)</sup>	4. State 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 MEMBER STATE 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>

**IMPORTED GOODS USED**

12. Tariff heading number and description

13. Country of origin <sup>(7)</sup>

14. Quantity <sup>(8)</sup>

15. Value <sup>(2)</sup><sup>(6)</sup>

16. Nature of the working or processing carried out

17. Remarks

**18. CUSTOMS ENDORSEMENT**

Declaration certified

Document .....

Form ..... No .....

Customs office .....

Date

Official stamp

.....  
(Signature)

**19. DECLARATION BY THE SUPPLIER**

I, the undersigned, declare that the information on this certificate is accurate

.....  
(Place)

(Date)

.....  
(Signature)

(Front)

<sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup> <sup>(4)</sup> <sup>(5)</sup> <sup>(6)</sup> See footnotes on verso.

**REQUEST FOR VERIFICATION**

The undersigned customs official requests verification of the authenticity and accuracy of this information certificate

.....  
(Place and date)

Official  
stamp

.....  
(Official's signature)

**RESULT OF VERIFICATION**

Verification carried out by the undersigned customs official shows that this information certificate:

- (a) was issued by the customs office indicated and that the information contained therein is accurate (\*)
- (b) does not meet the requirements as to authenticity and accuracy (see notes appended) (\*)

.....  
(Place and date)

Official  
stamp

.....  
(Official's signature)

.....  
(\*) Delete where not applicable.



## 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) Complete if necessary. In the event that:
  - the goods originate in a country covered by the Agreement or Convention concerned: indicate the country;
  - the products originate in another country: indicate 'third country'.
- (6) The value must be indicated in accordance with the provisions on rules of origin.

## *ANNEX IX*

### **Joint Declaration**

For the implementation of Article 28 of the Protocol, the Community is prepared to examine any request from Tunisia for derogations to the rules of origin after the signature of the Agreement.

## FINAL ACT

The Plenipotentiaries of  
the Council of the European Communities,  
of the one part, and

↳ The President of the Republic of Tunisia,  
of the other part,

meeting at Tunis this twenty-fifth day of April in the year one thousand nine hundred and seventy-six for the purpose of signing the Interim Agreement between the European Economic Community and the Republic of Tunisia,

have, on signing this Agreement,

— adopted the following joint declarations by the Contracting Parties:

1. Joint Declaration by the Contracting Parties on Article 5 (1) of the Agreement,
2. Joint Declaration by the Contracting Parties on Article 8 of the Agreement,
3. Joint Declaration by the Contracting Parties on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff,
4. Joint Declaration by the Contracting Parties on olive oil,
5. Joint Declaration by the Contracting Parties on wines entitled to a designation of origin,
6. Joint Declaration by the Contracting Parties on agricultural products,
7. Joint Declaration by the Contracting Parties on the consultations provided for in Articles 6, 17, 20, 34 and 35 of the Agreement,
8. Joint Declaration by the Contracting Parties on the presentation of the Agreement to GATT by the Community;

— taken note of the following declarations:

1. Declaration by the European Economic Community on Article 13 (2) of the Agreement,
2. Declaration by the European Economic Community on the regional application of certain provisions of the Agreement,
3. Declaration by the representative of the Federal Republic of Germany on the definition of German nationality,
4. Declaration by the representative of the Federal Republic of Germany on the application of the Agreement to Berlin;

— and taken note of the following exchanges of letters:

1. Exchange of letters on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff,
2. Exchange of letters on goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State,
3. Exchange of letters on Articles 26 and 38 of the Agreement.

The declarations and exchanges of letters listed above are annexed to this Final Act.

The Plenipotentiaries have agreed that the declarations and exchanges of letters shall be subjected, in the same manner as the Agreement, to any procedures that may be necessary to ensure their validity.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne slutakt.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diese Schlußakte gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Final Act.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent acte final.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente atto finale.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Slotakte hebben gesteld.

وإثباتا لذلك ، وقع المفوضون اسفل هذا الاتفاق النهائي .

Udfærdiget i Tunis, den femogtyvende april nitten hundrede og seksoghalvfjerds.

Geschehen zu Tunis am fünfundzwanzigsten April neunzehnhundertsechundsiebzig.

Done at Tunis this twenty-fifth day of April in the year one thousand nine hundred and seventy-six.

Fait à Tunis, le vingt-cinq avril mil neuf cent soixante-seize.

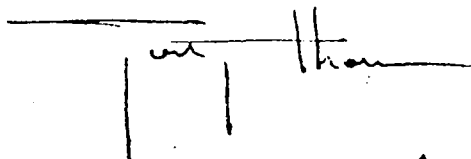
Fatto a Tunisi, addi venticinque aprile millenovecentosettantasei.

Gedaan te Tunis, de vijfentwintigste april negentienhonderd zesenzeventig.

حرر بالرباط ، في السابع والعشرين من شهر ابريل سنة الف وتسعمائة وستة وسبعين

For Rådet for De europæiske Fællesskaber  
Für den Rat der Europäischen Gemeinschaften  
For the Council of the European Communities  
Pour le Conseil des Communautés européennes  
Per il Consiglio delle Comunità europee  
Voor de Raad van de Europese Gemeenschappen

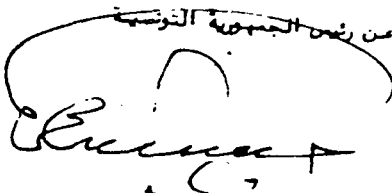
عن رئيس المجموعات الأوروبية



C. Chagnon

For Præsidenten for Den tunesiske Republik  
Für den Präsidenten der Tunesischen Republik  
For the President of the Republic of Tunisia  
Pour le Président de la République tunisienne  
Per il presidente della Repubblica di Tunisia  
Voor de President van de Republiek Tunesië

عن رئيس الجمهورية التونسية



### **Joint Declaration by the Contracting Parties on Article 5 (1) of the Agreement**

The Contracting Parties agree that, should the date of entry into force of the Agreement not coincide with the beginning of the calendar year, the ceilings referred to in Article 5 (1) of the Agreement will be applied *pro rata*.

### **Joint Declaration by the Contracting Parties on Article 8 of the Agreement**

The Contracting Parties agree that, without prejudice to the implementation of the first subparagraph of Article 22 (2) of Regulation (EEC) No 1035/72, the products listed in Article 8 of the Agreement and set out in Annex III to that Regulation shall be admitted into the Community during the period for which the reductions in duty are applicable free of quantitative restrictions and measures having equivalent effect.

Furthermore, the Contracting Parties agree that, where reference is made in the Agreement to the provisions of Articles 23 to 28 of Regulation (EEC) No 1035/71, the Community is referring to the arrangements applicable to third countries at the time of importation of the products in question.

### **Joint Declaration by the Contracting Parties on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff**

The Contracting Parties agree that if, in the light of the results of the Agreement and taking into account the trend of trade flows between the Community and the Mediterranean countries, the advantages accruing from the provisions of Article 8 in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff are or are likely to be jeopardized by abnormal conditions of competition, the situation shall be examined within the Joint Committee in order to identify the problems and seek appropriate solutions.

### **Joint Declaration by the Contracting Parties on olive oil**

The Contracting Parties agree to cooperate closely in order to identify any difficulties which might arise in respect of olive oil and to seek appropriate solutions.

To this end, the Contracting Parties will hold periodic consultations to follow the trend of the olive-oil market.

### **Joint Declaration by the Contracting Parties on wines entitled to a designation of origin**

The Contracting Parties agree that, as regards the wines entitled to a designation of origin referred to in Article 13 (2) of the Agreement, the results of the application of the provision in question will be examined after one year.

### **Joint Declaration by the Contracting Parties on agricultural products**

1. The Contracting Parties declare their readiness to foster, so far as their agricultural policies allow, the harmonious development of trade in agricultural products to which the Agreement does not apply.

As regards veterinary, health and plant health matters the Contracting Parties shall apply their rules in a non-discriminatory fashion and shall refrain from introducing any new measures that have the effect of unduly obstructing trade.

2. They shall examine within the Joint Committee any difficulties that might arise in their trade in agricultural products and shall endeavour to seek appropriate solutions.

### **Joint Declaration by the Contracting Parties on the consultations provided for in Articles 6, 17, 20, 34 and 35 of the Agreement**

For the implementation of the consultations provided for in Articles 6, 17, 20, 34 and 35 of the Agreement, the Community and Tunisia propose



to lay down in the rules of procedure of the Joint Committee suitable procedures in order to ensure appropriate consultations.

**Joint Declaration by the Contracting Parties on the presentation of the Agreement to GATT by the Community**

The Contracting Parties to the Agreement will consult when the provisions of the Agreement that relate to trade are presented and examined under GATT.

**Declaration by the European Economic Community on Article 13 (2) of the Agreement**

Until such time as Tunisia has sufficient plant to bottle the wines entitled to a designation of origin referred to in Article 13 (2), the Community is willing to apply the abovementioned provisions for a period of one year to wine exported in bulk in respect of quantities corresponding to the future capacity of the plant under construction, up to a volume not exceeding 20 000 hl.

**Declaration by the European Economic Community concerning the regional application of certain provisions of the Agreement**

The European Economic Community declares that the application of any measures it may take under Articles 27 and 28 of the Agreement, in accordance with the procedure and under the arrangements set out in Article 29, or under Article 30, may be limited to one of its regions by virtue of Community rules.

**Declaration by the representative of the Federal Republic of Germany on the definition of German nationality**

Every German person, within the meaning of the basic constitutional law applying in the Federal Republic of Germany, is considered as a national of the Federal Republic of Germany.

**Declaration by the representative of the Federal Republic of Germany on  
the application of the Agreement to Berlin**

The Agreement shall also apply to Land Berlin provided that no statement to the contrary by the Government of the Federal Republic of Germany is addressed to the other Contracting Parties within three months of the entry into force of the Agreement.

**Exchange of letters on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff**

Tunis, 25 April 1976.

Sir,

Tunisia considers that the advantages accruing from the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff should enable it to consolidate its competitive position on the Community market.

Should abnormal conditions of competition or market disturbances jeopardize these advantages the purpose of the examination provided for in the joint declaration on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff would be to seek solutions to enable Tunisia to maintain its competitive position in relation to other suppliers to the Community.

I should be grateful if you would acknowledge receipt of this letter.

Please accept, Sir, the assurance of my highest consideration.

**Ismaïl KHELIL**  
*Head of the Tunisian delegation*

Tunis, 25 April 1976.

Sir,

In your letter of today's date you inform me as follows:

'Tunisia considers that the advantages accruing from the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff should enable it to consolidate its competitive position on the Community market.

Should abnormal conditions of competition or market disturbances jeopardize these advantages the purpose of the examination provided for in the joint declaration on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff would be to seek solutions to enable Tunisia to maintain its competitive position in relation to other suppliers to the Community.

I should be grateful if you would acknowledge receipt of this letter.'

I have the honour to acknowledge receipt of your letter. I confirm that in the sector in question the Community is resolved to make every effort to ensure the proper functioning of its organization of the market.

Please accept, Sir, the assurance of my highest consideration.

Jean DURIEUX  
*Head of the delegation  
of the European Economic Community*

**Exchange of letters on goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State**

Tunis, 25 April 1976.

Sir,

I have the honour to inform you that the Representatives of the Governments of the Member States of the European Economic Community have made the following declaration:

1. For those products originating in and coming from Tunisia which are not specified in Title I (Trade cooperation) of the Agreement between that country and the European Economic Community the Protocol on goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State, annexed to the Treaty establishing the European Economic Community, shall remain applicable.
2. For the products specified in Title I, the application of the Protocol referred to in paragraph 1 shall be suspended for the duration of the Agreement and shall take effect again once the Agreement is no longer in force.
3. However, a derogation shall be made for certain products from the suspension referred to in paragraph 2 pending the review which is to take place in 1978 in accordance with Article 54 of the Cooperation Agreement.'

I should be grateful if you would acknowledge receipt of this letter.

Please accept, Sir, the assurance of my highest consideration.

**Jean DURIEUX**  
*Head of the delegation  
of the European Economic Community*

Tunis, 25 April 1976.

Sir,

In your letter of today's date you inform me as follows:

- “1. For those products originating in and coming from Tunisia which are not specified in Title I (Trade cooperation) of the Agreement between that country and the European Economic Community the Protocol on goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State, annexed to the Treaty establishing the European Economic Community, shall remain applicable.
2. For the products specified in Title I, the application of the Protocol referred to in paragraph 1 shall be suspended for the duration of the Agreement and shall take effect again once the Agreement is no longer in force.
3. However, a derogation shall be made for certain products from the suspension referred to in paragraph 2 pending the review which is to take place in 1978 in accordance with Article 54 of Cooperation Agreement.”

I should be grateful if you would acknowledge receipt of this letter.’

I have the honour to acknowledge receipt of your letter.

Please accept, Sir, the assurance of my highest consideration.

Ismail KHELIL

*Head of the Tunisian delegation*

**Exchange of letters on Articles 26 and 38 of the Agreement**

Tunis, 25 April 1976.

Sir,

I have the honour to inform you of the following declaration by my Government on Articles 26 and 38 of the Agreement:

↳ 'The Republic of Tunisia hereby declares that in applying Articles 26 and 38 of the Agreement its undertakings do not require it to repeal laws and regulations in force in so far as they remain necessary for the protection of its essential security interests. Tunisia will see to it that such laws and regulations are applied in such a way as to ensure compliance with Article 36 (1) of the Agreement.'

Please accept, Sir, the assurance of my highest consideration.

Ismaïl KHELIL

*Head of the Tunisian delegation*

Tunis, 25 April 1976.

Sir,

In your letter of today's date you communicate to me a declaration by your Government on Articles 26 and 38 of the Agreement.

I have the honour to inform you of the following declaration by the European Economic Community on Articles 26 and 38 of the Agreement:

1. The European Economic Community notes the declaration by the Republic of Tunisia.
2. The European Economic Community expects the principles set out in the Agreement, including those in Articles 26 and 38 of the Agreement, to be put into full application.

The European Economic Community considers in particular that the application of the principle of non-discrimination should ensure the correct and smooth application of the Agreement.'

Please accept, Sir, the assurance of my highest consideration.

Jean DURIEUX  
*Head of the delegation*  
*of the European Economic Community*



## AGREEMENT

in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of fruit salads originating in Tunisia<sup>(1)</sup>

### COUNCIL REGULATION (EEC) No 1510/76

of 24 June 1976

concluding the Agreement in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of fruit salads originating in Tunisia

#### THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the Republic of Tunisia was signed on 25 April 1976;

Whereas the Interim Agreement<sup>(2)</sup> on the advance implementation of the trade provisions of the Cooperation Agreement signed on the same day enters into force on 1 July 1976;

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<sup>(1)</sup> OJ No L 169, 28.6.1976.

<sup>(2)</sup> OJ No L 141, 28.5.1976.

Whereas the Agreement in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the Interim Agreement between the European Economic Community and the Republic of Tunisia concerning the import into the Community of fruit salads originating in Tunisia should be concluded,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of fruit salads originating in Tunisia is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

*Article 3*

This Regulation shall enter into force on the 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, 24 June 1976.

*For the Council*  
*The President*  
G. THORN

## AGREEMENT

**in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of fruit salads originating in Tunisia**

Sir,

With a view to implementing the 55% reduction in the Common Customs Tariff provided for in Article 19 of the Cooperation Agreement between the European Economic Community and the Republic of Tunisia and in Article 12 of the Interim Agreement, and following the clarifications exchanged concerning the conditions governing imports into the Community of fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff originating in Tunisia, I have the honour to inform you that the Tunisian Government undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 July to 31 December 1976 do not exceed 50 metric tons.

To this end the Tunisian Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the 'Office de Commerce de Tunisie' (Tunisian Board of Trade).

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Board of Trade and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows:

'With a view to implementing the 55% reduction in the Common Customs Tariff provided for in Article 19 of the Cooperation Agreement between the European Economic Community and the Republic of Tunisia and in Article 12 of the Interim Agreement and following the clarifications exchanged concerning the conditions governing imports into the Community of fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Tunisia, I have the honour to inform you that the Tunisian Government undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 July to 31 December 1976 do not exceed 50 metric tons.

To this end the Tunisian Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the "Office de Commerce de Tunisie" (Tunisian Board of Trade).

The guarantees relating to quantities will be met in accordance with the procedures, agreed between the Board of Trade and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.'

I am able to confirm the agreement of the Community with the foregoing and consequently to state that the 55% reduction in the Common Customs Tariff will apply from 1 July to 31 December 1976 to the quantities of fruit salads originating in Tunisia referred to in your letter.

Please accept, Sir, the assurance of my highest consideration.

## AGREEMENT

in the form of an exchange of letters relating to Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of bran and sharps originating in Tunisia<sup>(1)</sup>

### COUNCIL REGULATION (EEC) No 1512/76

of 24 June 1976

concluding the Agreement in the form of an exchange of letters relating to Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of bran and sharps originating in Tunisia

#### THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the Republic of Tunisia was signed on 25 April 1976;

Whereas the Interim Agreement<sup>(2)</sup> on the advance implementation of the trade provisions of the Cooperation Agreement signed on the same day enters into force on 1 July 1976;

Whereas the Agreement in the form of an exchange of letters relating to Article 22 of the Cooperation Agreement and Article 15 of the Interim

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<sup>(1)</sup> OJ No L 169, 28.6.1976.

<sup>(2)</sup> OJ No L 141, 28.5.1976.

Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of bran and sharps originating in Tunisia should be concluded,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement in the form of an exchange of letters relating to Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of bran and sharps originating in Tunisia is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

*Article 3*

This Regulation shall enter into force on the 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, 24 June 1976.

*For the Council*  
*The President*  
G. THORN

## AGREEMENT

**in the form of an exchange of letters relating to Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of bran and sharps originating in Tunisia**

↳  
Sir,

I have the honour to inform you as follows:

For the implementation of Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia it is agreed that the following provisions be adopted:

1. The variable component of the levy on imports into the Community of bran, sharps and other residues derived from the sifting, milling or other working of cereals, other than of maize and rice, falling within subheading 23.02 A II of the Common Customs Tariff and originating in Tunisia shall be as calculated in accordance with Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice, less the amount specified in paragraph 3 below.
2. Paragraph 1 shall apply provided that Tunisia levies on exports of the products referred to a special charge which is equal to the amount by which the variable component of the levy is reduced and is reflected in the Community import price.
3. The amount by which the variable component of the levy is reduced shall be equal to 60% of the average of the variable components of the levies in force during the three months preceding the month in which the amount in question was fixed.

The amount shall be fixed by the Commission not later than the tenth day of the month preceding the quarter during which the amount shall apply.

'Quarter' shall mean a period of three months beginning on 1 February, 1 May, 1 August or 1 November in each year.

However, should the entry into force of the Agreement not coincide with the beginning of one of these quarters, the first reduction in the levy shall be applicable for the month of the current quarter.

4. Proof that the special charge on exports has been collected shall be provided by the insertion by the customs authorities under 'Remarks' on the movement certificate of one of the following endorsements:

Taxe spéciale à l'exportation appliquée

Saerlig udførselsafgift opkraevet

Sonderausfuhrabgabe erhoben

Special export charge collected

Applicata tassa speciale all'esportazione

Bijzondere uitvoerheffing voldaan

(signature and official stamp)

I should be grateful if you would acknowledge this letter and confirm the agreement of your Government with its contents.

Please accept, Sir, the assurance of my highest consideration.



Sir,

In your letter of today's date you inform me as follows:

For the implementation of Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia it is agreed that the following provisions be adopted:

1. The variable component of the levy on imports into the Community of bran, sharps and other residues derived from the sifting milling or other working of cereals, other than of maize and rice falling within subheading 23.02 A II of the Common Customs Tariff and originating in Tunisia shall be as calculated in accordance with Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice, less the amount specified in paragraph 3 below.
2. Paragraph 1 shall apply provided that Tunisia levies on exports of the products referred to a special charge which is equal to the amount by which the variable component of the levy is reduced and is reflected in the Community import price.
3. The amount by which the variable component of the levy is reduced shall be equal to 60% of the average of the variable components of the levies in force during the three months preceding the month in which the amount in question was fixed.

The amount shall be fixed by the Commission not later than the tenth day of the month preceding the quarter during which the amount shall apply.

"Quarter" shall mean a period of three months beginning on 1 February, 1 May, 1 August or 1 November in each year.

However, should the entry into force of the Agreement not coincide with the beginning of one of these quarters, the first reduction in the levy shall be applicable for the month or months of the current quarter.

4. Proof that the special charge on exports has been collected shall be provided by the insertion by the customs authorities under "Remarks" on the movement certificate of one of the following endorsement:

Taxe spéciale à l'exportation appliquée

Saerlig udførselsafgift opkraevet

Sonderausfuhrabgabe erhoben

Special export charge collected

Applicata tassa speciale all'esportazione

Bijzondere uitvoerheffing voldaan

(signature and official stamp)

I should be grateful if you would acknowledge this letter and confirm the agreement of your Government with its contents.'

I have the honour to acknowledge receipt of your letter and to confirm the agreement of my Government with its contents.

Please accept, Sir, the assurance of my highest consideration.

## INFORMATION CONCERNING

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
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— the INTERIM AGREEMENT between the European Economic Community and the Republic of Tunisia<sup>(1)</sup> <sup>(2)</sup>

EEC	25.4.1976	n. 31.5.1976	1.7.1976 <sup>(3)</sup>	until 30.6.1977
TUNISIA				

— the AGREEMENT in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of fruit salads originating in Tunisia<sup>(4)</sup>

EEC	29.6.1976 <sup>(5)</sup>	—	1.7.1976	until 31.12.1976
TUNISIA				

— the AGREEMENT in the form of an exchange of letters relating to Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of bran and sharps originating in Tunisia<sup>(4)</sup>

EEC	29.6.1976 <sup>(5)</sup>	—	1.7.1976	indefinite
TUNISIA				

<sup>(1)</sup> OJ No L 141, 28.5.1976 (see also Volume 4, page 397).

<sup>(2)</sup> Corrigendum: OJ No L 185, 9.7.1976.

<sup>(3)</sup> OJ No L 170, 29.6.1976.

<sup>(4)</sup> OJ No L 169, 28.6.1976. The Cooperation Agreement had not yet entered into force as at 31.12.1976.

<sup>(5)</sup> OJ No L 194, 20.7.1976.



↳

**Agreement  
between the EEC and the Kingdom of Morocco**



## INTERIM AGREEMENT

between the European Economic Community and the  
Kingdom of Morocco (1) (2)

**COUNCIL REGULATION (EEC) No 1288/76**  
**of 28 May 1976**

**on the conclusion of the Interim Agreement between the European Economic  
Community and the Kingdom of Morocco**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the recommendation from the Commission,

Whereas, pending the entry into force of the Cooperation Agreement  
signed in Rabat of 27 April 1976, it is necessary to conclude the Interim  
Agreement between the European Economic Community and the  
Kingdom of Morocco signed in Rabat the same day,

**HAS ADOPTED THIS REGULATION:**

### *Article 1*

The Interim Agreement between the European Economic Community  
and the Kingdom of Morocco and the declarations and exchange of  
letters annexed to the Final Act are hereby concluded, approved and  
confirmed on behalf of the Community.

The texts of the Interim Agreement and of the Final Act are annexed to  
this Regulation.

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(1) OJ No L 141, 28.5.1976.

(2) See corrigendum: OJ No L 185, 9.7.1976.

*Article 2*

The President of the Council shall carry out, on behalf of the Community, the notification procedure provided for in Article 43 of the Interim Agreement.

*Article 3*

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, 28 May 1976.

*For the Council*  
*The President*  
G. THORN



## **INTERIM AGREEMENT**

**between the European Economic Community and the Kingdom of Morocco**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

of the one part, and

**HIS MAJESTY THE KING OF MOROCCO,**

of the other part,

### *PREAMBLE*

WHEREAS a Cooperation Agreement between the European Economic Community and the Kingdom of Morocco was signed this day in Rabat;

WHEREAS pending the entry into force of that Agreement, certain provisions of the Agreement relating to trade in goods should be implemented as speedily as possible by means of an Interim Agreement,

HAVE DECIDED to conclude this Agreement, and to this end have designated as their Plenipotentiaries:

**THE COUNCIL OF THE EUROPEAN COMMUNITIES:**

**Gaston THORN,**

President-in-Office of the Council of the European Communities,  
President and Minister for Foreign Affairs of the Government of the  
Grand Duchy of Luxembourg;

**Claude CHEYSSON,**

Member of the Commission of the European Communities;

**THE KINGDOM OF MOROCCO,**

**Dr Ahmed LARAKI,**

Minister of State responsible for Foreign Affairs.

## Title I

### TRADE COOPERATION

#### *Article 1*

The object of this Agreement is to promote trade between the Contracting Parties, taking account of their respective levels of development and of the need to ensure a better balance in their trade, with a view to increasing the rate of growth of Morocco's trade and improving the conditions of access for its products to the Community market.

#### *A. INDUSTRIAL PRODUCTS*

##### *Article 2*

1. Subject to the special provisions of Articles 4, 5 and 7, products originating in Morocco which are not listed in Annex II to the Treaty establishing the European Economic Community shall be imported into the Community free of quantitative restrictions and measures having equivalent effect, and of customs duties and charges having equivalent effect.
2. The new Member States shall apply the provisions of paragraph 1, it being understood that in no case may they apply more favourable treatment to Morocco than to the Community as originally constituted.

##### *Article 3*

1. In the case of customs duties comprising a protective element and a fiscal element, Article 2 shall apply to the protective element.
2. The United Kingdom shall replace the fiscal element of the customs duties referred to in paragraph 1 by an internal tax in accordance with Article 38 of the Act concerning the conditions of accession and the adjustments to the Treaties of 22 January 1972.

##### *Article 4*

The measures provided for in Article 1 of Protocol 7 to the Act concerning the conditions of accession and the adjustments to the Treaties

referred to in Article 3 on imports of motor vehicles and the motor vehicle assembly industry in Ireland, shall apply to Morocco.

*Article 5*

1. Imports of the following products shall be subject to annual ceilings above which the customs duties actually applied in respect of third countries may be reintroduced in accordance with paragraph 2, the ceiling fixed for the year of the entry into force of the Agreement being indicated in each case.

CCT heading No	Description	Ceiling (in metric tons)
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: A. Light oils: III. For other purposes B. Medium oils: III. For other purposes C. Heavy oils: I. Gas oils: c) For other purposes II. Fuel oils: c) For other purposes III. Lubricating oils; other oils: c) To be mixed in accordance with the terms of Additional Note 7 to Chapter 27 d) For other purposes	175 000
27.11	Petroleum gases and other gaseous hydrocarbons: A. Propane of a purity not less than 99%: I. For use as power or heating fuel B. Other: I. Commercial propane and commercial butane: c) For other purposes	
27.12	Petroleum jelly: A. Crude: III. For other purposes B. Other	

CCT heading No	Description	Ceiling (in metric tons)
27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other purposes II. Other	175 000
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other: II. Other	
45.02	Natural cork in blocks, plates, sheets or strips (including cubes or square slabs, cut to size for corks or stoppers)	50
45.03	Articles of natural cork	600
45.04	Agglomerated cork (being cork agglomerated with or without a binding substance) and articles of agglomerated cork)	2 000

2. When a ceiling fixed for imports of a product referred to in paragraph 1 is reached, the customs duties actually applied in respect of third countries may be reimposed on imports of the product in question until the end of the calendar year.

When imports into the Community of a product subject to ceilings reach 75% of the level fixed, the Community shall inform the Joint Committee.

#### *Article 6*

1. The Community reserves the right to modify the arrangements applicable to the petroleum products falling within subheadings or heading Nos 27.10, 27.11 A and B I, 27.12, 27.13 B or 27.14 of the Common Customs Tariff:

- upon adoption of a common definition of origin for petroleum products,
- upon adoption of decisions under a common commercial policy, or
- upon establishment of a common energy policy.

2. In that event the Community shall ensure that imports of these products will enjoy advantages equivalent to those provided for in this Agreement.

For the application of this paragraph consultations shall be held within the Joint Committee at the request of the other party.

3. Subject to paragraph 1, this Agreement shall not affect the non-tariff rules applied to imports of petroleum products.

#### *Article 7*

For goods resulting from the processing of agricultural products listed in Annex A, the reductions specified in Article 2 shall apply to the fixed component of the charge levied on imports of these products into the Community.

### *B. AGRICULTURAL PRODUCTS*

#### *Article 8*

1. Customs duties on imports into the Community of the products originating in Morocco which are listed below shall be reduced by the rates indicated for each of them.

CCT heading No	Description	Rate of reduction
01.01	Live horses, asses, mules and hinnies: A. Horses: II. For slaughter (a) III. Other	80% 80%
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: I. Of horses, asses, mules and hinnies ex IV. Other: — Excluding meat of domestic sheep	80% 100%

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities of the Community.

CCT heading No	Description	Rate of reduction
02.04	Other meat and edible meat offals, fresh, chilled or frozen	100%
Chapter 3	Fish, crustaceans and molluscs	100%
06.02	Other live plants, including trees, shrubs, bushes, roots, cuttings and slips: ex D. Other: — Rose trees and bushes, excluding cuttings of rose trees and bushes	60%
07.01	Vegetables, fresh or chilled: A. Potatoes: II. New potatoes: ex a) From 1 January to 15 May: — from 1 January to 31 March F. Leguminous vegetables, shelled or unshelled: I. Peas: ex a) From 1 September to 31 May: — From 1 October to 30 April II. Beans (of the species Phaseolus): ex a) From 1 October to 30 June: — From 1 November to 30 April ex H. Onions, shallots and garlic: — Onions, from 15 February to 15 May ex L. Artichokes: — from 1 October to 31 December M. Tomatoes: ex I. From 1 November to 14 May: — From 15 November to 30 April S. Sweet peppers ex T. Other: — Aubergines, from 1 December to 30 April — Courgettes, from 1 December to the last day of February	40% 60% 60% 60% 60% 60% 60%
07.02	Vegetables (whether or not cooked), preserved by freezing: ex B. Other: — Peas	30%
07.03	Vegetables provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption: A. Olives: I. For uses other than the production of oil (a) B. Capers	60% 90%

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities of the Community.

CCT heading No	Description	Rate of reduction
07.05	Dried leguminous vegetables, shelled, whether or not skinned or split: A. For sowing: ex I. Peas (including chick peas) and beans (of the species Phaseolus): — Peas ex III. Other: — Broad beans and horse beans B. Other	       60% 60% 100%
08.01	Dates, bananas, coconuts, Brazil nuts, cashew nuts, pineapples, avocados, mangoes, guavas and mango-steens, fresh or dried, shelled or not: ex A. Dates: — In immediate containers of a net capacity of 35 kg or less D. Avocados	     100% 80%
08.02	Citrus fruit, fresh or dried: ex A. Oranges: — Fresh ex B. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids: — Fresh ex C. Lemons: — Fresh D. Grapefruit	       80% 80% 80% 80%
08.04	Grapes, fresh or dried: A. Fresh: I. Table grapes: ex a) From 1 November to 14 July: — From 15 November to 30 April	     60%
08.07	Stone fruit, fresh: D. Plums: ex II. From 1 October to 30 June: — From 1 November to 15 June	    60%
08.08	Berries, fresh: A. Strawberries: ex II. From 1 August to 30 April: — From 1 November to 31 March ex D. Raspberries, black currants and red currants: — Raspberries, from 15 May to 15 June	      60% 50%
ex 08.09	Other fruit, fresh: — Melons, from 1 November to 31 May — Watermelons, from 1 April to 15 June	  50% 50%
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar	30%

CCT heading No	Description	Rate of reduction
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: ex B. Oranges: — Comminuted ex E. Other: — Comminuted citrus fruit	   80%  80%
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04 or 08.05: A. Apricots B. Peaches, including nectarines E. Papaws F. Fruit salads: I. Not containing prunes G. Other	   60% 50% 50%  50% 50%
09.04	Pepper of the genus 'Piper'; pimento of the genus 'Capsicum' or the genus 'Pimenta': A. Neither crushed nor ground: II. Pimento B. Crushed or ground	   100% 100%
09.09	Seeds of anise, badian, fennel, coriander, cumin, caraway and juniper	100%
09.10	Thyme, saffron and bay leaves; other spices	100%
12.03	Seeds, fruit and spores, of a kind used for sowing: E. Other (a)	60%
12.07	Plants and parts (including seeds and fruit) 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	100%
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	%
13.03	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, derived from vegetable products: ex B. Pectic substances, pectinates and pectates: — Pectic substances and pectinates	   25%

(a) This concession is solely for seeds complying with the provisions of the Directives on the marketing of seeds and plants.



CCT heading No	Description	Rate of reduction
16.04	Prepared or preserved fish, including caviar and caviar substitutes: A. Caviar and caviar substitutes B. Salmonidae C. Herring E. Tunny F. Bonito ( <i>Sarda</i> sp.p.) mackerel and anchovies G. Other	100% 100% 100% 60% 100% 100%
16.05	Crustaceans and molluscs, prepared or preserved	100%
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: — Without added sugar, with the exception of gherkins	100%
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: A. Mushrooms: — Forced mushrooms (1) — Other B. Truffles ex C. Tomatoes: — Peeled tomatoes D. Asparagus F. Capers and olives G. Peas: beans in pod H. Other, including mixtures: — Carrots and mixtures — Others	50% 60% 70% 30% 20% 100% 20% 20% 50%
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar: A. Chestnut purée and paste: II. Other B. Jams and marmalades of citrus fruit: III. Other C. Other: III. Other	50% 50% 50%
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: B. Other: II. Not containing added spirit: a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg: 2. Grapefruit segments ex 3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids: — Comminuted	80% 80%

(1) Read 'Cultivated mushrooms' (see corrigendum: OJ No L 185, 9.7.1976).

CCT heading No	Description	Rate of reduction
20.06 (cont'd)	<ul style="list-style-type: none"> <li>ex 7. Peaches and apricots:               <ul style="list-style-type: none"> <li>— Apricots</li> </ul> </li> <li>ex 8. Other fruits               <ul style="list-style-type: none"> <li>— Comminuted oranges and lemons</li> </ul> </li> <li>b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less:               <ul style="list-style-type: none"> <li>2. Grapefruit segments</li> <li>ex 3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids:                   <ul style="list-style-type: none"> <li>— Comminuted</li> </ul> </li> <li>ex 8. Other fruits:                   <ul style="list-style-type: none"> <li>— Comminuted oranges and lemons</li> </ul> </li> </ul> </li> <li>c) Not containing added sugar, in immediate packings of a net capacity:               <ul style="list-style-type: none"> <li>1. 4.5 kg or more:                   <ul style="list-style-type: none"> <li>ex aa) Apricots:                       <ul style="list-style-type: none"> <li>— Apricot halves</li> </ul> </li> <li>ex bb) Peaches (including nectarines and plums):                       <ul style="list-style-type: none"> <li>— Peach halves and nectarine halves</li> </ul> </li> <li>ex dd) Other fruits:                       <ul style="list-style-type: none"> <li>— Grapefruit segments</li> <li>— Citrus pulp</li> <li>— Comminuted citrus fruit</li> </ul> </li> </ul> </li> <li>2. Of less than 4.5 kg:                   <ul style="list-style-type: none"> <li>ex bb) Other fruits and mixtures of fruit:                       <ul style="list-style-type: none"> <li>— Apricot halves, peach halves and nectarine halves</li> <li>— Grapefruit segments</li> <li>— Comminuted citrus fruit</li> </ul> </li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>20%</li> <li>80%</li> <li>80%</li> <li>80%</li> <li>80%</li> <li>50%</li> <li>50%</li> <li>80%</li> <li>40%</li> <li>80%</li> <li>50%</li> <li>80%</li> <li>80%</li> </ul>
20.07	<p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:</p> <ul style="list-style-type: none"> <li>A. Of a specific gravity exceeding 1.33 at 15°C:           <ul style="list-style-type: none"> <li>III. Other:               <ul style="list-style-type: none"> <li>ex a) Of a value exceeding 30 u.a. per 100 kg net weight:                   <ul style="list-style-type: none"> <li>— Orange juice</li> <li>— Grapefruit juice</li> <li>— Other citrus fruit juices</li> </ul> </li> <li>ex b) Of a value not exceeding 30 u.a. per 100 kg net weight:                   <ul style="list-style-type: none"> <li>— Orange juice</li> <li>— Grapefruit juice</li> <li>— Other citrus fruit juices</li> </ul> </li> </ul> </li> </ul> </li> <li>B. Of a specific gravity of 1.33 or less than 15°C:           <ul style="list-style-type: none"> <li>II. Other:               <ul style="list-style-type: none"> <li>a) Of a value exceeding 30 u.a. per 100 kg net weight:</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>70%</li> <li>70%</li> <li>60%</li> <li>70%</li> <li>70%</li> <li>60%</li> </ul>

CCT heading No	Description	Rate of reduction
20.07 (cont'd)	1. Orange juice	70%
	2. Grapefruit juice	70%
	ex 3. Lemon juice and other citrus fruit juices:	
	— Other citrus fruit juices (excluding lemon juice)	60%
	b) Of a value of 30 u.a. or less per 100 kg net weight:	
	1. Orange juice	70%
	2. Grapefruit juice	70%
23.01	Flours and meals, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption; greaves	100%

2. As from the implementation of Community rules on potatoes, the tariff reduction provided for in paragraph 1 for the products of sub-heading 07.01 A II ex a) shall be 50% and shall be applicable for the period from 1 January to 15 April.

3. Paragraph 1 shall apply to fresh lemons of subheading 08.02 ex C of the Common Customs Tariff on condition that on the internal Community market the prices of lemons imported from Morocco are, after customs clearance and deduction of import charges other than customs duties, not less than the reference price plus the incidence on that reference price of the customs duties actually applied in respect of third countries and a fixed amount of 1·20 units of account per 100 kilograms.

4. The import charges other than customs duties referred to in paragraph 3 shall be those laid down for calculating the entry prices referred to in Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables.

However, the Community shall be entitled to calculate the amount to be deducted in respect of the import charges other than customs duties referred to in paragraph 3 in such a way, according to origin, as to avoid difficulties which may arise from the incidence of those charges on entry prices.

Articles 23 to 28 of Regulation (EEC) No 1035/72 shall continue to apply.

### *Article 9*

The Community shall take all measures necessary to ensure that the levy on imports into the Community of durum wheat falling within subheading 10.01 B of the Common Customs Tariff and originating in Morocco is the levy calculated in accordance with Article 13 of Regulation No 120/67/EEC on the common organization of the market in cereals, less 0·50 unit of account per metric ton.

### *Article 10*

1. Provided that Morocco levies a special charge on exports of olive oil, other than olive oil having undergone a refining process, falling within subheading 15.07 A II of the Common Customs Tariff and provided also that this special charge is reflected in the import price, the Community shall take the necessary measures to ensure that:

- (a) the levy on imports into the Community of the said olive oil, wholly obtained in Morocco and transported direct from that country to the Community, is the import levy calculated in accordance with Article 13 of Regulation No 136/66/EEC on the establishment of a common organization of the market in oils and fats, less 0·50 unit of account per 100 kilograms;
- (b) the amount of the levy calculated in the manner described under (a) is reduced by an amount equal to that of the special charge paid but not exceeding 10 units of account per 100 kilograms.

2. If Morocco does not levy the charge referred to in paragraph 1, the Community shall take the necessary measures to ensure that the levy on imports into the Community of olive oil, other than olive oil having undergone a refining process, falling within subheading 15.07 A II of the Common Customs Tariff, is the import levy calculated in accordance with Article 13 of Regulation No 136/66/EEC on the establishment of a common organization of the market in oils and fats, less 0·50 unit of account per 100 kilograms.

3. Each Contracting Party shall take the measures necessary for implementation of paragraph 1 and, in the event of difficulties and at the request of the other Contracting Party, shall supply the information required for the proper operation of the system.

4. Consultations on the functioning of the system provided for in this Article shall take place within the Joint Committee at the request of either Contracting Party.

#### *Article 11*

Without prejudice to the collection of the variable component of the levy calculated in accordance with Article 14 of Regulation No 136/66/EEC, the fixed component shall not be imposed on imports into the Community of olive oil having undergone a refining process, falling within subheading 15·07 A I of the Common Customs Tariff, wholly obtained in Morocco and transported direct from that country to the Community.

#### *Article 12*

1. From 1 July 1976, prepared and preserved sardines, falling within subheading 16.04 D of the Common Customs Tariff, originating in Morocco, may be imported into the Community free of customs duties subject to observance of the minimum prices set out in Annex C.

2. Exemption from the customs duties referred to in paragraph 1 shall apply only from the date and for the periods determined by the exchanges of letters laying down the technical rules for applying this Article.

#### *Article 13*

1. Customs duties on imports into the Community of the products originating in Morocco which are listed below shall be reduced by the following rates:



within the limits of an annual Community tariff quota of 50 000 hectolitres.

In order to qualify for the treatment specified in the first subparagraph the wine must be put up in containers holding two litres or less.

✓ For the purposes of applying this paragraph, Morocco shall be responsible for verifying the identity of the above wine in accordance with its national rules, particularly as regards analysis criteria. To this end, all the wine concerned shall be accompanied by a certificate of designation of origin issued by the relevant Moroccan authority, in accordance with the model given in Annex D to this Agreement.

3. The tariff reduction provided for in paragraph 2 shall be applicable once the exchange of letters referred to in paragraph 2 has been concluded following verification of the equivalence of Moroccan and Community legislation with regard to wine entitled to a designation of origin; it shall be applied from the date fixed in that exchange of letters.

### *Article 15*

1. Customs duties on imports into the Community of the following products originating in Morocco shall be reduced by 30% within the limits of an annual Community tariff quota of 8 250 metric tons.

CCT heading No	Description
22.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: B. Other: II. Not containing added spirit: c) Not containing added sugar, in immediate packings of a net capacity: 1. Of 4.5 kg or more: ex aa) Apricots: — Apricot pulp

2. If paragraph 1 does not apply to a full calendar year, the tariff quota shall be opened *pro rata*.

#### *Article 16*

1. The Community shall take all necessary measures to ensure that the levy on imports into the Community of bran, sharps and other residues derived from the sifting, milling or other working of cereals, other than of maize and rice, falling within subheading 23.02 A II of the Common Customs Tariff and originating in Morocco, is the import levy calculated in accordance with Article 2 of Regulation (EEC) No 1052/68 on the import and export system for products processed from cereals and from rice, less a fixed amount equivalent to 60% of the variable component of the levy, and that the fixed component is not imposed.

2. The provisions of paragraph 1 shall apply provided that Morocco levies on exports of the products referred to therein a special charge equal to the amount by which the levy is reduced and that this charge is reflected in the Community import price.

3. Detailed rules for the application of this Article shall be laid down in an exchange of letters between the Community and Morocco.

4. Consultations on the functioning of the arrangement provided for in this Article shall take place within the Joint Committee at the request of either Contracting Party.

#### *Article 17*

1. The rates of reduction specified in Articles 8, 12, 13, 14 and 15 shall apply to the customs duties actually applied in respect of third countries.

2. However, the duties resulting from the reductions made by Denmark, Ireland and the United Kingdom may in no case be lower than those applied by the said countries to the Community as originally constituted.

3. In derogation from paragraph 1, should the application thereof temporarily result in tariff movements away from alignment on the final duty, Denmark, Ireland and the United Kingdom may maintain their



duties until the level of these duties has been reached on the occasion of a subsequent alignment, or they may apply the duty resulting from a subsequent alignment as soon as a tariff movement reaches or passes the said level.

4. The reduced duties calculated in accordance with Articles 8, 12, 13, 14 and 15 shall be rounded off to the first decimal place.

However, subject to the application by the Community of Article 39 (5) of the Act concerning the conditions of accession and the adjustments to the Treaties referred to in Article 3, as regards the specific duties or the specific part of the mixed duties in the customs tariffs of Ireland and of the United Kingdom, the reduced duties shall be rounded off to the fourth decimal place.

5. In the new Member States the variable component of the levy referred to in Article 16 shall be calculated taking into account the rates actually applied in respect of third countries.

#### *Article 18*

1. Should specific rules be introduced as a result of implementation of its agricultural policy or modification of the existing rules, or should the provisions on the implementation of its agricultural policy be modified or developed, the Community may modify the arrangements laid down in the Agreement in respect of the products concerned.

In such cases the Community shall take appropriate account of the interests of Morocco.

2. If the Community, in applying paragraph 1, modifies the arrangements made by this Agreement for products covered by Annex II to the Treaty establishing the European Economic Community, it shall accord imports originating in Morocco an advantage comparable to that provided for in this Agreement.

3. Any modification of the arrangements made by this Agreement shall be the subject, at the request of the other Contracting Party, of consultations within the Joint Committee.

## C. COMMON PROVISIONS

### *Article 19*

1. The products originating in Morocco referred to in this Agreement may not enjoy more favourable treatment when imported into the Community than that applied by the Member States between themselves.
2. For the application of paragraph 1, account shall not be taken of the customs duties and charges having equivalent effect resulting from the application of Articles 32, 36 and 59 of the Act concerning the conditions of accession and the adjustments to the Treaties referred to in Article 3.

### *Article 20*

1. Subject to the special provisions relating to frontier-zone trade, Morocco shall grant the Community in the field of trade treatment no less favourable than most-favoured-nation treatment.
2. Paragraph 1 shall not apply in the case of the maintenance or establishment of customs unions or free-trade areas.
3. Furthermore, Morocco may derogate from the provisions of paragraph 1 in the case of measures adopted with a view to the economic integration of the Maghreb, or measures benefiting the developing countries. Such measures shall be notified to the Community.

### *Article 21*

1. The Contracting Parties shall inform each other at the time of signature of this Agreement of the provisions relating to the trade arrangements they apply.
2. Morocco shall be entitled to introduce into its trade arrangements with the Community new customs duties or charges having equivalent effect and new quantitative restrictions or measures having equivalent effect and to increase the duties or charges and the quantitative restrictions or measures having equivalent effect applied to products originating in or going to the Community, where such measures are necessitated by Morocco's industrialization and development requirements. Such measures shall be notified to the Community.

For the application of these measures consultations shall be held within the Joint Committee at the request of the other Contracting Party.

#### *Article 22*

Where Morocco applies quantitative restrictions in the form of quotas to a given product in accordance with its own legislation it shall treat the Community as a single entity.

#### *Article 23*

The concept of 'originating products' for the purposes of implementing this Title and the methods of administrative cooperation relating thereto are laid down in the Protocol annexed to this Agreement.

#### *Article 24*

In the event of modifications to the nomenclature of the customs tariffs of the Contracting Parties affecting products referred to in this Agreement, the Joint Committee may adapt the tariff nomenclature of these products to conform with such modifications, subject to the maintenance of the real advantages resulting from this Agreement.

#### *Article 25*

The Contracting Parties shall refrain from any measure or practice of an internal fiscal nature establishing, whether directly or indirectly, discrimination between the products of one Contracting Party and like products originating in the territory of the other Contracting Party.

Products exported to the territory of one of the Contracting Parties may not benefit from repayment of internal taxation in excess of the amount of direct or indirect taxation imposed upon them.

#### *Article 26*

Payments relating to commercial transactions carried out in accordance with foreign trade and exchange regulations and the transfer of such

payments to the Member State of the Community in which the creditor is resident or to Morocco shall be free from any restrictions.

#### *Article 27*

The Agreement 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 or plants; the protection of national treasures of artistic, historic or archaeological value; the protection of industrial and commercial property, or rules relating to gold or silver. Such prohibitions or restrictions must not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Contracting Parties.

#### *Article 28*

1. If one of the Contracting Parties finds that dumping is taking place in trade with the other Contracting Party, it may take appropriate measures against this practice in accordance with the Agreement on implementation of Article VI of the General Agreement on tariffs and trade, under the conditions and in accordance with the procedures laid down in Article 30.

2. In the event of measures being directed against bounties or subsidies the Contracting Parties undertake to respect the provisions of Article VI of the General Agreement on tariffs and trade.

#### *Article 29*

If serious disturbances arise in any sector of the economy or if difficulties arise which might bring about serious deterioration in the economic situation of a region, the Contracting Party concerned may take the necessary safeguard measures under the conditions and in accordance with the procedures laid down in Article 30.

#### *Article 30*

1. In the event of a Contracting Party subjecting imports of products liable to give rise to the difficulties referred to in Article 29 to an admin-

istrative procedure, the purpose of which is to provide rapid information on the trend of trade flows, it shall inform the other Contracting Party.

2. In the cases specified in Articles 28 and 29, before taking the measures provided for therein or, in cases to which paragraph 3 (b) applies, as soon as possible, the Contracting Party in question shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Contracting Parties.

In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement. Such measures must not exceed the limits of what is strictly necessary to counteract the difficulties which have arisen.

The safeguard measures shall be notified immediately to the Joint Committee and shall be the subject of periodic consultations within the Joint Committee, particularly with a view to their abolition as soon as circumstances permit.

3. For the implementation of paragraph 2, the following provisions shall apply:

- (a) as regards Articles 28 and 29, consultation in the Joint Committee shall take place before the Contracting Party concerned takes the appropriate measures;
- (b) where exceptional circumstances requiring immediate action make prior examination impossible, the Contracting Party concerned may, in the situations specified in Articles 28 and 29, apply forthwith such precautionary measures as are strictly necessary to remedy the situation.

#### *Article 31*

Where one or more Member States of the Community or Morocco is in serious difficulties or is seriously threatened with difficulties as regards its balance of payments, the Contracting Party concerned may take the necessary safeguard measures. In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement. They shall be notified immediately to the other Contracting Party and shall be the subject of periodic consultations within the Joint Committee, particularly with a view to their abolition as soon as circumstances permit.

## Title II

### GENERAL AND FINAL PROVISIONS

#### *Article 32*

1. A Joint Committee is hereby established which shall have the power, for the purpose of attaining the objectives set out in the Agreement, to take decisions in the cases provided for in the Agreement.

The decisions taken shall be binding on the Contracting Parties, which shall take such measures as are required to implement them.

2. The Joint Committee may also formulate any resolutions, recommendations or opinions which it considers desirable for the attainment of the common objectives and the smooth functioning of the Agreement.

3. The Joint Committee shall adopt its rules of procedure.

#### *Article 33*

1. The Joint Committee shall be composed of representatives of the Community on the one hand and of representatives of the Kingdom of Morocco on the other.

2. The Joint Committee shall act by mutual agreement between the Community and Morocco.

#### *Article 34*

1. The office of Chairman of the Joint Committee shall be held alternately by each of the Contracting Parties, in accordance with detailed rules to be laid down in its rules of procedure.

2. Meetings of the Joint Committee shall be called by its chairman.

The Joint Committee shall, in addition, meet whenever necessary, at the request of one of the Contracting Parties, in accordance with the conditions to be laid down in its rules of procedure.

3. The Joint Committee may decide to set up any working party that can assist it in carrying out its duties.

### *Article 35*

Either Contracting Party shall, if so requested by the other Contracting Party, provide all relevant information on any agreements it concludes involving tariff or trade provisions, and on any amendments to its customs tariff or external trade arrangements.

↳ Where such amendments or agreements have a direct and particular incidence on the functioning of the Agreement, appropriate consultations shall be held within the Joint Committee at the request of the other Contracting Party so that the interests of the Contracting Parties may be taken into consideration.

### *Article 36*

When the Community concludes an Association Agreement having a direct and particular incidence on the functioning of the Agreement, appropriate consultations shall be held within the Joint Committee so that the Community may take into consideration the interests of the Contracting Parties as defined by this Agreement.

### *Article 37*

1. The Contracting Parties shall take any general or specific measures required to fulfil their obligations under the Agreement. They shall see to it that the objectives set out in the Agreement are attained.

2. If either Contracting Party considers that the other Contracting Party has failed to fulfil an obligation under the Agreement, it may take appropriate measures. Before so doing, it shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Contracting Parties

In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement. These measures shall be notified immediately to the Joint Committee and shall be the subject of consultations within the Joint Committee if the other Contracting Party so requests.

### *Article 38*

Nothing in the Agreement shall prevent a Contracting Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;
- (b) which relate to trade in arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;
- (c) which it considers essential to its security in time of war or serious international tension.

### *Article 39*

In the fields covered by the Agreement:

- the arrangements applied by Morocco in respect of the Community shall not give rise to any discrimination between the Member States, their nationals, or their companies or firms;
- the arrangements applied by the Community in respect of Morocco shall not give rise to any discrimination between Moroccan nationals, companies or firms.

### *Article 40*

The Protocol on the definition of the concept of 'originating products' and methods of administrative cooperation, and Annexes A, B, C and D shall form an integral part of the Agreement. The declarations and exchanges of letters shall appear in the Final Act, which shall form an integral part of the Agreement.

### *Article 41*

This Agreement shall apply, on the one hand, to the territories to which the Treaty establishing the European Economic Community applies under the conditions laid down in that Treaty and, on the other, to the territory of the Kingdom of Morocco.



### *Article 42*

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, German, Italian and Arabic languages, each of these texts being equally authentic.

### *Article 43*

1. This Agreement shall be subject to approval by the Contracting Parties in accordance with their own procedures. They shall notify each other when the procedures necessary to this end have been completed.

2. This Agreement shall enter into force on the first day of the second month following the date on which the notifications provided for in paragraph 1 have been carried out.

It shall be applicable until the entry into force of the Cooperation Agreement signed this day or until 30 June 1977, whichever is the earlier. However, the period during which this Agreement is applied shall be taken into account for the purposes of applying Article 12 (2) of the Cooperation Agreement and also for the purposes of the declaration by the European Economic Community on the provisions of Article 21 (2) of the said Cooperation Agreement.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne interimsaftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Interimsabkommen gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Interim Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord intérimaire.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo interinale.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Interimovereenkomst hebben gesteld.

وأشانا لذلك ، وقع الخوضون اسفل هذا الاتفاق النهائي .

Udfærdiget i Rabat, den syvog tyvende april nitten hundrede og seksoghalvfjerds.

Geschehen zu Rabat am siebenundzwanzigsten April neunzehnhundertsechundsiebzig.

Done at Rabat this twenty-seventh day of April in the year one thousand nine hundred and seventy-six.

Fait à Rabat, le vingt-sept avril mil neuf cent soixante-seize.

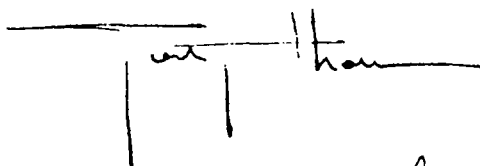
Fatto a Rabat, addì ventisette aprile millenovecentosettantasei.

Gedaan te Rabat, de zevenentwintigste april negentienhonderd zesenzeventig.

حرر بالرباط ، في السابع والعشرين من شهر ابريل سنة الف وتسعمائة وستة وسبعين

For Rådet for De europæiske Fællesskaber  
Für den Rat der Europäischen Gemeinschaften  
For the Council of the European Communities  
Pour le Conseil des Communautés européennes  
Per il Consiglio delle Comunità europee  
✓ Voor de Raad van de Europese Gemeenschappen

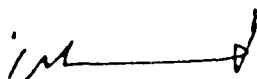
عن مجلس الجماعات الاوربية

A handwritten signature in black ink, appearing to be 'C. Cheysson', written over a horizontal line. The signature is stylized and somewhat cursive.

C. Cheysson

For Hans Majestæt kongen af Marokko  
Für Seine Majestät den König von Marokko  
On behalf of His Majesty the King of Morocco  
Pour Sa Majesté le roi du Maroc  
Per Sua Maestà il re del Marocco  
Voor Zijne Majesteit de Koning van Marokko

عن صاحب الجلالة ملك المغرب .

A handwritten signature in black ink, appearing to be 'M. ...', written over a horizontal line. The signature is stylized and somewhat cursive.

## ANNEX A

### relating to the products referred to in Article 7

CCT heading No	Description
ex 17.04	Sugar confectionery, not containing cocoa, but not including liquorice extract containing more than 10% by weight of sucrose but not containing other added substances
18.06	Chocolate and other food preparations containing cocoa
19.01	Malt extract
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
19.03	Macaroni, spaghetti and similar products
19.04	Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches
19.05	Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, cornflakes and similar products)
19.06	Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion
ex 21.01	Roasted chicory and other roasted coffee substitutes, extracts, essences and concentrates thereof: — Excluding roasted chicory and extracts thereof
21.06	Natural yeasts (active or inactive); prepared baking powders: A. Active natural yeasts: II. Bakers' yeast
ex 21.07	Food preparations not elsewhere specified or included, containing sugar, dairy products, cereals or products based on cereals <sup>(1)</sup>
ex 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: — Containing milk of milkfats

<sup>(1)</sup> This heading covers only products which, on importation into the Community, are subject to the duty laid down in the Common Customs Tariff, comprising an *ad valorem* duty constituting the fixed component and a variable component.

CCT heading No	Description
29.04	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives: C. Polyhydric alcohols: II. Mannitol III. Sorbitol
35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues
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: I. With a basis of amylaceous substances
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: T. Sorbitol, other than that falling within subheading 29.04 C III: I. In aqueous solution: a) Containing 2% or less by weight of mannitol, calculated on the sorbitol content b) Other II. Other: a) Containing 2% or less by weight of mannitol, calculated on the sorbitol content b) Other

## *ANNEX B*

**concerning olive oil, other than olive oil having undergone a refining process, falling within subheading 15.07 A II of the Common Customs Tariff**

In order to take account of

- the importance of olive-oil for the Moroccan economy;
- the programmes and efforts undertaken by Morocco to rationalize and improve the conditions on its olive-oil market;
- the traditional trade flows in this product between Morocco and the European Economic Community,

the amount to be deducted from the amount of the levy in accordance with Article 10 (1) (b) of the Agreement concerning olive oil, other than olive oil having undergone a refining process, falling within subheading 15.07 A II of the Common Customs Tariff shall be increased, in view of the exceptional circumstances at present affecting the olive-oil market, by an additional amount of 10 units of account under the same conditions and arrangements as laid down for the application of Article 10 (1) (b) of the Agreement.



## ANNEX C

Size		Net weight		Semi-gross weight	Capacity	Coefficients	Minimum prices (customs duties included) in u.a. per carton 100 tins			
Trade specifications	Total height (mm)	Ounces	g	g	cm <sup>3</sup>		Community excluding United Kingdom and Denmark		United Kingdom and Denmark	
						in olive oil	other	in olive oil	other	
Rectangular base:										
$\frac{1}{16}$ club	20	2	56	95	53	0.60	11.10	10.20	10.66	9.79
$\frac{1}{8}$ club	25	2 $\frac{3}{4}$	80	120	75	0.70	12.95	11.90	12.43	11.42
$\frac{1}{4}$ reduced	18	2 $\frac{5}{8}$	74	130	73	0.77	14.25	13.09	13.68	12.56
$\frac{1}{8}$ club	30	3 $\frac{1}{4}$	90	140	93	0.80	14.80	13.60	14.21	13.06
$\frac{1}{4}$ special	25	3 $\frac{1}{6}$	90	140	90	0.85	15.73	14.45	15.10	13.87
$\frac{1}{8}$ low plat	24	3 $\frac{3}{8}$	95	145	96	0.90	16.65	15.30	15.98	14.69
$\frac{1}{4}$ club	30	4 $\frac{3}{8}$	125	190	125					
$\frac{1}{8}$ P 25				176	125					
						1.00	18.50	17.00	17.76	16.32
$\frac{1}{4}$ usual	22	3 $\frac{3}{4}$	105	180	106					
$\frac{1}{8}$ (club 30)				188	130					



$\frac{1}{4}$	usual	24	$4\frac{3}{4}$	125	195	125	1·10	20·35	18·70	19·54	17·95
$\frac{1}{4}$	usual	30	$5\frac{1}{4}$	150	240	169					
$\frac{1}{4}$	club	40	$8\frac{1}{4}$	175	250	178	1·30	24·05	22·10	23·09	21·22
$\frac{1}{4}$	P 30				250	187					
$\frac{1}{4}$	American	30	7	200	300	207	1·60	29·60	27·20	28·42	26·11
$\frac{1}{4}$	usual	40	$9\frac{1}{4}$	260	326	250					
$\frac{1}{3}$	P				337	250	1·80	33·30	30·60	31·97	29·38
$\frac{1}{4}$	club long	40	$8\frac{3}{4}$	248	320	241					
$\frac{1}{2}$	low	30	$9\frac{1}{4}$	260	370	245	2·20	40·70	37·40	39·07	35·90
$\frac{1}{4}$	usual long	40	$11\frac{1}{2}$	325	423	313	2·50	46·25	42·50	44·40	40·80
$\frac{1}{4}$	usual	48	11	310	390	297	2·60	48·10	44·20	46·18	42·43
$\frac{1}{2}$	large	40	$11\frac{1}{2}$	325	460	330					
							2·70	49·95	45·90	47·95	44·06
$\frac{1}{2}$	P				476	375					
$\frac{1}{1}$					902	750					
							4·65	86·03	79·05	82·58	75·89
$\frac{4}{4}$		80	$27\frac{1}{2}$	780	950	771					
	Oval base:										
$\frac{1}{2}$	oval	40	15	425	555	452	3·40	62·90	57·80	60·38	55·49

## ANNEX D

1. المصدر - Eksportør - Ausführer - Exporter - Exportateur - Esportatore - Exporteur:	2. الرقم - Nummer - Nummer - Nummer - Numéro - Numero - Nummer	00000
4. المرسل اليه - Modtager - Empfänger - Consignee - Destinataire - Destinatario - Geadresseerde:	3. (Name of authority guaranteeing the designation of origin)	
6. وسيلة النقل - Transportmiddel - Beförderungsmittel - Means of transport - Moyen de transport - Mezzo di trasporto - Vervoermiddel:	5. شهادة التسمية الاصلية CERTIFIKAT FOR OPRINDELSESBETEGNELSE BESCHEINIGUNG DER URSPRUNGSBEZEICHNUNG CERTIFICATE OF DESIGNATION OF ORIGIN CERTIFICAT D'APPELLATION D'ORIGINE CERTIFICATO DI DENOMINAZIONE DI ORIGINE CERTIFICAAT VAN BENAMING VAN OORSPRONG	
8. مكان الافراغ - Losningssted - Entladungsort - Place of unloading - Lieu de déchargement - Luogo di sbarco - Plaats van lossing:	7. (Designation of origin)	
9. الانواع والارقام ، عدد ونوع الطرود Mærker og numre, kolloenes antal og art Zeichen und Nummern, Anzahl und Art der Packstücke Marks and numbers, number and kind of packages Marques et numéros, nombre et nature des colis Marca e numero, quantità e natura dei colli Merken en nummers, aantal en soort der colli	10. الوزن الخام Bruttovægt Rohgewicht Gross weight Poids brut Peso lordo Brutogewicht	11. لترات Liter Liter Litres Litres Litri Liter

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12. لترات (بالحروف) - Liter (i bogstaver) - Liter (in Buchstaben) - Litres (in words) - Litres (en lettres) - Litri (in lettere) - Liter (voluit):

13. تأشيرة الهيئة المرسلّة - Påtegning fra udstedende organ - Bescheinigung der erteilenden Stelle - Certificate of the issuing authority - Visa de l'organisme émetteur - Visto dell'organismo emittente - Visum van de instantie van afgifte:

14. تأشيرة الحمارك - Toldstedets attest - Sichtvermerk der Zollstelle - Customs stamp - Visa de la douane - Visto della dogana - Visum van de douane

(Oversættelse se nr. 15 - Übersetzung siehe Nr. 15 - see the translation under No 15 - Voir traduction au n° 15 - Vedi traduzione al n. 15 - Zie voor vertaling nr. 15)

15. Det bekræftes, at vinen, der er nævnt i dette certifikat, er fremstillet i ..... området og ifølge tunesisk lovgivning er berettiget til oprindelsesbetegnelsen:».....«

Alkohol tilsat denne vin er alkohol fremstillet af vin.

Wir bestätigen, daß der in dieser Bescheinigung bezeichnete Wein im Bezirk ..... gewonnen wurde und ihm nach tunesischem Gesetz die Ursprungsbezeichnung „.....“ zuerkannt wird.

Der diesem Wein zugefügte Alkohol ist aus Wein gewonnener Alkohol.

We hereby certify that the wine described in this certificate is wine produced within the wine district of ..... and is considered by Tunisian legislation as entitled to the designation of origin '.....'

The alcohol added to this wine is alcohol of vinous origin.

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de ..... et est reconnu, suivant la loi tunisienne, comme ayant droit à la dénomination d'origine «.....»

L'alcool ajouté à ce vin est de l'alcool d'origine vinique.

Si certifica che il vino descritto nel presente certificato è un vino prodotto nella zona di ..... ed è riconosciuto, secondo la legge tunisina, come avente diritto alla denominazione di origine «.....»

L'alcole aggiunto a questo vino è alcole di origine vinica.

Wij verklaren dat de in dit certificaat omschreven wijn is vervaardigd in het wijndistrict van ..... en dat volgens de Tunesische wetgeving de benaming van oorsprong „.....“ erkend wordt.

De aan deze wijn toegevoegde alcohol is alcohol, uit wijn gewonnen.

16. (\*)

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يحتفظ بهذه الخانة لبيانات اخرى من الدولة المصدرة

- (1) Rubrik forbeholdt eksportlandets andre angivelser.
- (1) Diese Nummer ist weiteren Angaben des Ausfuhrlandes vorbehalten.
- (1) Space reserved for additional details given in the exporting country.
- (1) Case réservée pour d'autres indications du pays exportateur.
- (1) Spazio riservato per altre indicazioni del paese esportatore.
- (1) Ruimte bestemd voor andere gegevens van het land van uitvoer.

## PROTOCOL

### on 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 Agreement and without prejudice to paragraphs 2 and 3, on condition that they were transported in conformity with Article 5, the following shall be considered as:

(a) products originating in Morocco:

- products wholly obtained in Morocco,
- products obtained in Morocco, in the manufacture of which products other than those wholly obtained in Morocco are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 3;

(b) products originating in the Community:

- products wholly obtained in the Community,
- 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.

2. For the purpose of implementing the first indent of paragraph 1 (a) when products wholly obtained in Algeria, in Tunisia or in the Community undergo working or processing in Morocco, they shall be considered as having been wholly obtained in Morocco.

For the purpose of implementing the second indent of paragraph 1 (a), working or processing carried out in Algeria, in Tunisia or in the Community shall be considered as having been carried out in Morocco, when the products obtained undergo subsequent working or processing in Morocco.

This paragraph shall apply subject to the condition that the products concerned are transported in conformity with Article 5.

3. For the purpose of implementing the first indent of paragraph 1 (b), when products wholly obtained in Morocco, undergo working or processing in the Community, they shall be considered as having been wholly obtained in the Community.

For the purposes of implementing the second indent of paragraph 1 (b), working or processing carried out in Morocco shall be considered as having been carried out in the Community, when the products obtained undergo subsequent working or processing in the Community.

This paragraph shall apply subject to the condition that the products concerned are transported in conformity with Article 5.

4. In derogation from paragraph 1, where, pursuant to the provisions of the above paragraphs, and provided that all the conditions laid down in those paragraphs are fulfilled, the originating products are obtained in two or more of the States referred to in these provisions or in the Community, they shall be considered as originating products of the State or the Community according to where the last working or processing took place. For this purpose the working or processing referred to in Article 3 (3) shall not be considered as working or processing.

5. The products in List C in Annex IV shall be temporarily excluded from the scope of this Protocol.

6. The provisions contained in paragraph 2 shall only be applicable to Algeria and Tunisia in so far as the rules governing trade between Morocco, Algeria and Tunisia, in the field of these provisions, are identical to the provisions of this Protocol, and on condition that the necessary administrative cooperation between Morocco, Algeria and Tunisia for the control of these provisions is established.

## *Article 2*

The following shall be considered as 'wholly obtained' in Morocco, Algeria, Tunisia or the Community within the meaning of Article 1 (1), (2) and (3):

- (a) mineral products extracted from their soil or from their seabed;
- (b) vegetable products harvested there;
- (c) live animals born and raised there;

- (d) products from live animals raised there;
- (e) products obtained by hunting or fishing conducted there;
- (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 there;
- (j) goods produced there exclusively from products specified in subparagraphs (a) to (i).

### *Article 3*

1. For the purpose of implementing Article 1, 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 II, where the special provisions of that list apply;
- (b) working or processing specified in List B in Annex III.

'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 Lists A and 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 1, the following shall always be considered as insufficient working or processing to confer the status of originating product, 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 packaging 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 mixture do not meet the conditions laid down in this Protocol to enable them to be considered as originating in Morocco, Algeria, Tunisia or the Community;
- (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 Lists A and B referred to in Article 3 provide that goods obtained in Morocco or in the Community 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 a 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 territory of the Contracting Party 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), (2) and (3), originating products whose transport is effected without entering into territory other than that of Morocco, Algeria, Tunisia or the Community shall be considered as transported directly from Morocco to the Community or from the Community to Morocco. However, goods originating in Morocco, Algeria, Tunisia or the Community and constituting one single consignment which is not split up may be transported through territory other than that of these countries or the Community 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 and that the goods have remained under the surveillance of the customs authorities in the country of transit or warehousing, that they have not entered into commerce of such countries nor been delivered for home use there and have not undergone operations other than unloading, reloading or any operation designed to maintain 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 or in Morocco by the production of:

- (a) a through bill of lading issued in the exporting beneficiary country covering the passage through the country of transit; or
- (b) 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 re-loading 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) of failing these, any substantiating documents.

## Title II

### ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

#### *Article 6*

1. Evidence of originating status of products, within the meaning of this Protocol, is given by a movement certificate EUR.1 of which a specimen is given in Annex V to this Protocol.

However, the evidence of originating status, within the meaning of this Protocol, 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, may be given by a form EUR.2, of which a specimen is given in Annex VI to this Protocol.

The unit of account (u.a.) has a value of 0.88867088 gram of fine gold. Should the unit of account be changed, the Contracting Parties shall make contact with each other at the level of the Joint Committee to redefine the value in terms of gold.

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 shall be 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 State 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 V to this Protocol, which shall be completed in accordance with this Protocol.

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 Agreement.

5. Applications for movement certificates EUR.1 must be preserved for at least two years by the customs authorities of the exporting State.

#### *Article 8*

1. The movement certificate EUR.1 shall be issued by the customs authorities of the exporting State, if the goods can be considered 'originating products' within the meaning of the Agreement.

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 State 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 V to this Protocol. This form shall be printed in one or more of the languages in which the Agreement is drawn up. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State; 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 being 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 guilloché-pattern background making any falsification by mechanical or chemical means apparent to the eye.

The exporting States 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*

A movement certificate EUR.1 must be submitted, within five months of the date of issue by the customs authorities of the exporting State, to the customs authorities of the importing State where the goods are entered.

### *Article 12*

Movement certificates EUR.1 shall be submitted to customs authorities in the importing State, in accordance with the procedures laid down by that State. 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 Agreement.

### *Article 13*

1. A movement certificate EUR.1 which is submitted to the customs authorities of the importing State 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 State 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

It shall always be possible to replace one or more movement certificates by one or more certificates, provided that this is done at the customs office where the goods are located.

#### Article 16

Form EUR.2, a specimen of which is given in Annex VI, shall be completed by the exporter or, under his responsibility, by his authorized representative. It shall be made out in one of the languages in which the Agreement is drawn up and in accordance with the provisions of the domestic law of the exporting State. If it is handwritten it must be completed in ink and in capital letters. If the goods contained in the consignment have already been subject to verification in the exporting State by reference to the definition of the concept of 'originating products' the exporter may refer to this check in the 'remarks' box of form EUR.2.

Form EUR.2 shall measure 210 × 148 mm, a tolerance of up to plus 8 mm or minus 5 mm in the length being allowed. 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 States may reserve the right to print the forms themselves or may have them printed by approved printers. In the latter case each form must include a reference to such approval. In addition, each form 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.

These provisions do not exempt exporters from complying with any other formalities required by customs or postal regulations.

#### *Article 17*

1. Goods sent as small packages to private persons or forming part of travellers' personal luggage shall be admitted as originating products 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 18*

1. Goods sent from the Community or from Morocco for exhibition in a country other than Algeria and Tunisia and sold after the exhibition for importation into Morocco or into the Community shall benefit on importation from the provisions of the Agreement on condition that the goods meet the requirements of this Protocol entitling them to be recognized as originating in the Community or in Morocco 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 Morocco 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 Morocco or in the Community;
- (c) the goods have been consigned during the exhibition or immediately thereafter to Morocco or 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 19*

1. When a certificate is issued within the meaning of Article 7 (2) of this Protocol 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 Protocol:

- 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 EFTERFØLGENDE', 'سلة في وقت لاحق'.

#### *Article 20*

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', 'نسخة'.

#### *Article 21*

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 State requested to issue the certificate for products in the manufacture of which products coming from Algeria, Tunisia or the Community are used, shall take into consideration the declaration, of which a specimen is given in Annex VII, given by the exporter in the State from which it 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 22 and of which a specimen is given in Annex VIII, 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 22*

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 21 (2), or at the initiative of this exporter, by the competent customs office in the State 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 two years.

#### *Article 23*

✓ Morocco and the Community 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 24*

In order to ensure the proper application of this Title, Morocco, Algeria, Tunisia and the Community 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 referred to in Article 21.

#### *Article 25*

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 26*

1. Subsequent verifications of movement certificates EUR.1 and of forms EUR.2 shall be carried out at random or whenever the customs authorities of the importing State 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 State shall return the movement certificate EUR.1 or the form EUR.2, or a photocopy thereof, to the customs authorities of the exporting State 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 the 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 State decide to suspend execution of Title I of the Agreement 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 State shall be informed of the results of the verification as soon as possible. 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 State and those of the exporting State, or when they raise a question as to the interpretation of this Protocol, they shall be submitted to the Customs Cooperation Committee provided for in Article 29.

In all cases the settlement of disputes between the importer and the customs authorities of the importing State shall be under the legislation of the said State.

#### *Article 27*

The subsequent verification of the information certificate referred to in Article 21 shall be carried out in the circumstances envisaged in Article 26 following a similar procedure to that envisaged in that Article.

#### *Article 28*

The Joint Committee shall examine annually the application of the provisions of this Protocol and their economic effect with a view to

making any necessary changes. This examination may be carried out at more frequent intervals at the request of either the Community or Morocco.

#### *Article 29*

1. A Customs Cooperation Committee shall be set up, charged with carrying out administrative cooperation with a view to the correct and uniform application of this Protocol and with carrying out any other task in the customs field which may be entrusted to it.

2. The Committee shall be composed on the one hand of customs experts of the Member States and of officials of the departments of the Commission of the European Communities who are responsible for customs questions, and on the other hand of Moroccan customs experts.

#### *Article 30*

1. The Community and Morocco shall take any measures necessary to enable movement certificates EUR.1 as well as forms EUR.2 to be submitted, in accordance with Articles 11 and 12 of this Protocol, from the day on which the Agreement enters into force.

2. The certificates of type A.MA.1 as well as forms A.MA.2 may be used until stocks are exhausted and at the latest up to and including 30 June 1977, under the conditions laid down by this Protocol.

3. The movement certificates EUR.1 and the forms EUR.2 printed in the Member States before the date of the entry into force of the Agreement, and which do not conform to the models in Annexes V and VI to this Protocol, may continue to be used until stocks are exhausted, under the conditions laid down by this Protocol.

#### *Article 31*

The Community and Morocco shall each take the steps necessary to implement this Protocol.

#### *Article 32*

The Annexes to this Protocol shall form an integral part thereof.

### *Article 33*

The provisions of the Agreement may be applied to goods which comply with the provisions of Title I and which on the date of the entry into force of the Agreement are either in transit or are in the Community or in Morocco in temporary storage in bonded warehouses or in free zones, subject to the submission to the customs authorities of the importing State within four months of that date of a certificate A.MA.1 issued under the conditions of Article 30 (2) or of a certificate EUR.1 endorsed retrospectively by the competent authorities of the exporting State together with the documents showing that the goods have been transported directly.

### *Article 34*

The endorsements referred to in Articles 19 and 20 shall be inserted in the 'remarks' box of the certificate.

## ANNEX I

### Explanatory Notes

#### *Note 1 — Articles 1 and 2*

The terms 'the Community' or 'Morocco' shall also cover the territorial waters of the Member States of the Community or of Morocco respectively.

Vessels operating on the high seas, including factory ships, on which fish caught is worked or processed, shall be considered as part of the territory of the State to which they belong provided that they satisfy the conditions set out in Explanatory Note 6.

#### *Note 2 — Article 1*

In order to determine whether goods originate in the Community, Morocco, Algeria or Tunisia 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, Morocco, Algeria or Tunisia, 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, Morocco, Algeria or Tunisia.

#### *Note 4 — Articles 3 (1), (2) and 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 — Article 2 (f)*

The term 'their vessels' shall apply only to vessels:

- which are registered or recorded in a Member State, Morocco, Algeria or Tunisia,

- which sail under the flag of a Member State, Morocco, Algeria or Tunisia,
- which are owned to an extent of at least 50% by nationals of the Member States, Morocco, Algeria or Tunisia or by a company with its head office in a Member State, Morocco, Algeria or Tunisia, of which the manager, managers, chairman of the board of directors of or the supervisory board, and the majority of the members of such board are nationals of the Member States, Morocco, Algeria or Tunisia and of which, in addition, in the case of partnerships or limited companies; at least half the capital belongs to the Member States, Morocco, Algeria or Tunisia or to public bodies or nationals of the Member States, Morocco, Algeria or Tunisia,
- of which at least 50% of the crew, captain and officers included, are nationals of the Member States, Morocco, Algeria or Tunisia.

*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 5*

For the purposes of applying Article 5, the ports of embarkation of products originating in Morocco for destination in the Community are for example:

Algiers — Al-Hoceima — Agadir — Annaba — Arzew — Azilah —  
 Bjaia — Beni-Saf — Bizerta — Casablanca — Ceuta — Constantine —  
 Dellys — El Jadida — Essaouira — Gabès — Ghazaouet — Ifni —  
 Kenitra — Larache — Melilla — Mohammedia — Oran — Rabat —  
 Safi — Sfax — Skikda — Sousse — Tangier — Tarfaya — Ténès — Tunis.

*Note 9 — Article 24*

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 and in Morocco, Algeria and Tunisia.



C

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**

CCT heading No	Products obtained Description	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
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	

CCT heading No	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
	Description		
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	
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
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

CCT heading No	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
	Description		
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
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	

(1) 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		
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	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
20.06	Fruit otherwise prepared or preserved whether or not containing added sugar or spirit:  A. Nuts     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
ex 23.03	Residues from the manufacture of maize starch (excluding concentrated steeping liquors), 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

<sup>(1)</sup> This rule does not apply where fruit juices of pineapple, lime and grapefruit are concerned.

CCT heading No	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
	Description			
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 <sup>1</sup>
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 Chapter 31 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 (1)	
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 (1)	
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 (1)	



35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues		Manufacture from maize or potatoes
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 (1)	
37.02	Films in rolls, sensitized, unexposed, perforated or not	Manufacture from products of heading No 37.01 (1)	
37.04	Sensitized plates and film, exposed but not developed, negative or positive	Manufacture from products of heading No 37.01 or 37.02 (1)	
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	Pickled 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

(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		
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: — Fusel oil and Dippel's oil; — Naphthenic acids and their non-water-soluble salts, esters of naphthenic acids; — Sulphonaphthenic acids and their non-water-soluble salts; esters of sulphonaphthenic acids;		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

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- 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;
- Mixed alkylbenzenes and mixed alkyl-naphthalenes;
- Ion exchangers;
- Catalysts,
- Getters for vacuum tubes;
- Refractory cements or mortars and similar preparations;
- Alkaline iron oxide for the purification of gas;
- 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-manufacturers
- Sorbitol other than sorbitol of heading No 29.04

ex 39.02

Polymerization products

39.07

Articles of materials of the kinds described in heading Nos 39.01 to 39.06

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 coagul-

Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

CCT heading No	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
	Description			
40.05 (cont'd)	ation 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			
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) (1)	
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
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>(2)</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>(2)</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>(2)</sup>	Yarn spun from noil silk, not put up for retail sale		Manufacture from products of heading No 50.03

(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.

(2) 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.

CCT heading No	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
	Description		
50.07(1)	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(1)	Imitation catgut of silk		Manufacture from products of heading No 50.01 or from products of heading No 50.03 neither carded nor combed
50.09(2)	Woven fabrics of silk or of waste silk other than noil		Manufacture from products of heading No 50.02 or 50.03
50.10(2)	Woven fabrics of noil silk		Manufacture from products of heading No 50.02 or 50.03
51.01(1)	Yarn of man-made fibres (continuous), not put up for retail sale		Manufacture from chemical products or textile pulp
51.02(1)	Monofil, strip (artificial straw and the like) and imitation catgut, of man-made fibre materials		Manufacture from chemical products or textile pulp
51.03(1)	Yarn of man-made fibres (continuous), put up for retail sale		Manufacture from chemical products or textile pulp
51.04(2)	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(1)	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(2)	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(1)	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(1)	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
53.08(1)	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(1)	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

- (1) 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.
- (2) 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:
- 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 No ex 51.01 and ex 58.07;
  - 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.

CCT heading No	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
	Description			
53.10(1)	Yarn of sheep's or lamb's 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(2)	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(2)	Woven fabrics of coarse animal hair other than horsehair		Manufacture from products of heading Nos 53.02 to 53.05	
53.13(2)	Woven fabrics of horsehair		Manufacture from horsehair of heading No 05.03	
54.03(1)	Flax or ramie yarn, not put up for retail sale		Manufacture either from products of heading No 54.01 neither carded not combed or from products of heading No 54.02	
54.04(1)	Flax or ramie yarn, put up for retail sale		Manufacture from materials of heading No 54.01 or 54.02	
54.05(2)	Woven fabrics of flax or of ramie		Manufacture from materials of heading No 54.01 or 54.02	
55.05(1)	Cotton yarn, not put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03	
55.06(1)	Cotton yarn, put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03	
55.07(2)	Cotton gauze		Manufacture from materials of heading No 55.01, 55.03 or 55.04	
55.08(2)	Terry towelling and similar terry fabrics, of cotton		Manufacture from materials of heading No 55.01, 55.03 or 55.04	
55.09(2)	Other woven fabrics of cotton		Manufacture from materials of heading Nos 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 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	Manmade 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

(1) 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.

(2) 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.

CCT heading No	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
	Description		
56.06(1)	Yarn of man-made fibres (discontinuous or waste), put up for retail sale		Manufacture from chemical products or textile pulp
56.07(2)	Woven fabrics of man-made fibres (discontinuous or waste)		Manufacture from products of heading Nos 56.01 to 56.03
57.05(1)	Yarn of true hemp		Manufacture from raw true hemp
57.06(1)	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(1)	Yarn of other vegetable textile fibres		Manufacture from raw vegetable textile fibres of heading No 57.02 or 57.04
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(2)	Woven fabrics of true hemp		Manufacture from products of heading No 57.01
57.10(2)	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(2)	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	<span style="position: absolute; top: -15px; left: 10px;">C</span> Manufacture from paper, from chemical products, textile pulp or from natural textile fibres, discontinuous man-made fibre or their waste
58.01 <sup>(3)</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

- (1) 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.
- (2) 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.
- (3) 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.

CCT heading No	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
	Description		
58.02(1)	Other carpets, carpeting, rugs, mats and matting, and 'Kelem', 'Schumacks' and 'Karamanic' 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(1)	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
58.05(1)	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(1)	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(1)	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 or coated	Manufacture either from natural fibres or from chemical products or textile 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 eight denier and of which the value does not exceed 40% of the value of the finished product

(1) 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.

CCT heading No.	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
	Description		
59.03(1)	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(1)	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(1)	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(1)	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
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

(1) 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 material.

CCT heading No	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
	Description		
59.16(1)	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(1)	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(1)	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 (2)
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 (2)



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 (2)
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 (2)
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 (2)

(1) 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.

(2) 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		
61.01	Men's and boys' outer garments		Manufacture from yarn (1) (2)
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 (1) (2)
ex 61.02	Women's, girls' and infants' outer garments, not embroidered		Manufacture from yarn (1) (2)
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 (1) (2)
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 (1)
61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs		Manufacture from yarn (1) (2)
61.04	Women's, girls' and infants' under garments		Manufacture from yarn (1) (2)
ex 61.05	Handkerchiefs, not embroidered		Manufactured from unbleached single yarn (1) (2) (3)
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 (1)

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 (1) (2)
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 (1)
61.07	Ties, bow ties and cravats	Manufacture from yarn (1) (2)
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 (1) (2)
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 (1)
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 (1) (2)
61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods	Manufacture from yarn (1) (2)

- (1) 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.
- (2) These provisions do not apply where the products are obtained from printed fabric in accordance with the conditions shown in List B.
- (3) For products obtained from two or more textile materials, this rules 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.

CCT heading No	Products obtained	Working or processing that does not confer the status of originating products	Working or processing that confers the status of <i>originating products</i> when the following conditions are met
	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 (1) (2)
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 (1) (2)
62.01	Travelling rugs and blankets		Manufacture from unbleached yarn of Chapters 50 to 56 (2) (3)
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles; not embroidered		Manufacture from unbleached single yarn (2) (3)
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 (2) (3)
62.04	Tarpaulins, sails, awnings, sun-blinds, tents and camping goods		Manufacture from single unbleached yarn (2) (3)
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	
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 materials 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

- (1) 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.
- (2) These provisions do not apply where the products are obtained from printed fabric in accordance with the conditions shown in List B.
- (3) 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.

CCT heading No	Products obtained Description	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	
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		
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		
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)			Manufacture in which the value of the products used does not exceed 50% of the value of the finished product (1)
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 for 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	
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

(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.

CCT heading No	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
	Description		
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 (1)
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 (1)
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 (1)
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 (1)
74.07	Tubes and pipes and blanks thereof, 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 (1)
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 (1)
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		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product (1)



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 (1)
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 (1)
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 (1)
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 (1)
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 (1)
74.15	Bolts and nuts (including bold 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 (1)
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 (1)

(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.

CCT heading No	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
	Description		
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>
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
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, hangers 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

(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.

CCT heading No	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
	Description		
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		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 liquefied 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
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 (1)
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 (1)
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 (1)
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 (1)

(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.

CCT heading No	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
	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
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

<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		
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 (1) used are originating products
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 (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 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:



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	<p>(a) at least 50% in value of the materials and parts (1) 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 (2)</p> <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 (1) 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 (2)</p>
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

(1) 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 this Protocol determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

(2) 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		
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 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, 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
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 (1) 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 (1) 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 (1) 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 (1) 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 (1) used are originating products
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

- (t) 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 this Protocol 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		
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

Chapter 93	Arms and ammunition; parts thereof	(b) the value of the non-originating transistors used does not exceed 3% of the value of the finished product (2)
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

(1) 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 this Protocol determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

(2) This percentage is not cumulative with the 40%.

## 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 status of 'originating products' on the products undergoing such operations

CCT heading No	Finished products	Working or processing that confers the status of originating products
	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
ex 31.03	Calcined, crushed and powdered natural aluminium calcium phosphates, treated thermally	Crushing and powdering of calcined natural aluminium calcium phosphates, treated thermally
ex 33.01	Essential oils, other than of citrus fruit, terpenes	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

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
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
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 within 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
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

CCT heading No	Finished products	Working or processing that confers the status of originating products
	Description	
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

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

<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 this Protocol 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	
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
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 (2)
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
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 (3)
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 (3)
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)

- (1) In determining the value of products, materials and parts, the following must be taken into account:
- 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;
  - in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of this Protocol determining:
    - the value of imported products,
    - the value of products of undetermined origin.
- (2) 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.
- (3) 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.

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
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

## ANNEX IV

### LIST C

#### List of products excluded from the scope of this Protocol

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 V**  
**MOVEMENT CERTIFICATE**

1. Exporter (Name, full address, country)	<b>EUR. 1</b> No <b>A</b> 000.000		
	See notes overleaf before completing this form		
3. Consignee (Name, full address, country) (Optional)	2. Certificate used in preferential trade between  ..... and ..... (insert appropriate countries, groups of countries or territories)		
	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
6. Transport details (Optional)	7. Remarks		
8. Item number; Marks and numbers; Number and kind of packages (1); Description of goods	9. Gross weight (kg) or other measure (litres, m <sup>3</sup> , etc.)	10. Invoices (Optional)	

(1) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.



✓

**11. CUSTOMS ENDORSEMENT**

Declaration certified  
Export document <sup>(2)</sup>

Stamp

Form ..... No .....

Customs office .....

Issuing country or territory .....

Date .....

(Signature)

**12. DECLARATION BY THE EXPORTER**

I, the undersigned, declare that the goods described above meet the conditions required for the issue of the attached certificate.

Place and date: .....

(Signature)

(<sup>2</sup>) Complete only where the regulations of the exporting country or territory require.

<p>13. REQUEST FOR VERIFICATION, to</p>	<p>14. RESULT OF VERIFICATION,</p>
<p>Verification of the authenticity and accuracy of this certificate is requested.</p> <p>.....</p> <p>(Place and date) <span style="float: right;">Stamp</span></p> <p>.....</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>.....</p> <p>(Place and date) <span style="float: right;">Stamp</span></p> <p>.....</p> <p>(Signature)</p> <p><sup>(1)</sup> Insert X in the appropriate box.</p>

L

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 initialed 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

1. Exporter (Name, full address, country)	<b>EUR. 1</b> No <b>A</b> 000.000		
3. Consignee (Name, full address, country) (Optional)	See notes overleaf before completing this form		
	<b>2. Application for a certificate to be used in preferential trade between</b>  ..... and .....  (insert appropriate countries, groups of countries or territories)		
	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
6. Transport details (Optional)	7. Remarks		
8. Item number; Marks and numbers; Number and kind of packages <sup>(1)</sup> ; Description of goods	9. Gross weight (kg) or other measure (litres, m <sup>3</sup> , etc.)	10. Invoices (Optional)	

<sup>(1)</sup> If goods are not packed, indicate number of articles or state "in bulk" as appropriate.

(Front)

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## 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 (1):

.....

.....

.....

L

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)

---

(1) 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.

## ANNEX VI

Before completing this form read carefully the instructions on the other side.

<b>FORM EUR. 2</b> No		<b>1 Form used in preferential trade</b> between <sup>(1)</sup> ..... and .....	
<b>2 Exporter</b> (Name, full address, country)		<b>3 Declaration by exporter</b> I, the undersigned, exporter of the goods described below, declare that the goods comply with the requirements for the completion of this form and that the goods have obtained the status of originating products within the provisions governing preferential trade shown in box 1.	
<b>4 Consignee</b> (Name, full address, country)		<b>5 Place and date</b>	
		<b>6 Signature of exporter</b>	
<b>7 Remarks</b> <sup>(2)</sup>		<b>8 Country of origin</b> <sup>(3)</sup>	<b>9 Country of destination</b> <sup>(4)</sup>
			<b>10 Gross weight</b> (kg)
<b>11 Marks; Numbers of consignment; Description of goods</b>		<b>12 Authority in the exporting country</b> <sup>(1)</sup> responsible for verification of the declaration by the exporter	

<sup>(1)</sup> Insert the countries, groups of countries or territories concerned.

<sup>(2)</sup> Refer to any verification already carried out by the appropriate authorities.

<sup>(3)</sup> The term 'country of origin' means country, group of countries or territory where the goods are considered to be originating.

<sup>(4)</sup> The term 'country' means country, group of countries or territory of destination.



<p><b>13 Request for verification</b></p> <p>The verification of the declaration by the exporter on the front of this form is requested (*)</p> <p>..... 19..... (Place and date) Stamp</p> <p>..... (Signature)</p>	<p><b>14 Result of verification</b></p> <p>Verification carried out shows that <sup>(1)</sup></p> <p><input type="checkbox"/> the statements and particulars given in this form are accurate.</p> <p><input type="checkbox"/> this form does not meet the requirements as to accuracy and authenticity (see remarks appended.)</p> <p>..... 19..... (Place and date) Stamp</p> <p>..... (Signature)</p> <p>(<sup>1</sup>) Insert X in the appropriate box</p>
--	---

(\*) Subsequent verifications of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubt as to the accuracy of the information regarding the authenticity of the forms and the true origin of the goods in question.

### Instructions for the completion of form EUR. 2

1. A form EUR. 2 may be made out only for goods which in the exporting country fulfil the conditions specified by the provisions governing the trade referred to in box 1. These provisions must be studied carefully before the form is completed.
2. In the case of a consignment by parcel post the exporter attaches the form to the dispatch note. In the case of a consignment by letter post he encloses the form in a package. The reference 'EUR. 2' and the serial number of the form should be stated on the customs green label declaration C1 or on the customs declaration C2/CP3, as appropriate.
3. These instructions do not exempt the exporter from complying with any other formalities required by customs or postal regulations.
4. An exporter who uses this form is obliged to submit to the appropriate authorities any supporting evidence which they may require and to agree to any inspection by them of his accounts and of the processes of manufacture of the goods described in box 11 of this form.

*ANNEX VII***Specimen of Declaration**

I, the undersigned, declare that the goods listed on this invoice were obtained in.....

.....

and (as appropriate):

(a) <sup>(1)</sup> satisfy the rules on the definition of the concept of 'wholly obtained products'

or

(b) <sup>(1)</sup> were produced from the following products:

Description	Country of origin <sup>(2)</sup>	Value <sup>(1)</sup>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

✓

and have undergone the following processes:

..... (indicate processings)

in

.....

Done at ..... (Signature)

(1) Complete if necessary.

(2) Complete if necessary. In the event that:

- the goods originate in a country covered by the Agreement or Convention concerned: indicate the country;
- the products originate in another country: indicate 'third country.'

## ANNEX VIII

1. Supplier <sup>(1)</sup>	<p style="text-align: center;"><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;"> <p><b>EUROPEAN ECONOMIC COMMUNITY</b> and</p> <p><small>(in block letters)</small></p> </div>	
2. Consignee <sup>(1)</sup>		
3. Processor <sup>(1)</sup>	4. State 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 MEMBER STATE OF DESTINATION</b>		
8. Marks, numbers, quantity and kind of package	9. Tariff heading number and description of goods	10. Quantity <sup>(2)</sup>

11. Value (\*)

IMPORTED GOODS USED

12. Tariff heading number and description

13. Country of origin (\*)

14. Quantity (\*)

15. Value (\*): (\*)

16. Nature of the working or processing carried out

17. Remarks

18. CUSTOMS ENDORSEMENT

Declaration certified

Document .....

Form ..... No .....

Customs office .....

Date

Official stamp

(Signature)

19. DECLARATION BY THE SUPPLIER

I, the undersigned, declare that the information on this certificate is accurate

.....  
(Place)

(Date)

(Signature)

**REQUEST FOR VERIFICATION**

The undersigned customs official requests verification of the authenticity and accuracy of this information certificate

.....  
(Place and date)

Official  
stamp

.....  
(Official's signature)

**RESULT OF VERIFICATION**

Verification carried out by the undersigned customs official shows that this information certificate:

- (a) was issued by the customs office indicated and that the information contained therein is accurate (\*)
- (b) does not meet the requirements as to authenticity and accuracy (see notes appended) (\*)

.....  
(Place and date)

Official  
stamp

.....  
(Official's signature)

.....  
(\*) Delete where not applicable.

## 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) Complete if necessary. In the event that:
- the goods originate in a country covered by the Agreement or Convention concerned: indicate the country;
  - the products originate in another country: indicate 'third country'.
- (6) The value must be indicated in accordance with the provisions on rules of origin.

## *ANNEX IX*

### **Joint Declaration**

For the implementation of Article 28 of the Protocol, the Community is prepared to examine any request from Morocco for derogations to the rules of origin after the signature of the Agreement.



## FINAL ACT

The Plenipotentiaries of  
the Council of the European Communities,  
of the one part, and

His Majesty the King of Morocco,  
of the other part,

meeting at Rabat this twenty-seventh day of April in the year one thousand nine hundred and seventy-six for the purpose of signing the Interim Agreement between the European Economic Community and the Kingdom of Morocco,

have, on signing this Agreement,

— adopted the following joint declarations by the Contracting Parties:

1. Joint Declaration by the Contracting Parties on Article 5 (1) of the Agreement,
2. Joint Declaration by the Contracting Parties on Article 8 of the Agreement,
3. Joint Declaration by the Contracting Parties on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff,
4. Joint Declaration by the Contracting Parties on olive oil,
5. Joint Declaration by the Contracting Parties on wines entitled to a designation of origin,
6. Joint Declaration by the Contracting Parties on agricultural products,
7. Joint Declaration by the Contracting Parties on the consultations provided for in Articles 6, 18, 21, 35 and 36 of the Agreement,
8. Joint Declaration by the Contracting Parties on the presentation of the Agreement to GATT by the Community;

— taken note of the following declarations:

1. Declaration by the European Economic Community on Article 14 (2) of the Agreement,
2. Declaration by the European Economic Community on the regional application of certain provisions of the Agreement,
3. Declaration by the representative of the Federal Republic of Germany on the definition of German nationality,
4. Declaration by the representative of the Federal Republic of Germany on the application of the Agreement to Berlin;

— and taken note of the following exchanges of letters:

1. Exchange of letters on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff,
2. Exchange of letters on goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State,
3. Exchange of letters on Articles 27 and 39 of the Agreement.

The declarations and exchanges of letters listed above are annexed to this Final Act.

The Plenipotentiaries have agreed that the declarations and exchanges of letters shall be subjected, in the same manner as the Agreement, to any procedures that may be necessary to ensure their validity.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne slutakt.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diese Schlußakte gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Final Act.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent acte final.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente atto finale.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Slotakte hebben gesteld.

وإنهاء لذلك ، وقع المفوضين اسفل هذا الاتفاق المؤقت .

Udfærdiget i Rabat, den syvogtyvende april nitten hundrede og seksoghalvfjerds.

Geschehen zu Rabat am siebenundzwanzigsten April neunzehnhundertsechundsiebzig.

Done at Rabat this twenty-seventh day of April in the year one thousand nine hundred and seventy-six.

Fait à Rabat, le vingt-sept avril mil neuf cent soixante-seize.

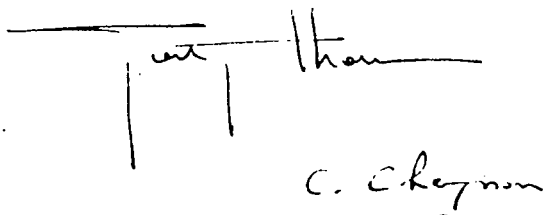
Fatto a Rabat, addì ventisette aprile millenovecentosettantasei.

Gedaan te Rabat, de zevenentwintigste april negentienhonderd zesenzeventig.

حرر بتونس ، في الخامس والعشرين من شهر ابريل سنة الف وتسعمائة وستة وسبعين

For Rådet for De europæiske Fællesskaber  
Für den Rat der Europäischen Gemeinschaften  
For the Council of the European Communities  
Pour le Conseil des Communautés européennes  
Per il Consiglio delle Comunità europee  
Voor de Raad van de Europese Gemeenschappen

عن مجلس الجماعات الأوروبية



C. Cheysson

For Hans Majestæt Kongen af Marokko  
Für Seine Majestät den König von Marokko  
On behalf of His Majesty the King of Morocco  
Pour Sa Majesté le roi du Maroc  
Per Sua Maestà il re del Marocco  
Voor Zijne Majesteit de Koning van Marokko

عن صاحب الجلالة ملك المغرب ،



### **Joint Declaration by the Contracting Parties on Article 5 (1) of the Agreement**

The Contracting Parties agree that, should the date of entry into force of the Agreement not coincide with the beginning of the calendar year, the ceilings referred to in Article 5 (1) of the Agreement will be applied *pro rata*.

### **Joint Declaration by the Contracting Parties on Article 8 of the Agreement**

The Contracting Parties agree that, without prejudice to the implementation of the first subparagraph of Article 22 (2) of Regulation (EEC) No 1035/72, the products listed in Article 8 of the Agreement and set out in Annex III to that Regulation shall be admitted into the Community during the period for which the reductions in duty are applicable free of quantitative restrictions and measures having equivalent effect.

Furthermore, the Contracting Parties agree that, where reference is made in the Agreement to the provisions of Articles 23 to 28 of Regulation (EEC) No 1035/72, the Community is referring to the arrangements applicable to third countries at the time of importation of the products in question.

### **Joint Declaration by the Contracting Parties on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff**

The Contracting Parties agree that if, in the light of the results of the Agreement and taking into account the trend of trade flows between the Community and the Mediterranean countries, the advantages accruing from the provisions of Article 8 in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff are or are likely to be jeopardized by abnormal conditions of competition, the situation shall be examined within the Joint Committee in order to identify the problems and seek appropriate solutions.

### **Joint Declaration by the Contracting Parties on olive oil**

The Contracting Parties agree to cooperate closely in order to identify any difficulties which might arise in respect of olive oil and to seek appropriate solutions.

To this end, the Contracting Parties will hold periodic consultations to follow the trend of the olive-oil market.

### **Joint Declaration by the Contracting Parties on wines entitled to a designation of origin**

The Contracting Parties agree that, as regards the wines entitled to a designation of origin referred to in Article 14 (2) of the Agreement, the results of the application of the provision in question will be examined after one year.

### **Joint Declaration by the Contracting Parties on agricultural products**

1. The Contracting Parties declare their readiness to foster, so far as their agricultural policies allow, the harmonious development of trade in agricultural products to which the Agreement does not apply.

As regards veterinary, health and plant health matters the Contracting Parties shall apply their rules in a non-discriminatory fashion and shall refrain from introducing any new measures that have the effect of unduly obstructing trade.

2. They shall examine within the Joint Committee any difficulties that might arise in their trade in agricultural products and shall endeavour to seek appropriate solutions.

### **Joint Declaration by the Contracting Parties on the consultations provided for in Articles 6, 18, 21, 35 and 36 of the Agreement**

For the implementation of the consultations provided for in Articles 6, 18, 21, 35 and 36 of the Agreement, the Community and Morocco propose to lay down in the rules of procedure of the Joint Committee suitable procedures in order to ensure appropriate consultations.

**Joint Declaration by the Contracting Parties on the presentation of the Agreement to GATT by the Community**

The Contracting Parties to the Agreement will consult when the provisions of the Agreement that relate to trade are presented and examined under GATT.

**Declaration by the European Economic Community on Article 14 (2) of the Agreement**

Until such time as Morocco has sufficient plant to bottle the wines entitled to a designation of origin referred to in Article 14 (2), the Community is willing to apply the abovementioned provisions for a period of one year to wine exported in bulk in respect of quantities corresponding to the future capacity of the plant under construction, up to a volume not exceeding 20 000 hl.

**Declaration by the European Economic Community concerning the regional application of certain provisions of the Agreement**

The European Economic Community declares that the application of any measures it may take under Articles 28 and 29 of the Agreement, in accordance with the procedure and under the arrangements set out in Article 30, or under Article 31, may be limited to one of its regions by virtue of Community rules.

**Declaration by the representative of the Federal Republic of Germany on the definition of German nationality**

Every German person, within the meaning of the basic constitutional law applying in the Federal Republic of Germany, is considered as a national of the Federal Republic of Germany.

**Declaration by the representative of the Federal Republic of Germany on the application of the Agreement to Berlin**

The Agreement shall also apply to Land Berlin provided that no statement to the contrary by the Government of the Federal Republic of Germany is addressed to the other Contracting Parties within three months of the entry into force of the Agreement.

**Exchange of letters on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff**

Rabat, 27 April 1976.

Sir,

Morocco considers that the advantages accruing from the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff should enable it to consolidate its competitive position on the Community market.

Should abnormal conditions of competition or market disturbances jeopardize these advantages the purpose of the examination provided for in the Joint Declaration on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff would be to seek solutions to enable Morocco to maintain its competitive position in relation to other suppliers to the Community.

I should be grateful if you would acknowledge receipt of this letter.

Please accept, Sir, the assurance of my highest consideration.

(s.) Ahmed BENKIRANE  
*Head of the Moroccan delegation*



Rabat, 27 April 1976.

Sir,

In your letter of today's date you inform me as follows:

'Morocco considers that the advantages accruing from the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff should enable it to consolidate its competitive position on the Community market.

Should abnormal conditions of competition or market disturbances jeopardize these advantages the purpose of the examination provided for in the Joint Declaration on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff would be to seek solutions to enable Morocco to maintain its competitive position in relation to other suppliers to the Community.

I should be grateful if you would acknowledge receipt of this letter.'

I have the honour to acknowledge receipt of your letter. I confirm that in the sector in question the Community is resolved to make every effort to ensure the proper functioning of its organization of the market.

Please accept, Sir, the assurance of my highest consideration.

(s.) Jean DURIEUX  
*Head of the delegation  
of the European Economic Community*

**Exchange of letters on goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State**

Rabat, 27 April 1976.

Sir,

I have the honour to inform you that the Representatives of the Governments of the Member States of the European Economic Community have made the following declaration:

1. For those products originating in and coming from Morocco which are not specified in Title I (Trade cooperation) of the Agreement between that country and the European Economic Community the Protocol on goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State, annexed to the Treaty establishing the European Economic Community, shall remain applicable.
2. For the products specified in Title I, the application of the Protocol referred to in paragraph 1 shall be suspended for the duration of the Agreement and shall take effect again once the Agreement is no longer in force.
3. However, a derogation shall be made for certain products from the suspension referred to in paragraph 2 pending the review which is to take place in 1978 in accordance with Article 55 of the Cooperation Agreement.'

I should be grateful if you would acknowledge receipt of this letter.

Please accept, Sir, the assurance of my highest consideration.

(s.) Jean DURIEUX  
*Head of the delegation  
of the European Economic Community*

Rabat, 27 April 1976.

Sir,

In your letter of today's date you inform me as follows:

- “1. For those products originating in and coming from Morocco which are not specified in Title I (Trade cooperation) of the Agreement between that country and the European Economic Community the Protocol on goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State, annexed to the Treaty establishing the European Economic Community, shall remain applicable.
2. For the products specified in Title I, the application of the Protocol referred to in paragraph 1 shall be suspended for the duration of the Agreement and shall take effect again once the Agreement is no longer in force.
3. However, a derogation shall be made for certain products from the suspension referred to in paragraph 2 pending the review which is to take place in 1978 in accordance with Article 55 of the Cooperation Agreement.”

I should be grateful if you would acknowledge receipt of this letter.’

I have the honour to acknowledge receipt of your letter.

Please accept, Sir, the assurance of my highest consideration.

(s.) Ahmed BENKIRANE  
*Head of the Moroccan delegation*

## Exchange of letters on Articles 27 and 39 of the Agreement

Rabat, 27 April 1976.

Sir,

I have the honour to inform you of the following declaration by my Government on Articles 27 and 39 of the Agreement:

'The Kingdom of Morocco hereby declares that in applying Articles 27 and 39 of the Agreement its undertakings do not require it to repeal laws and regulations in force in so far as they remain necessary for the protection of its essential security interests. Morocco will see to it that such laws and regulations are applied in such a way as to ensure compliance with Article 37 (1) of the Agreement.'

Please accept, Sir, the assurance of my highest consideration.

(s.) Ahmed BENKIRANE  
*Head of the Moroccan delegation*

Rabat, 27 April 1976.

Sir,

In your letter of today's date you communicate to me a declaration by your Government on Articles 27 and 39 of the Agreement.

I have the honour to inform you of the following declaration by the European Economic Community on Articles 27 and 39 of the Agreement:

1. The European Economic Community notes the declaration by the Kingdom of Morocco.
2. The European Economic Community expects the principles set out in the Agreement, including those in Articles 27 and 39 of the Agreement, to be put into full application.

The European Economic Community considers in particular that the application of the principle of non-discrimination should ensure the correct and smooth application of the Agreement.'

Please accept, Sir, the assurance of my highest consideration.

(s.) Jean DURIEUX  
*Head of the delegation  
of the European Economic Community*



## AGREEMENT

in the form of an exchange of letters relating to Article 20 of the Cooperation Agreement and Article 13 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of fruit salads originating in Morocco (1)

### COUNCIL REGULATION (EEC) No 1523/76

of 24 June 1976

concluding the Agreement in the form of an exchange of letters relating to Article 20 of the Cooperation Agreement and Article 13 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of fruit salads originating in Morocco

#### THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco was signed on 27 April 1976;

Whereas the Interim Agreement (2) on the advance implementation of the trade provisions of the Cooperation Agreement signed on the same day enters into force on 1 July 1976;

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(1) OJ No L 169, 28.6.1976.

(2) OJ No L 141, 28.5.1976.

Whereas the Agreement in the form of an exchange of letters relating to Article 20 of the Cooperation Agreement and Article 13 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco concerning the import into the Community of fruit salads originating in Morocco should be concluded,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement in the form of an exchange of letters relating to Article 20 of the Cooperation Agreement and Article 13 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of fruit salads originating in Morocco is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

*Article 3*

This Regulation shall enter into force on the 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, 24 June 1976.

*For the Council*  
*The President*  
G. THORN



## AGREEMENT

in the form of an exchange of letters relating to Article 20 of the Cooperation Agreement and Article 13 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of fruit salads originating in Morocco

Sir,

With a view to implementing the 55% reduction in the Common Customs Tariff provided for in Article 20 of the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco and in Article 13 of the Interim Agreement, and following the clarifications exchanged concerning the conditions governing imports into the Community of fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Morocco, I have the honour to inform you that the Moroccan Government undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 July to 31 December 1976 do not exceed 50 metric tons.

To this end the Moroccan Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the 'Office de commercialisation et d'exportation (OCE)' (Marketing and Exports Office).

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Marketing and Exports Office and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows:

'With a view to implementing the 55% reduction in the Common Customs Tariff provided for in Article 20 of the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco and in Article 13 of the Interim Agreement, and following the clarifications exchanged concerning the conditions governing imports into the Community of fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Morocco, I have the honour to inform you that the Moroccan Government undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 July to 31 December 1976 do not exceed 50 metric tons.

To this end the Moroccan Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the "Office de commercialisation et d'exportation (OCE)" (Marketing and Exports Office).

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Marketing and Exports Office and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.'

I am able to confirm the agreement of the Community with the foregoing and consequently to state that the 55% reduction in the Common Customs Tariff will apply from 1 July to 31 December 1976 to the quantities of fruit salads originating in Morocco referred to in your letter.

Please accept, Sir, the assurance of my highest consideration.

## AGREEMENT

in the form of an exchange of letters relating to Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of bran and sharps originating in Morocco <sup>(1)</sup>

### COUNCIL REGULATION (EEC) No 1525/76

of 24 June 1976

concluding the Agreement in the form of an exchange of letters relating to Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of bran and sharps originating in Morocco

#### THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco was signed on 27 April 1976;

Whereas the Interim Agreement <sup>(2)</sup> on the advance implementation of the trade provisions of the Cooperation Agreement signed on the same day enters into force on 1 July 1976;

---

(1) OJ No L 169, 28.6.1976.

(2) OJ No L 141, 28.5.1976.

Whereas the Agreement in the form of an exchange of letters relating to Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of bran and sharps originating in Morocco should be concluded,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement in the form of an exchange of letters relating to Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of bran and sharps originating in Morocco is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

*Article 3*

This Regulation shall enter into force on the 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, 24 June 1976.

*For the Council*  
*The President*  
G. THORN

## AGREEMENT

**in the form of an exchange of letters relating to Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of bran and sharps originating in Morocco**

Sir,

I have the honour to inform you as follows:

For the implementation of Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco it is agreed that the following provisions be adopted:

1. The variable component of the levy on imports into the Community of bran, sharps and other residues derived from the sifting, milling or other working of cereals, other than of maize and rice, falling within subheading 23.02 A II of the Common Customs Tariff and originating in Morocco shall be as calculated in accordance with Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice, less the amount specified in paragraph 3 below.
2. Paragraph 1 shall apply provided that Morocco levies on exports of the products referred to a special charge which is equal to the amount by which the variable component of the levy is reduced and is reflected in the Community import price.
3. The amount by which the variable component of the levy is reduced shall be equal to 60% of the average of the variable components of the levies in force during the three months preceding the month in which the amount in question was fixed.

The amount shall be fixed by the Commission not later than the tenth day of the month preceding the quarter during which the amount shall apply.

'Quarter' shall mean a period of three months beginning on 1 February, 1 May, 1 August or 1 November in each year.

However, should the entry into force of the Agreement not coincide with the beginning of one of these quarters, the first reduction in the levy shall be applicable for the month or months of the current quarter.

4. Proof that the special charge on exports has been collected shall be provided by the insertion by the customs authorities under 'Remarks' on the movement certificate of one of the following endorsements:

Taxe spéciale à l'exportation appliquée

Særlig udførselsafgift opkrævet

Sonderausfuhrabgabe erhoben

Special export charge collected

Applicata tassa speciale all'esportazione

Bijzondere uitvoerheffing voldaan

(signature and official stamp)

I should be grateful if you would acknowledge this letter and confirm the agreement of your Government with its contents.

Please accept, Sir, the assurance of my highest consideration.

Sir,

In your letter of today's date you inform me as follows:

'For the implementation of Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco it is agreed that the following provisions be adopted:

1. The variable component of the levy on imports into the Community of bran, sharps and other residues derived from the sifting, milling or other working of cereals, other than maize and rice, falling within subheading 23.02 A II of the Common Customs Tariff and originating in Morocco shall be as calculated in accordance with Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice, less the amount specified in paragraph 3 below.
2. Paragraph 1 shall apply provided that Morocco levies on exports of the products referred to a special charge which is equal to the amount by which the variable component of the levy is reduced and is reflected in the Community import price.
3. The amount by which the variable component of the levy is reduced shall be equal to 60% of the average of the variable components of the levies in force during the three months preceding the month in which the amount in question was fixed.

The amount shall be fixed by the Commission not later than the tenth day of the month preceding the quarter during which the amount shall apply.

"Quarter" shall mean a period of three months beginning on 1 February, 1 May, 1 August or 1 November in each year.

However, should the entry into force of the Agreement not coincide with the beginning of one of these quarters, the first reduction in the levy shall be applicable for the month or months of the current quarter.

4. Proof that the special charge on exports has been collected shall be provided by the insertion by the customs authorities under 'Remarks' on the movement certificate of one of the following endorsements:

Taxe spéciale à l'exportation appliquée

Særlig udførselsafgift opkrævet

Sonderausfuhrabgabe erhoben

Special export charge collected

Applicata tassa speciale all'esportazione

Bijzondere uitvoerheffing voldaan

(signature and official stamp)

I should be grateful if you would acknowledge this letter and confirm the agreement of your Government with its contents.'

I have the honour to acknowledge receipt of your letter and to confirm the agreement of my Government with its contents.

Please accept, Sir, the assurance of my highest consideration.



## INFORMATION CONCERNING

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
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- the INTERIM AGREEMENT between the European Economic Community and the Kingdom of Morocco <sup>(1)</sup> <sup>(2)</sup>

EEC	27.4.1976	n. 31.5.1976	1.7.1976 <sup>(3)</sup>	until 30.6.1977
MOROCCO				

- the AGREEMENT in the form of an exchange of letters relating to Article 20 of the Cooperation Agreement and Article 13 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of fruit salads originating in Morocco <sup>(4)</sup>

EEC	29.6.1976 <sup>(5)</sup>	—	1.7.1976	until 31.12.1976
MOROCCO				

- the AGREEMENT in the form of an exchange of letters relating to Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of bran and sharps originating in Morocco <sup>(4)</sup>

EEC	29.6.1976 <sup>(5)</sup>	—	1.7.1976	indefinite
MOROCCO				

<sup>(1)</sup> OJ No L 141, 28.5.1976 (see also Volume 4, page 715).

<sup>(2)</sup> Corrigendum: OJ No L 185, 9.7.1976.

<sup>(3)</sup> OJ No L 170, 29.6.1976.

<sup>(4)</sup> OJ No L 169, 28.6.1976. The Cooperation Agreement had not yet entered into force as at 31.12.1976.

<sup>(5)</sup> OJ No L 194, 20.7.1976.



**Agreements**  
**between the EEC and the People's Democratic**  
**Republic of Algeria**



## INTERIM AGREEMENT

between the European Economic Community and the  
People's Democratic Republic of Algeria (1) (2)

### COUNCIL REGULATION (EEC) No 1287/76 of 28 May 1976

on the conclusion of the Interim Agreement between the European Economic  
Community and the People's Democratic Republic of Algeria

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas, pending the entry into force of the Cooperation Agreement  
signed in Algiers on 26 April 1976, it is necessary to conclude the  
Interim Agreement between the European Economic Community and  
the People's Democratic Republic of Algeria signed in Algiers the same  
day,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

The Interim Agreement between the European Economic Community  
and the People's Democratic Republic of Algeria and the declarations

(1) OJ No L 141, 28.5.1976.

(2) See corrigendum: OJ No L 185, 9.7.1976.

annexed to the Final Act are hereby concluded, approved and confirmed on behalf of the Community.

The texts of the Interim Agreement and of the Final Act are annexed to this Regulation.

*Article 2*

The President of the Council shall carry out, on behalf of the Community, the notification procedure provided for in Article 41 of the Interim Agreement.

*Article 3*

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, 28 May 1976.

*For the Council*  
*The President*  
G. THORN

## **INTERIM AGREEMENT**

**between the European Economic Community and the People's Democratic Republic of Algeria**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

of the one part, and

**THE PRESIDENT OF THE COUNCIL OF THE REVOLUTION,  
PRESIDENT OF THE COUNCIL OF MINISTERS OF THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA,**

of the other part,

### *PREAMBLE*

WHEREAS a Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria was signed this day in Algiers;

WHEREAS pending the entry into force of that Agreement, certain provisions of the Agreement relating to trade in goods should be implemented as speedily as possible by means of an Interim Agreement,

HAVE DECIDED to conclude this Agreement, and to this end have designated as their Plenipotentiaries:

**THE COUNCIL OF THE EUROPEAN COMMUNITIES:**

Gaston THORN,

President-in-Office of the Council of the European Communities,  
President and Minister for Foreign Affairs of the Government of the Grand Duchy of Luxembourg;

Claude CHEYSSON,

Member of the Commission of the European Communities;

**THE PEOPLES' DEMOCRATIC REPUBLIC OF ALGERIA:**

Abdelaziz BOUTEFLIKA,

Member of the Council of the Revolution and Minister for Foreign Affairs.

## Title I

### TRADE

#### *Article 1*

The object of this Agreement is to promote trade between the Contracting Parties, taking account of their respective levels of development and of the need to ensure a better balance in their trade, with a view to increasing the rate of growth of Algeria's trade and improving the conditions of access for its products to the Community market.

#### *A. INDUSTRIAL PRODUCTS*

##### *Article 2*

1. Subject to the special provisions of Articles 4, 5 and 7, products originating in Algeria which are not listed in Annex II to the Treaty establishing the European Economic Community shall be imported into the Community free of quantitative restrictions and measures having equivalent effect, and of customs duties and charges having equivalent effect.

2. The new Member States shall apply the provisions of paragraph 1, it being understood that in no case may they apply more favourable treatment to Algeria than to the Community as originally constituted.

##### *Article 3*

1. In the case of customs duties comprising a protective element and a fiscal element, Article 2 shall apply to the protective element.

2. The United Kingdom shall replace the fiscal element of the customs duties referred to in paragraph 1 by an internal tax in accordance with Article 38 of the Act concerning the conditions of accession and the adjustments to the Treaties of 22 January 1972.

##### *Article 4*

The measures provided for in Article 1 of Protocol 7 to the Act concerning the conditions of accession and the adjustments to the Treaties referred



to in Article 3 on imports of motor vehicles and the motor vehicle assembly industry in Ireland, shall apply to Algeria.

*Article 5*

1. Imports of the following products shall be subject to annual ceilings above which the customs duties actually applied in respect of third countries may be reintroduced in accordance with paragraph 2, the ceiling fixed for the year of the entry into force of the Agreement being indicated in each case.

CCT heading No	Description	Ceiling (in metric tons)
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: A. Light oils: III. For other purposes B. Medium oils: III. For other purposes C. Heavy oils: I. Gas oils: c) For other purposes II. Fuel oils: c) For other purposes III. Lubricating oils; other oils: c) To be mixed in accordance with the terms of Additional Note 7 to Chapter 27 d) For other purposes	1 100 000
27.11	Petroleum gases and other gaseous hydrocarbons: A. Propane of a purity not less than 99%: I. For use as power or heating fuel B. Other: I. Commercial propane and commercial butane: c) For other purposes	
27.12	Petroleum jelly: A. Crude: III. For other purposes B. Other	
27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other purposes II. Other	

CCT heading No	Description	Ceiling (in metric tons)
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other: II. Other	1 100 000
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	150
45.04	Agglomerated cork (being cork agglomerated with or without a binding substance) and articles of agglomerated cork	2 000

2. When a ceiling fixed for imports of a product referred to in paragraph 1 is reached, the customs duties actually applied in respect of third countries may be reimposed on imports of the product in question until the end of the calendar year.

When imports into the Community of a product subject to ceilings reach 75% of the level fixed, the Community shall inform the Joint Committee.

#### *Article 6*

1. The Community reserves the right to modify the arrangements applicable to the petroleum products falling within subheadings or heading Nos 27.10, 27.11 A and B I, 27.12, 27.13 B or 27.14 of the Common Customs Tariff:

- upon adoption of a common definition of origin for petroleum products,
- upon adoption of decisions under a common commercial policy, or
- upon establishment of a common energy policy.

2. In that event the Community shall ensure that imports of these products will enjoy advantages equivalent to those provided for in this Agreement.

For the application of this paragraph consultations shall be held within the Joint Committee at the request of the other party.

3. Subject to paragraph 1, this Agreement shall not affect the non-tariff rules applied to imports of petroleum products.

### *Article 7*

For goods resulting from the processing of agricultural products listed in Annex A, the reductions specified in Article 2 shall apply to the fixed component of the charge levied on imports of these products into the Community.

## *B. AGRICULTURAL PRODUCTS*

### *Article 8*

1. Customs duties on imports into the Community of the products originating in Algeria which are listed below shall be reduced by the rates indicated for each of them.

CCT heading No	Description	Rate of reduction
01.01	Live horses, asses, mules and hinnies: A. Horses: II. For slaughter (a) III. Other	80% 80%
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: I. Of horses, asses, mules and hinnies ex IV. Other: — Excluding meat of domestic sheep	80% 100%
02.04	Other meat and edible meat offals, fresh, chilled or frozen	100%
Chapter 3	Fish, crustaceans and molluscs	100%
07.01	Vegetables, fresh or chilled: A. Potatoes: II. New potatoes: ex a) From 1 January to 15 May: — From 1 January to 31 March	40%

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities of the Community.

CCT heading No	Description	Rate of reduction
07.01 (cont'd)	<p>F. Leguminous vegetables, shelled or unshelled:</p> <p>I. Peas:  ex a) From 1 September to 31 May:  — From 1 October to 30 April</p> <p>II. Beans (of the species Phaseolus):  ex a) From 1 October to 30 June:  — From 1 November to 30 April</p> <p>G. Carrots, turnips, salad beetroot, salsify, celeriac radishes and similar edible roots:  ex II. Carrots and turnips:  — Carrots, from 1 January to 31 March</p> <p>ex H. Onions, shallots and garlic:  — Onions, from 15 February to 15 May</p> <p>ex L. Artichokes:  — From 1 October to 31 December</p> <p>M. Tomatoes:  ex I. from 1 November to 14 May:  — From 15 November to 30 April</p> <p>ex T. Other:  — Aubergines, from 1 December to 30 April  — Courgettes, from 1 December to the last day of February</p>	<p>60%</p> <p>60%</p> <p>40%</p> <p>60%</p> <p>30%</p> <p>60%</p> <p>60%</p> <p>60%</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>A. Olives:  I. For uses other than the production of oil (a)</p> <p>B. Capers</p>	<p>60%</p> <p>90%</p>
07.05	<p>Dried leguminous vegetables, shelled, whether or not skinned or split:</p> <p>A. For sowing:  ex I. Peas (including chick peas) and beans of the species Phaseolus:  — Peas</p> <p>B. Other</p>	<p>60%</p> <p>100%</p>
08.01	<p>Dates, bananas, coconuts, Brazil nuts, cashew nuts, pineapples, avocados, mangoes, guavas and mango-steens, fresh or dried, shelled or not:</p> <p>ex A. Dates:  — In immediate containers of a net capacity of 35 kg or less</p> <p>D. Avocados</p>	<p>100%</p> <p>80%</p>
08.02	<p>Citrus fruit, fresh or dried:  ex A. Oranges:  — Fresh</p>	<p>80%</p>

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities of the Community.

CCT heading No	Description	Rate of reduction
08.02 (cont'd)	ex B. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids: — Fresh	80%
	ex C. Lemons: — Fresh	80%
	D. Grapefruit	80%
08.04	Grapes, fresh or dried: A. Fresh: I. Table grapes: ex a) From 1 November to 14 July: — From 15 November to 30 April	60%
08.07	Stone fruit, fresh: D. Plums: ex II. From 1 October to 30 June: — From 1 November to 15 June	60%
08.08	Berries, fresh: A. Strawberries: ex II. From 1 August to 30 April: — From 1 November to 31 March	60%
	ex D. Raspberries, black currants and red currants: — Raspberries, from 15 May to 15 June	50%
ex 08.09	Other fruit, fresh: — Melons, from 1 November to 31 May — Watermelons, from 1 April to 15 June	50% 50%
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: ex B. Oranges: — Comminuted	80%
	ex E. Other: — Comminuted citrus fruit	80%
09.04	Pepper of the genus 'Piper'; pimento of the genus 'Capsicum' or the genus 'Pimenta': A. Neither crushed nor ground: II. Pimento	100% 100%
	B. Crushed or ground	
09.09	Seeds of anise, badian, fennel, coriander, cumin, caraway and juniper	100%
09.10	Thyme, saffron and bay leaves; other spices	100%
12.03	Seeds, fruits and spores, of a kind used for sowing: E. Other (a)	60%

(a) This concession is solely for seeds complying with the provisions of the Directives on the marketing of seeds and plants.

CCT heading No	Description	Rate of reduction
12.07	Plants and parts (including seeds and fruit) 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	100%
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	100%
13.03	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, derived from vegetable products: ex B. Pectic substances, pectinates and pectates: — Pectic substances and pectinates	25%
16.04	Prepared or preserved fish, including caviar and caviar substitutes: A. Caviar and caviar substitutes B. Salmonidae C. Herring E. Tunny F. Bonito ( <i>Sarda</i> sp.p.) mackerel and anchovies G. Other	100% 100% 100% 60% 100% 100% 100%
16.05	Crustaceans and molluscs, prepared or preserved	100%
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: — Without added sugar, with the exception of gherkins	100%
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: A. Mushrooms: — Forced mushrooms (1) — Other B. Truffles ex C. Tomatoes: — Peeled tomatoes D. Asparagus F. Capers and olives G. Peas: beans in pod H. Other, including mixtures: — Carrots and mixtures — Others	50% 60% 70% 30% 20% 100% 20% 20% 50%
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar: A. Chestnut purée and paste: II. Other B. Jams and marmalades of citrus fruit: III. Other C. Other: III. Other	50% 50% 50% 50%

(1) Read 'Cultivated mushrooms' (see corrigendum: OJ No L 185, 9.7.1976).

CCT heading No	Description	Rate of reduction
20.06	<p>Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit:</p> <p>B. 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 80%</p> <p>ex 3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids:</p> <p>— Comminuted 80%</p> <p>ex 8. Other fruits: 80%</p> <p>— Comminuted oranges and lemons</p> <p>b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less:</p> <p>2. Grapefruit segments 80%</p> <p>ex 3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids:</p> <p>— Comminuted 80%</p> <p>ex 8. Other fruits: 80%</p> <p>— Comminuted oranges and lemons</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 aa) Apricots: 50%</p> <p>— Apricot halves</p> <p>ex bb) Peaches (including nectarines) and plums: 50%</p> <p>— Peach halves and nectarine halves</p> <p>ex dd) Other fruits: 80%</p> <p>— Grapefruit segments 40%</p> <p>— Citrus pulp 80%</p> <p>— Comminuted citrus fruit</p> <p>2. Of less than 4.5 kg:</p> <p>ex bb) Other fruits and mixtures of fruit: 50%</p> <p>— Apricot halves, peach halves and nectarine halves 80%</p> <p>— Grapefruit segments 80%</p> <p>— Comminuted citrus fruit 80%</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: 70%</p> <p>— Orange juice</p>	

CCT heading No	Description	Rate of reduction
20.07 (cont'd)	— Grapefruit juice	70%
	— Other citrus fruit juices	60%
	ex b) Of a value not exceeding 30 u.a. per 100 kg net weight:	
	— Orange juice	70%
	— Grapefruit juice	70%
	— Other citrus fruit juices	60%
	B. Of a specific gravity of 1.33 or less at 15°C:	
	II. Other:	
	a) Of a value exceeding 30 u.a. per 100 kg net weight:	
	1. Orange juice	70%
2. Grapefruit juice	70%	
ex 3. Lemon juice and other citrus fruit juices:		
— Other citrus fruit juices (excluding lemon juice)	60%	
b) Of a value of 30 u.a. or less per 100 kg net weight:		
1. Orange juice	70%	
2. Grapefruit juice	70%	
23.01	Flours and meals, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption; greaves	100%

2. As from the implementation of Community rules on potatoes, the tariff reduction provided for in paragraph 1 for the products of sub-heading 07.01 A II ex a) shall be 50% and shall be applicable for the period from 1 January to 15 April.

3. Paragraph 1 shall apply to fresh lemons of subheading 08.02 ex C of the Common Customs Tariff on condition that on the internal Community market the prices of lemons imported from Algeria are, after customs clearance and deduction of import charges other than customs duties, not less than the reference price plus the incidence on that reference price of the customs duties actually applied in respect of third countries and a fixed amount of 1.20 units of account per 100 kilograms.

4. The import charges other than customs duties referred to in paragraph 3 shall be those laid down for calculating the entry prices referred to in Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables.

However, the Community shall be entitled to calculate the amount to be deducted in respect of the import charges other than customs duties



referred to in paragraph 3 in such a way, according to origin, as to avoid difficulties which may arise from the incidence of those charges on entry prices.

Articles 23 to/28 of Regulation (EEC) No 1035 72 shall continue to apply.

#### *Article 9*

1. Provided that Algeria levies a special charge on exports of olive oil, other than olive oil having undergone a refining process, falling within subheading 15.07 A II of the Common Customs Tariff and provided also that this special charge is reflected in the import price, the Community shall take the necessary measures to ensure that:

- (a) the levy on imports into the Community of the said olive oil, wholly obtained in Algeria and transported direct from that country to the Community, is the import levy calculated in accordance with Article 13 of Regulation No 136/66/EEC on the establishment of a common organization of the market in oils and fats, less 0.50 unit of account per 100 kilograms;
- (b) the amount of the levy calculated in the manner described under (a) is reduced by an amount equal to that of the special charge paid but not exceeding 10 units of account per 100 kilograms.

2. If Algeria does not levy the charge referred to in paragraph 1, the Community shall take the necessary measures to ensure that the levy on imports into the Community of olive oil, other than olive oil having undergone a refining process, falling within subheading 15.07 A II of the Common Customs Tariff, is the import levy calculated in accordance with Article 13 of Regulation No 136/66/EEC on the establishment of a common organization of the market in oils and fats, less 0.50 unit of account per 100 kilograms.

3. Each Contracting Party shall take the measures necessary for implementation of paragraph 1 and, in the event of difficulties and at the request of the other Contracting Party, shall supply the information required for the proper operation of the system.

4. Consultations on the functioning of the system provided for in this Article shall take place within the Joint Committee at the request of one of the Contracting Parties.

#### *Article 10*

Without prejudice to the collection of the variable component of the levy calculated in accordance with Article 14 of Regulation No 136/66/EEC, the fixed component shall not be imposed on imports into the Community of olive oil having undergone a refining process, falling within subheading 15.07 A I of the Common Customs Tariff, wholly obtained in Algeria and transported direct from that country to the Community.

#### *Article 11*

1. From 1 July 1976, prepared and preserved sardines, falling within subheading 16.04 D of the Common Customs Tariff, originating in Algeria, may be imported into the Community free of customs duties subject to observance of the minimum prices set out in Annex C.

2. Exemption from the customs duties referred to in paragraph 1 shall apply only from the date and for the periods determined by the exchanges of letters laying down the technical rules for applying this Article.

#### *Article 12*

1. Customs duties on imports into the Community of the products originating in Algeria which are listed below shall be reduced by the following rates:

CCT heading No	Description	Rate of reduction
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: ex C. Tomatoes: — Tomato concentrates	30%
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit:	

CCT heading No	Description	Rate of reduction
20.06 (cont'd)	<b>B. Other:</b> <b>II. Not containing added spirit:</b>  a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg: <b>ex 9. Mixtures of fruit:</b> — Fruit salad  b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less: <b>ex 9. Mixtures of fruit:</b> — Fruit salad	            55%           55%

2. The tariff reduction referred to in paragraph 1 shall apply only from the date and for the periods determined by exchanges of letters to be concluded annually <sup>(1)</sup> between the Contracting Parties for the purpose of establishing the conditions and detailed rules for such reduction.

### *Article 13*

1. The treatment set out in the following paragraphs shall be applied to wine of fresh grapes, falling within heading No ex 22.05 of the Common Customs Tariff, originating in Algeria and imported into the Community provided that, subject to the special provisions set out in this Article, the import prices of such products plus the customs duties actually levied are not less at any given time than the Community reference prices for such wine.

2. (a) For the wine referred to in paragraph 1 listed below, imported for direct human consumption, excluding the wine referred to in paragraph 3:

<sup>(1)</sup> The word 'annually' should be deleted (see corrigendum: OJ No L 185, 9.7.1976).

CCT heading No	Description
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol: C. Other: I. Of an actual alcoholic strength not exceeding 13°, in containers holding: ex a) Two litres or less: — Wine of fresh grapes <sup>(1)</sup> ex b) More than two litres: — Wine of fresh grapes <sup>(1)</sup> II. Of an actual alcoholic strength exceeding 13° but not exceeding 15°, in containers holding: ex a) Two litres or less: — Wine of fresh grapes <sup>(1)</sup> ex b) More than two litres: — Wine of fresh grapes <sup>(1)</sup>

<sup>(1)</sup> This wine must meet the requirements laid down by Community Regulations in respect of delivery for direct human consumption.

customs duties on imports into the Community shall be reduced by 80%.

(b) For the wine referred to in paragraph 1 and listed below, intended for fortifying:

CCT heading No	Description
22.05	Wine of fresh grapes: grape must with fermentation arrested by the addition of alcohol: C. Other: I. Of an actual alcoholic strength not exceeding 13°, in containers holding: ex b) More than two litres: — Wine of fresh grapes, intended for fortifying <sup>(1)</sup> II. Of an actual alcoholic strength exceeding 13° but not exceeding 15°, in containers holding: ex b) More than two litres: — Wine of fresh grapes, intended for fortifying <sup>(1)</sup>

<sup>(1)</sup> Entry under this subheading is subject to conditions to be determined by the competent authorities in the Community.

customs duties on imports into the Community shall be reduced by 80%. Furthermore, in derogation from paragraph 1 and within the limits of an annual volume of 500 000 hectolitres, the import prices, plus customs duty actually levied, must be not less than the reference prices less 30% of the difference between the reference price and the guide price.

For the application of the preceding subparagraph:

- 'guide price' shall mean the R I type guide price as regards red wine, and the A I type guide price as regards white wine;
- 'reference price' shall mean the prices applicable to the wine in question, as established by the Community and in force at any given time during the period concerned.

3. The wine referred to in paragraph 1 and entitled under Algerian law to one of the following designations of origin:

Aïn bessem - Bouïra

Médéa

Coteaux du Zaccar

Dahra

Coteaux de Mascara

Monts du Tessala

Coteaux de Tlemcen

shall be exempt from customs duties on importation into the Community, within the limits of an annual tariff quota covering the following quantities:

(in 1 000 hl)

Total quantity	Wine in bulk	Wine in bottles
250	190	60

In order to qualify for the treatment specified in the preceding subparagraph:

- wine in bulk must be put up in accordance with the following requirements:
  - (a) the containers must be suitable for transporting wine and be used solely for that purpose;

- (b) the containers must be completely filled;
- (c) the means of closing the containers must be such that they cannot be tampered with and must ensure that they cannot be the subject of operations during transportation or storage other than those carried out under the supervision of the authorities of Algeria or of the Member States of the Community;
- (d) each container must be labelled in such a way as to permit identification of the quality wine it contains;
- (e) the wine in question may be transported only in containers of a capacity not exceeding 25 hectolitres;

— wine in bottles must be put up in containers holding two litres or less.

For the purpose of applying this paragraph, Algeria shall be responsible for verifying the identity of the above wine in accordance with its national rules, particularly as regards analysis criteria. To this effect, all the wine concerned shall be accompanied by a certificate of designation of origin issued by the relevant Algerian authority in accordance with the model contained in Annex D to this Agreement.

#### *Article 14*

1. The Community shall take all necessary measures to ensure that the levy on imports into the Community of bran, sharps and other residues derived from the sifting, milling or other working of cereals, other than of maize and rice, falling within subheading 23.02 A II of the Common Customs Tariff and originating in Algeria, is the import levy calculated in accordance with Article 2 of Regulation (EEC) No 1052/68 on the import and export system for products processed from cereals and from rice, less a fixed amount equivalent to 60% of the variable component of the levy, and that the fixed component is not imposed.

2. The provisions of paragraph 1 shall apply provided that Algeria levies on exports of the products referred to therein a special charge equal to the amount by which the levy is reduced and that this charge is reflected in the Community import price.

3. Detailed rules for the application of this Article shall be laid down in an exchange of letters between the Community and Algeria.
4. Consultations on the functioning of the arrangement provided for in this Article shall take place within the Joint Committee at the request of either Contracting Party.

#### *Article 15*

1. The rates of reduction specified in Articles 8, 11, 12 and 13 shall apply to the customs duties actually applied in respect of third countries.
2. However, the duties resulting from the reductions made by Denmark, Ireland and the United Kingdom may in no case be lower than those applied by the said countries to the Community as originally constituted.
3. In derogation from paragraph 1, should the application thereof temporarily result in tariff movements away from alignment on the final duty, Denmark, Ireland and the United Kingdom may maintain their duties until the level of these duties has been reached on the occasion of a subsequent alignment, or they may apply the duty resulting from a subsequent alignment as soon as a tariff movement reaches or passes the said level.
4. The reduced duties calculated in accordance with Articles 8, 11, 12 and 13 shall be rounded off to the first decimal place.

However, subject to the application by the Community of Article 39 (5) of the Act concerning the conditions of accession and the adjustments to the Treaties referred to in Article 3, as regards the specific duties or the specific part of the mixed duties in the customs tariffs of Ireland and of the United Kingdom, the reduced duties shall be rounded off to the fourth decimal place.

5. In the new Member States the variable component of the levy referred to in Article 14 shall be calculated taking into account the rates actually applied in respect of third countries.

#### *Article 16*

1. Should specific rules be introduced as a result of implementation of its agricultural policy or modification of the existing rules, or should the

provisions on the implementation of its agricultural policy be modified or developed, the Community may modify the arrangements laid down in the Agreement in respect of the products concerned.

In such cases the Community shall take appropriate account of the interests of Algeria.

2. If the Community, in applying paragraph 1, modifies the arrangements made by this Agreement for products covered by Annex II to the Treaty establishing the European Economic Community, it shall accord imports originating in Algeria an advantage comparable to that provided for in this Agreement.

3. Any modification of the arrangements made by this Agreement shall be the subject, at the request of the other Contracting Party, of consultations within the Joint Committee.

### *C. COMMON PROVISIONS*

#### *Article 17*

1. The products originating in Algeria referred to in this Agreement may not enjoy more favourable treatment when imported into the Community than that applied by the Member States between themselves.

2. For the application of paragraph 1, account shall not be taken of the customs duties and charges having equivalent effect resulting from the application of Articles 32, 36 and 59 of the Act concerning the conditions of accession and the adjustments to the Treaties referred to in Article 3.

#### *Article 18*

1. Subject to the special provisions relating to frontier-zone trade, Algeria shall grant the Community in the field of trade treatment no less favourable than most-favoured-nation treatment.

2. Paragraph 1 shall not apply in the case of the maintenance or establishment of customs unions or free-trade areas.



3. Furthermore, Algeria may derogate from the provisions of paragraph 1 in the case of measures adopted with a view to the economic integration of the Maghreb, or measures benefiting the developing countries. Such measures shall be notified to the Community.

#### *Article 19*

1. The Contracting Parties shall inform each other at the time of signature of this Agreement of the provisions relating to the trade arrangements they apply.

2. Algeria shall be entitled to introduce into its trade arrangements with the Community new customs duties or charges having equivalent effect and new quantitative restrictions or measures having equivalent effect and to increase the duties or charges and the quantitative restrictions or measures having equivalent effect applied to products originating in or going to the Community, where such measures are necessitated by Algeria's industrialization and development requirements. Such measures shall be notified to the Community.

For the application of these measures consultations shall be held within the Joint Committee at the request of the other Contracting Party.

#### *Article 20*

Where Algeria applies quantitative restrictions in the form of quotas to a given product in accordance with its own legislation it shall treat the Community as a single entity.

#### *Article 21*

The concept of originating 'products' for the purposes of implementing this Title and the methods of administrative cooperation relating thereto are laid down in the Protocol annexed to this Agreement.

#### *Article 22*

In the event of modifications to the nomenclature of the customs tariffs of the Contracting Parties affecting products referred to in this Agreement, the Joint Committee may adapt the tariff nomenclature of these products to conform with such modifications, subject to the maintenance of the real advantages resulting from this Agreement.

### *Article 23*

The Contracting Parties shall refrain from any measure or practice of an internal fiscal nature establishing, whether directly or indirectly, discrimination between the products of one Contracting Party and like products originating in the territory of the other Contracting Party.

Products exported to the territory of one of the Contracting Parties may not benefit from repayment of internal taxation in excess of the amount of direct or indirect taxation imposed upon them.

### *Article 24*

Payments relating to commercial transactions carried out in accordance with foreign trade and exchange regulations and the transfer of such payments to the Member State of the Community in which the creditor is resident or to Algeria shall be free from any restrictions.

### *Article 25*

The Agreement 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 or plants; the protection of national treasures of artistic, historic or archaeological value; the protection of industrial and commercial property, or rules relating to gold or silver. Such prohibitions or restrictions must not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Contracting Parties.

### *Article 26*

1. If one of the Contracting Parties finds that dumping is taking place in trade with the other Contracting Party, it may take appropriate measures against this practice in accordance with the Agreement on implementation of Article VI of the General Agreement on Tariffs and Trade, under the conditions and in accordance with the procedures laid down in Article 28.

2. In the event of measures being directed against bounties or subsidies the Contracting Parties undertake to respect the provisions of Article VI of the General Agreement on Tariffs and Trade.

#### *Article 27*

If serious disturbances arise in any sector of the economy or if difficulties arise which might bring about serious deterioration in the economic situation of a region, the Contracting Party concerned may take the necessary safeguard measures under the conditions and in accordance with the procedures laid down in Article 28.

#### *Article 28*

1. In the event of a Contracting Party subjecting imports of products liable to give rise to the difficulties referred to in Article 27 to an administrative procedure, the purpose of which is to provide rapid information on the trend of trade flows, it shall inform the other Contracting Party.

2. In the cases specified in Articles 26 and 27, before taking the measures provided for therein or, in cases to which paragraph 3 (b) applies, as soon as possible, the Contracting Party in question shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Contracting Parties.

In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement. Such measures must not exceed the limits of what is strictly necessary to counteract the difficulties which have arisen.

The safeguard measures shall be notified immediately to the Joint Committee and shall be the subject of periodic consultations within the Joint Committee, particularly with a view to their abolition as soon as circumstances permit.

3. For the implementation of paragraph 2, the following provisions shall apply:

(a) as regards Articles 26 and 27, consultation in the Joint Committee shall take place before the Contracting Party concerned takes the appropriate measures;

- (b) where exceptional circumstances requiring immediate action make prior examination impossible, the Contracting Party concerned may, in the situations specified in Articles 26 and 27, apply forthwith such precautionary measures as are strictly necessary to remedy the situation.

#### *Article 29*

Where one or more Member States of the Community or Algeria is in serious difficulties or is seriously threatened with difficulties as regards its balance of payments, the Contracting Party concerned may take the necessary safeguard measures. In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement. They shall be notified immediately to the other Contracting Party and shall be the subject of periodic consultations within the Joint Committee, particularly with a view to their abolition as soon as circumstances permit.

### **Title II**

#### **GENERAL AND FINAL PROVISIONS**

#### *Article 30*

1. A Joint Committee is hereby established which shall have the power, for the purpose of attaining the objectives set out in the Agreement, to take decisions in the cases provided for in the Agreement.

The decisions taken shall be binding on the Contracting Parties, which shall take such measures as are required to implement them.

2. The Joint Committee may also formulate any resolutions, recommendations or opinions which it considers desirable for the attainment of the common objectives and the smooth functioning of the Agreement.

3. The Joint Committee shall adopt its rules of procedure.

#### *Article 31*

1. The Joint Committee shall be composed of representatives of the Community on the one hand and of representatives of Algeria on the other.

2. The Joint Committee shall act by mutual agreement between the Community and Algeria.

#### *Article 32*

1. The office of Chairman of the Joint Committee shall be held alternately by each of the Contracting Parties, in accordance with detailed rules to be laid down in its rules of procedure.

2. Meetings of the Joint Committee shall be called by its chairman.

The Joint Committee shall, in addition, meet whenever necessary, at the request of one of the Contracting Parties, in accordance with the conditions to be laid down in its rules of procedure.

3. The Joint Committee may decide to set up any working party that can assist it in carrying out its duties.

#### *Article 33*

Either Contracting Party shall, if so requested by the other Contracting Party, provide all relevant information on any agreements it concludes involving tariff or trade provisions, and on any amendments to its customs tariff or external trade arrangements.

Where such amendments or agreements have a direct and particular incidence on the functioning of the Agreement, appropriate consultations shall be held within the Joint Committee at the request of the other Contracting Party so that the interests of the Contracting Parties may be taken into consideration.

#### *Article 34*

When the Community concludes an Association Agreement having a direct and particular incidence on the functioning of the Agreement, appropriate consultations shall be held within the Joint Committee so that the Community may take into consideration the interests of the Contracting Parties as defined by this Agreement.

### *Article 35*

1. The Contracting Parties shall take any general or specific measures required to fulfil their obligations under the Agreement. They shall see to it that the objectives set out in the Agreement are attained.

2. If either Contracting Party considers that the other Contracting Party has failed to fulfil an obligation under the Agreement, it may take appropriate measures. Before so doing, it shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Contracting Parties.

In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement. These measures shall be notified immediately to the Joint Committee and shall be the subject of consultations within the Joint Committee if the other Contracting Party so requests.

### *Article 36*

Nothing in the Agreement shall prevent a Contracting Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;
- (b) which relate to trade in arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;
- (c) which it considers essential to its security in time of war or serious international tension.

### *Article 37*

In the fields covered by the Agreement:

- the arrangements applied by Algeria in respect of the Community shall not give rise to any discrimination between the Member States, their nationals, or their companies or firms;

— the arrangements applied by the Community in respect of Algeria shall not give rise to any discrimination between Algerian nationals, companies or firms

*Article 38*

The Protocol on the definition of the concept of 'originating products' and methods of administrative cooperation, and Annexes A, B, C and D shall form an integral part of the Agreement. The declarations and exchanges of letters shall appear in the Final Act, which shall form an integral part of the Agreement.

*Article 39*

This Agreement shall apply, on the one hand, to the territories to which the Treaty establishing the European Economic Community applies under the conditions laid down in that Treaty and, on the other, to the territory of the People's Democratic Republic of Algeria.

*Article 40*

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, German, Italian and Arabic languages, each of these texts being equally authentic.

*Article 41*

1. This Agreement shall be subject to approval by the Contracting Parties in accordance with their own procedures. They shall notify each other when the procedures necessary to this end have been completed.

2. This Agreement shall enter into force on the first day of the second month following the date on which the notifications provided for in paragraph 1 have been carried out.

It shall be applicable until the entry into force of the Cooperation Agreement signed this day or until 30 June 1977, whichever is the earlier. However, the period during which this Agreement is applied shall be taken into account for the purposes of applying Article 12 (2) of the Cooperation Agreement and for the purposes of the periods and time-tables specified in Article 20 (2) (b), (3) and (4) of the said Cooperation Agreement.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne interimsaftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Interimsabkommen gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Interim Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord intérimaire.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo interinale.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Interimovereenkomst hebben gesteld.

وأشياء لذلك ، وقع المفوضون في نهاية هذا الاتفاق المؤقت

Udfærdiget i Algier, den seksogtyvende april nitten hundrede og seksoghalvfjerds.

Geschehen zu Algier am sechsundzwanzigsten April neunzehnhundertsechundsiebzig.

Done at Algiers this twenty-sixth day of April in the year one thousand nine hundred and seventy-six.

Fait à Alger, le vingt-six avril mil neuf cent soixante-seize.

Fatto a Algeri, addì ventisei aprile millenovecentosettantasei.

Gedaan te Algiers, de zesentwintigste april negentienhonderd zesenzeventig.

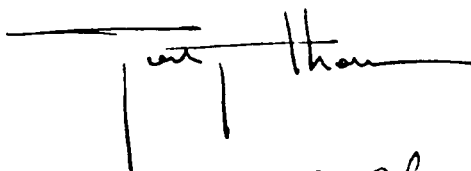
تم تحريره بالجزائر العاصمة ، في السادس والعشرين من شهر ابريل سنة الف  
وتسعمائة وستة وسبعين

For Rådet for De europæiske Fællesskaber  
Für den Rat der Europäischen Gemeinschaften  
For the Council of the European Communities  
Pour le Conseil des Communautés européennes  
Per il Consiglio delle Comunità europee



Voor de Raad van de Europese Gemeenschappen

عن مجلس الجماعات الاوربية



C. Cheysson

For formanden for revolutionsrådet,  
formand for ministerrådet for Den demokratiske folkerepublik Algeriet  
Für den Präsidenten des Revolutionsrats,  
Präsident des Ministerrats der Demokratischen Volksrepublik Algerien  
For the President of the Council of the Revolution,  
President of the Council of Ministers of the Democratic and Popular  
Republic of Algeria

Pour le président du Conseil de la révolution,  
président du Conseil des ministres de la République algérienne démocratique et populaire

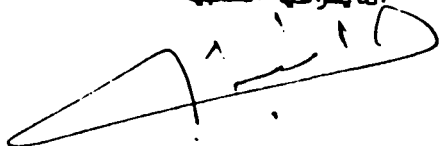
Per il presidente del Consiglio rivoluzionario,  
presidente del Consiglio dei ministri della Repubblica algerina democratica e popolare

Voor de President van de Raad van de Revolutie,  
President van de Raad van Ministers van de Democratische Volksrepubliek Algerije

عن رئيس مجلس الثورة .

ورئيس مجلس الوزراء للجمهورية الجزائرية

الديمقراطية الشعبية



ANNEX A

relating to the products referred to in Article 7

CCT heading No	Description
ex 17.04	Sugar confectionery, not containing cocoa, but not including liquorice extract containing more than 10% by weight of sucrose but not containing other added substances
18.06	Chocolate and other food preparations containing cocoa
19.01	Malt extract
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
19.03	Macaroni, spaghetti and similar products
19.04	Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches
19.05	Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, cornflakes and similar products)
19.06	Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion
ex 21.01	Roasted chicory and other roasted coffee substitutes, extracts, essences and concentrates thereof: — Excluding roasted chicory and extracts thereof
21.06	Natural yeasts (active or inactive); prepared baking powders: A. Active natural yeasts: II. Bakers' yeast
ex 21.07	Food preparations not elsewhere specified or included, containing sugar, dairy products, cereals or products based on cereals <sup>(1)</sup>
ex 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: — Containing milk or milkfats
29.04	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives: C. Polyhydric alcohols: II. Mannitol III. Sorbitol

(<sup>1</sup>) This heading covers only products which, on importation into the Community, are subject to the duty laid down in the Common Customs Tariff, comprising an *ad valorem* duty constituting the fixed component and a variable component.

CCT heading No	Description
35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues
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: I. With a basis of amylaceous substances
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: T. Sorbitol, other than that falling within subheading 29.04 C III: I. In aqueous solution: a) Containing 2% or less by weight of mannitol, calculated on the sorbitol content b) Other II. Other: a) Containing 2% or less by weight of mannitol, calculated on the sorbitol content b) Other

### *ANNEX B*

**concerning olive oil, other than olive oil having undergone a refining process, falling within subheading 15.07 A II of the Common Customs Tariff**

In order to take account of

- the importance of olive oil for the Algerian economy;
- the programmes and efforts undertaken by Algeria to rationalize and improve the conditions on its olive oil market;
- the traditional trade flows in this product between Algeria and the European Economic Community,

the amount to be deducted from the amount of the levy in accordance with Article 9 (1) (b) of the Agreement concerning olive oil, other than olive oil having undergone a refining process, falling within subheading 15.07 A II of the Common Customs Tariff shall be increased, in view of the exceptional circumstances at present affecting the olive-oil market, by an additional amount of 10 units of account under the same conditions and arrangements as laid down for the application of Article 9 (1) (b) of the Agreement.

## ANNEX C

Size		Net weight		Semi-gross weight	Capacity	Coefficients	Minimum prices (customs duties included) in u.a. per carton 100 tins			
Trade specifications	Total height (mm)	Ounces	g	g	cm <sup>3</sup>		Community excluding United Kingdom and Denmark		United Kingdom and Denmark	
						in olive oil	other	in olive oil	other	
Rectangular base:										
$\frac{1}{10}$ club	20	2	56	95	53	0.60	11.10	10.20	10.66	9.79
$\frac{1}{8}$ club	25	2 $\frac{3}{4}$	80	120	75	0.70	12.95	11.90	12.43	11.42
$\frac{1}{4}$ reduced	18	2 $\frac{1}{8}$	74	130	73	0.77	14.25	13.09	13.68	12.56
$\frac{1}{8}$ club	30	3 $\frac{1}{4}$	90	140	93	0.80	14.80	13.60	14.21	13.06
$\frac{1}{4}$ special	25	3 $\frac{1}{8}$	90	140	90	0.85	15.73	14.45	15.10	13.87
$\frac{1}{8}$ low plat	24	3 $\frac{3}{8}$	95	145	96	0.90	16.65	15.30	15.98	14.69
$\frac{1}{4}$ club	30	4 $\frac{3}{8}$	125	190	125					
$\frac{1}{8}$ P 25				176	125					
						1.00	18.50	17.00	17.76	16.32
$\frac{1}{4}$ usual	22	3 $\frac{3}{4}$	105	180	106					
$\frac{1}{8}$ (club 30)				188	130					

$\frac{1}{4}$ usual	24	4 $\frac{3}{4}$	125	195	125	1-10	20-35	18-70	19-54	17-95
$\frac{1}{4}$ usual	30	5 $\frac{1}{4}$	150	240	169					
$\frac{1}{4}$ club	40	8 $\frac{1}{4}$	175	250	178	1-30	24-05	22-10	23-09	21-22
$\frac{1}{4}$ P 30				250	187					
$\frac{1}{4}$ American	30	7	200	300	207	1-60	29-60	27-20	28-42	26-11
$\frac{1}{4}$ usual	40	9 $\frac{1}{4}$	260	326	250					
$\frac{1}{4}$ P				337	250	1-80	33-30	30-60	31-97	29-38
$\frac{1}{4}$ club long	40	8 $\frac{3}{4}$	248	320	241					
$\frac{1}{4}$ low	30	9 $\frac{1}{4}$	260	370	245	2-20	40-70	37-40	39-07	35-90
$\frac{1}{4}$ usual long	40	11 $\frac{1}{2}$	325	423	313	2-50	46-25	42-50	44-40	40-80
$\frac{1}{4}$ usual	48	11	310	390	297	2-60	48-10	44-20	46-18	42-43
$\frac{1}{4}$ large	40	11 $\frac{1}{2}$	325	460	330					
						2-70	49-95	45-90	47-95	44-06
$\frac{1}{2}$ P				476	375					
$\frac{1}{4}$				902	750					
						4-65	86-03	79-05	82-58	75-89
$\frac{3}{4}$	80	27 $\frac{1}{2}$	780	950	771					
Oval base:										
$\frac{1}{2}$ oval	40	15	425	555	452	3-40	62-90	57-80	60-38	55-49

## ANNEX D

1. المصدر - Eksportør - Ausführer - Exporter - Exportateur - Esportatore - Exporteur:	2. الرقم - Nummer - Nummer - Nummer - Numéro - Numero - Nummer	00000
4. المرسل اليه - Modtager - Empfänger - Consignee - Destinataire - Destinataro - Geadresseerde:	3. (Name of authority guaranteeing the designation of origin)	
6. وسيلة النقل - Transportmiddel - Beförderungsmittel - Means of transport - Moyen de transport - Mezzo di trasporto - Vervoermiddel:	5. شهادة التسمية الاصلية CERTIFIKAT FOR OPRINDELSESBETEGNELSE BESCHEINIGUNG DER URSPRUNGSBEZEICHNUNG CERTIFICATE OF DESIGNATION OF ORIGIN CERTIFICAT D'APPELLATION D'ORIGINE CERTIFICATO DI DENOMINAZIONE DI ORIGINE CERTIFICAAT VAN BENAMING VAN OORSPRONG	
8. مكان الافراغ - Losningssted - Entladungsort - Place of unloading - Lieu de déchargement - Luogo di sbarco - Plaats van lossing:	7. (Designation of origin)	
9. الانواع والارقام ، عدد ونوع الطرود Mærker og numre, kolloenes antal og art Zeichen und Nummern, Anzahl und Art der Packstücke Marks and numbers, number and kind of packages Marques et numéros, nombre et nature des colis Marca e numero, quantità e natura dei colli Merken en nummers, aantal en soort der colli	10. الوزن الخام Bruttovægt Rohgewicht Gross weight Poids brut Peso lordo Brutogewicht	11. لترات Liter Liter Litres Litres Litri Liter

12. **ليترات (بالحروف)** - Liter (i bogstaver) - Liter (in Buchstaben) - Litres (in words) - Litres (en lettres) - Litri (in lettere) -  
Liter (voluit):

13. **تأشيرة الهيئة المرسله** - Pâtegning fra udstedende organ - Bescheinigung der erteilenden Stelle - Certificate of the  
issuing authority - Visa de l'organisme émetteur - Visto dell'organismo emittente - Visum van de instantie van afgifte:

14. **تأشيرة الجمارك** - Toldstedets attest - Sichtvermerk der  
Zollstelle - Customs stamp - Visa de la douane - Visto della  
dogana - Visum van de douane

(Oversættelse se nr. 15 - Über-  
setzung siehe Nr. 15 - see the translation under No 15 -  
Voir traduction au n° 15 - Vedi traduzione al n. 15 - Zie voor  
vertaling nr. 15)

15. Det bekræftes, at vinen, der er nævnt i dette certifikat, er fremstillet i ..... området og ifølge tunesisk lovgivning er berettiget til oprindelsesbetegnelsen: ».....«

Alkohol tilsat denne vin er alkohol fremstillet af vin.

Wir bestätigen, daß der in dieser Bescheinigung bezeichnete Wein im Bezirk ..... gewonnen wurde und ihm nach tunesischem Gesetz die Ursprungsbezeichnung „.....“ zuerkannt wird.

Der diesem Wein zugefügte Alkohol ist aus Wein gewonnener Alkohol.

We hereby certify that the wine described in this certificate is wine produced within the wine district of ..... and is considered by Tunisian legislation as entitled to the designation of origin '.....'

The alcohol added to this wine is alcohol of vinous origin.

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de ..... et est reconnu, suivant la loi tunisienne, comme ayant droit à la dénomination d'origine «.....»

L'alcool ajouté à ce vin est de l'alcool d'origine vinique.

Si certifica che il vino descritto nel presente certificato è un vino prodotto nella zona di ..... ed è riconosciuto, secondo la legge tunisina, come avente diritto alla denominazione di origine «.....»

L'alcole aggiunto a questo vino è alcole di origine vinica.

Wij verklaren dat de in dit certificaat omschreven wijn is vervaardigd in het wijndistrict van ..... en dat volgens de Tunesische wetgeving de benaming van oorsprong „.....“ erkend wordt.

De aan deze wijn toegevoegde alcohol is alcohol, uit wijn gewonnen.

16. (\*)



يحتفظ بهذه الخانة لبيانات اخرى من الدولة المصدرة

- (1) Rubrik forbeholdt eksportlandets andre angivelser.
- (2) Diese Nummer ist weiteren Angaben des Ausfuhrlandes vorbehalten.
- (3) Space reserved for additional details given in the exporting country.
- (4) Case réservée pour d'autres indications du pays exportateur.
- (5) Spazio riservato per altre indicazioni del paese esportatore.
- (6) Ruimte bestemd voor andere gegevens van het land van uitvoer.

## PROTOCOL

### on 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 Agreement and without prejudice to paragraphs 2 and 3, on condition that they were transported in conformity with Article 5, the following shall be considered as:

(a) products originating in Algeria:

- products wholly obtained in Algeria,
- products obtained in Algeria, in the manufacture of which products other than those wholly obtained in Algeria are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 3;

(b) products originating in the Community:

- products wholly obtained in the Community,
- 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.

2. For the purpose of implementing the first indent of paragraph 1 (a), when products wholly obtained in Morocco, in Tunisia or in the Community undergo working or processing in Algeria, they shall be considered as having been wholly obtained in Algeria.

For the purpose of implementing the second indent of paragraph 1 (a), working or processing carried out in Morocco, in Tunisia or in the Community shall be considered as having been carried out in Algeria, when the products obtained undergo subsequent working or processing in Algeria.

This paragraph shall apply subject to the condition that the products concerned are transported in conformity with Article 5.

3. For the purpose of implementing the first indent of paragraph 1 (b), when products wholly obtained in Algeria, undergo working or processing in the Community, they shall be considered as having been wholly obtained in the Community.

For the purposes of implementing the second indent of paragraph 1 (b), working or processing carried out in Algeria shall be considered as having been carried out in the Community, when the products obtained undergo subsequent working or processing in the Community.

This paragraph shall apply subject to the condition that the products concerned are transported in conformity with Article 5.

4. In derogation from paragraph 1, where, pursuant to the provisions of the above paragraphs, and provided that all the conditions laid down in those paragraphs are fulfilled, the originating products are obtained in two or more of the States referred to in these provisions or in the Community, they shall be considered as originating products of the State or the Community according to where the last working or processing took place. For this purpose the working or processing referred to in Article 3 (3) shall not be considered as working or processing.

5. The products in List C in Annex IV shall be temporarily excluded from the scope of this Protocol.

6. The provisions contained in paragraph 2 shall only be applicable to Morocco and Tunisia in so far as the rules governing trade between Algeria, Morocco and Tunisia, in the field of these provisions, are identical to the provisions of this Protocol, and on condition that the necessary administrative cooperation between Algeria, Morocco and Tunisia for the control of these provisions is established.

### *Article 2*

The following shall be considered as 'wholly obtained' in Algeria, Morocco, Tunisia or the Community within the meaning of Article 1 (1), (2) and (3):

- (a) mineral products extracted from their soil or from their seabed;
- (b) vegetable products harvested there;
- (c) live animals born and raised there;
- (d) products from live animals raised there;
- (e) products obtained by hunting or fishing conducted there;

- (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 there;
- (j) goods produced there exclusively from products specified in subparagraphs (a) to (i).

### *Article 3*

1. For the purpose of implementing Article 1, 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 II, where the special provisions of that list apply;
- (b) working or processing specified in List B in Annex III.

'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 Lists A and 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 1, the following shall always be considered as insufficient working or processing to confer the status of originating product, 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 packaging 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 mixture do not meet the conditions laid down in this Protocol to enable them to be considered as originating in Algeria, Morocco, Tunisia or the Community;
- (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 Lists A and B referred to in Article 3 provide that goods obtained in Algeria or in the Community 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 a 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 territory of the Contracting Party 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), (2) and (3), originating products whose transport is effected without entering into territory other than that of Algeria, Morocco, Tunisia or the Community shall be considered as transported directly from Algeria to the Community or from the Community to Algeria. However, goods originating in Algeria, Morocco, Tunisia or the Community and constituting one single consignment which is not split up may be transported through territory other than that of these countries or the Community 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 and that the goods have remained under the surveillance of the customs authorities in the country of transit or warehousing, that they have not entered into commerce of such countries nor been delivered for home use there and have not undergone operations other than unloading, reloading or any operation designed to maintain 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 or in Algeria by the production of:

- (a) a through bill of lading issued in the exporting beneficiary country covering the passage through the country of transit; or
- (b) 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 re-loading 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 of products, within the meaning of this Protocol, is given by a movement certificate EUR.1 of which a specimen is given in Annex V to this Protocol.

However, the evidence of originating status, within the meaning of this Protocol, 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, may be given by a form EUR.2, of which a specimen is given in Annex VI to this Protocol.

The unit of account (u.a.) has a value of 0.88867088 gram of fine gold. Should the unit of account be changed, the Contracting Parties shall make contact with each other at the level of the Joint Committee to redefine the value in terms of gold.

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 shall be 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 State 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 V to this Protocol, which shall be completed in accordance with this Protocol.

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 Agreement.

5. Applications for movement certificates EUR.1 must be preserved for at least two years by the customs authorities of the exporting State.

#### *Article 8*

1. The movement certificate EUR.1 shall be issued by the customs authorities of the exporting State, if the goods can be considered 'originating products' within the meaning of the Agreement.



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 State 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 V to this Protocol. This form shall be printed in one or more of the languages in which the Agreement is drawn up. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State; 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 being 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 guilloché-pattern background making any falsification by mechanical or chemical means apparent to the eye.

The exporting States 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*

A movement certificate EUR.1 must be submitted, within five months of the date of issue by the customs authorities of the exporting State, to the customs authorities of the importing State where the goods are entered.

#### *Article 12*

Movement certificates EUR.1 shall be submitted to customs authorities in the importing State, in accordance with the procedures laid down by that State. 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 Agreement.

#### *Article 13*

1. A movement certificate EUR.1 which is submitted to the customs authorities of the importing State 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 State 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*

It shall always be possible to replace one or more movement certificates by one or more certificates, provided that this is done at the customs office where the goods are located.

#### *Article 16*

Form EUR.2, a specimen of which is given in Annex VI, shall be completed by the exporter or, under his responsibility, by his authorized representative. It shall be made out in one of the languages in which the Agreement is drawn up and in accordance with the provisions of the domestic law of the exporting State. If it is handwritten it must be completed in ink and in capital letters. If the goods contained in the consignment have already been subject to verification in the exporting State by reference to the definition of the concept of 'originating products' the exporter may refer to this check in the 'remarks' box of form EUR.2.

Form EUR.2 shall measure 210 × 148 mm, a tolerance of up to plus 8 mm or minus 5 mm in the length being allowed. 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 States may reserve the right to print the forms themselves or may have them printed by approved printers. In the latter case each form must include a reference to such approval. In addition, each form 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.

These provisions do not exempt exporters from complying with any other formalities required by customs or postal regulations.

#### *Article 17*

1. Goods sent as small packages to private persons or forming part of travellers' personal luggage shall be admitted as originating products 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 18*

1. Goods sent from the Community or from Algeria for exhibition in a country other than Morocco and Tunisia and sold after the exhibition for importation into Algeria or into the Community shall benefit on importation from the provisions of the Agreement on condition that the goods meet the requirements of this Protocol entitling them to be recognized as originating in the Community or in Algeria 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 Algeria 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 Algeria or in the Community;
  - (c) the goods have been consigned during the exhibition or immediately thereafter to Algeria or 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 19*

1. When a certificate is issued within the meaning of Article 7 (2) of this Protocol 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 Protocol:
- 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 EFTERFØLGENDE', 'سَلَّة نِي وَقْت لَامَق'.

#### *Article 20*

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', 'تَسْنِة'.

#### *Article 21*

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 State requested to issue the certificate for products in the manufacture of which products coming from Morocco, Tunisia or the Community are used, shall take into consideration the declaration, of which a specimen is given in Annex VII, given by the exporter in the State from which it 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 22 and of which a specimen is given in Annex VIII, 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 22*

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 21 (2), or at the initiative of this exporter, by the competent customs office in the State 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 two years.

#### *Article 23*

Algeria and the Community 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 24*

In order to ensure the proper application of this Title, Algeria, Morocco, Tunisia and the Community 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 referred to in Article 21.

#### *Article 25*

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 26*

1. Subsequent verifications of movement certificates EUR.1 and of forms EUR.2 shall be carried out at random or whenever the customs authorities of the importing State 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 State shall return the movement certificate EUR.1 or the form EUR.2, or a photocopy thereof, to the customs authorities of the exporting State, giving the reasons of form or substance for an inquiry. The invoice, if it has been submitted, or a copy thereof shall be attached to the 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 State decide to suspend execution of Title I of the Agreement 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 State shall be informed of the results of the verification as soon as possible. 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 State and those of the exporting State, or when they raise a question as to the interpretation of this Protocol, they shall be submitted to the Customs Cooperation Committee provided for in Article 29.

In all cases the settlement of disputes between the importer and the customs authorities of the importing State shall be under the legislation of the said State.

#### *Article 27*

The subsequent verification of the information certificate referred to in Article 21 shall be carried out in the circumstances envisaged in Article 26 following a similar procedure to that envisaged in that Article.

#### *Article 28*

The Joint Committee shall examine annually the application of the provisions of this Protocol and their economic effect with a view to



making any necessary changes. This examination may be carried out at more frequent intervals at the request of either the Community or Algeria.

#### *Article 29*

1. A Customs Cooperation Committee shall be set up, charged with carrying out administrative cooperation with a view to the correct and uniform application of this Protocol and with carrying out any other task in the customs field which may be entrusted to it.
2. The Committee shall be composed on the one hand of customs experts of the Member States and of officials of the departments of the Commission of the European Communities who are responsible for customs questions, and on the other hand of Algerian customs experts.

#### *Article 30*

1. The Community and Algeria shall take any measures necessary to enable movement certificates EUR.1 as well as forms EUR.2 to be submitted, in accordance with Articles 11 and 12 of this Protocol, from the day on which the Agreement enters into force.
2. The movement certificates EUR.1 and the forms EUR.2 printed in the Member States before the date of the entry into force of the Agreement, and which do not conform to the models in Annexes V and VI to this Protocol, may continue to be used until stocks are exhausted, under the conditions laid down by this Protocol.

#### *Article 31*

The Community and Algeria shall each take the steps necessary to implement this Protocol.

#### *Article 32*

The Annexes to this Protocol shall form an integral part thereof.

### *Article 33*

The provisions of the Agreement may be applied to goods which comply with the provisions of Title I and which on the date of the entry into force of the Agreement are either in transit or are in the Community or in Algeria in temporary storage in bonded warehouses or in free zones, subject to the submission to the customs authorities of the importing State within four months of that date of a certificate EUR.1 endorsed retrospectively by the competent authorities of the exporting State together with the documents showing that the goods have been transported directly.

### *Article 34*

The endorsements referred to in Articles 19 and 20 shall be inserted in the 'remarks' box of the certificate.

## ANNEX I

### Explanatory Notes

#### *Note 1 — Articles 1 and 2*

The terms 'the Community' or 'Algeria' shall also cover the territorial waters of the Member States of the Community or of Algeria respectively.

Vessels operating on the high seas, including factory ships, on which fish caught is worked or processed, shall be considered as part of the territory of the State to which they belong provided that they satisfy the conditions set out in Explanatory Note 6.

#### *Note 2 — Article 1*

In order to determine whether goods originate in the Community, Algeria, Morocco or Tunisia 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, Algeria, Morocco or Tunisia, 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, Algeria, Morocco or Tunisia.

#### *Note 4 — Article 3 (1), (2) and 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 — Article 2 (f)*

The term 'their vessels' shall apply only to vessels:

- which are registered or recorded in a Member State, Algeria, Morocco or Tunisia,
- which sail under the flag of a Member State, Algeria, Morocco or Tunisia,
- which are owned to an extent of at least 50% by nationals of the Member States, Algeria, Morocco or Tunisia or by a company with its head office in a Member State, Algeria, Morocco or Tunisia, of which the manager, managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such board are nationals of the Member States, Algeria, Morocco or Tunisia and of which, in addition, in the case of partnerships or limited companies, at least half the capital belongs to the Member States, Algeria, Morocco or Tunisia or to public bodies or nationals of the Member States, Algeria, Morocco or Tunisia,
- of which at least 50% of the crew, captain and officers included, are nationals of the Member States, Algeria, Morocco or Tunisia.

*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 5*

For the purposes of applying Article 5, the ports of embarkation of products originating in Algeria for destination in the Community are for example:

Algiers — Al-Hoceima — Agadir — Annaba — Arzew — Azilah —  
Bajaia — Beni-Saf — Bizerta — Casablanca — Ceuta — Constantine —

Dellys — El Jadida — Essaouira — Gabès — Ghazaouet — Ifni —  
Kenitra — Larache — Melilla — Mohammedia — Oran — Rabat —  
Safi — Sfax — Skikda — Sousse — Tangier — Tarfaya — Ténès — Tunis.

*Note 9 — Article 24*

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 and in Algeria, Morocco and Tunisia.

## 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**

CCT heading No	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
	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
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

CCT heading No	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
	Description		
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	
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

CCT heading No	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
	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:  A. Nuts  B. Other fruits		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
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	

(1) This rule does not apply where the use of maize of the 'zea indurata' type or 'durum wheat' is concerned.

CCT heading No	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
	Description		
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 (1) 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	
ex 23.03	Residues from the manufacture of maize starch (excluding concentrated steeping liquors), 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 Chapter 31 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 (2)	
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 (2)	

(1) This rule does not apply where fruit juices of pineapple, lime and grapefruit are concerned.

(2) 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.

CCT heading No	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
	Description		
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 (1)	
35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues	.	Manufacture from maize or potatoes
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 (1)	
37.02	Film in rolls, sensitized, unexposed, perforated or not	Manufacture from products of heading No 37.01 (1)	
37.04	Sensitized plates and film, exposed but not developed, negative or positive	Manufacture from products of heading No 37.01 or 37.02 (1)	
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
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: — Fusel oil and Dippel's oil;	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.

CCT heading No	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
	Description		
ex 38.19 (cont'd)	<ul style="list-style-type: none"> <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 ethanolanines, thiophenated sulphonic acids of oils obtained from bituminous materials, 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> <li>-- Sorbitol other than sorbitol of heading No 29.04</li> </ul>		
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) (1)	

(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.

CCT heading No	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
	Description		
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
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
50.09 <sup>(2)</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>(2)</sup>	Woven fabrics of noil silk	Manufacture from products of heading No 50.02 or 50.03
51.01 <sup>(1)</sup>	Yarn of man-made fibres (continuous), not put up for retail sale	Manufacture from chemical products or textile pulp

(1) 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.

(2) 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.

CCT heading No	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
	Description		
51.02(1)	Monofil, strip (artificial straw and the like) and imitation catgut, of man-made fibre materials		Manufacture from chemical products or textile pulp
51.03(1)	Yarn of man-made fibres (continuous), put up for retail sale		Manufacture from chemical products or textile pulp
51.04(2)	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(1)	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(2)	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(1)	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(1)	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
53.08(1)	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(1)	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(1)	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(2)	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(2)	Woven fabrics of coarse animal hair other than horsehair	Manufacture from products of heading Nos 53.02 to 53.05
53.13(2)	Woven fabrics of horsehair	Manufacture from horsehair of heading No 05.03
54.03(1)	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(1)	Flax or ramie yarn, put up for retail sale	Manufacture from materials of heading No 54.01 or 54.02
54.05(2)	Woven fabrics of flax or of ramie	Manufacture from materials of heading No 54.01 or 54.02

- (1) 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.
- (2) 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 No 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.

CCT heading No	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
	Description		
55.05(1)	Cotton yarn, not put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.06(1)	Cotton yarn, put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.07(2)	Cotton gauze		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.08(2)	Terry towelling and similar terry fabrics, of cotton		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.09(2)	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 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(1)	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
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>(2)</sup>	Woven fabrics of true hemp	Manufacture from products of heading No 57.01

(1) 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.

(2) 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.

CCT heading No	Products obtained Description	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
57.10(1)	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(1)	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(2)	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(2)	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(2)	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
58.05(2)	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(2)	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(2)	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(2)	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

(1) 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.

(2) 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.

CCT heading No	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
	Description		
58.09(1)	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(1)	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(1)	Felt and articles of felt, whether or not impregnated or coated		Manufacture either from natural fibres or from chemical products or textile pulp
ex 59.02(1)	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 eight denier and of which the value does not exceed 40% of the value of the finished product
59.03(1)	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(1)	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(1)	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(1)	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

(1) 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.

CCT heading No	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
	Description		
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
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>
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>(2)</sup>

(1) 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.

(2) 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.

CCT heading No	Products obtained Description	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
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 (1)
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 (1)
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 (1)
61.01	Men's and boys' outer garments		Manufacture from yarn (1) (2)
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 (1) (2)
ex 61.02	Women's, girls, and infants' outer garments, not embroidered		Manufacture from yarn (1) (2)

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 (1) (2)
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 (1)
61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs	Manufacture from yarn (1) (2)
61.04	Women's, girls' and infants' under garments	Manufacture from yarn (1) (2)
ex 61.05	Handkerchiefs, not embroidered	Manufacture from unbleached single yarn (1) (2) (3)
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 (1)

(1) 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.

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

(3) 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.

CCT heading No	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
	Description		
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>



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>

<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			
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		
64.02	Footwear with outer soles of leather or composition leather; footwear (other than footwear falling within heading No 64.01) without 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 materials 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	
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	
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)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product <sup>(1)</sup>
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 for 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	

<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.

CCT heading No	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
	Description		
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	
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>

(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		
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		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product (1)
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 (1)
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 (1)
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 (1)
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 (1)
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 (1)

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>
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>

<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		
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 (1)
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 (1)
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
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 therefore, 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 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	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 liquefied 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

(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		
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
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 (1)
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 (1)
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 (1)
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

(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		
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
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 (1)
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 (1)

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 (2) used are originating products
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 (2) used for the assembly of the head (motor excluded) are originating products, and (b) the thread tension, crochet and zigzag mechanisms are originating products

(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.

(2) 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 this Protocol 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 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 (1) 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 (2)
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 (1) 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 (2)
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 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
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

(1) 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 this Protocol determining:
  - (i) the value of imported products,
  - (ii) the value of products of undetermined origin.

(2) 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		
90.07	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



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 (1) 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 (1) 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

- (1) 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 this Protocol 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		
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>
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

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- (1) 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 this Protocol determining:
    - (i) the value of imported products,
    - (ii) the value of products of undetermined origin.
- (2) This percentage is not cumulative with the 40%.
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## 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 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
ex 31.03	Calcined, crushed and powdered natural aluminium calcium phosphates, treated thermally	Crushing and powdering of calcined natural aluminium calcium phosphates, treated thermally
ex 33.01	Essential oils, other than of citrus fruits, terpenes	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

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
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
ex 50.09	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 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		
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 <sup>6</sup> 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 within 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
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

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
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
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 (1) 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

(1) 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 this Protocol 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 (2)
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
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 (3)
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 (3)
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

- (1) In determining the value of products, materials and parts, the following must be taken into account:
- 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;
  - in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of this Protocol determining:
    - the value of imported products,
    - the value of products of undetermined origin.
- (2) 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.
- (3) 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.

Finished products		Working or processing that confers the status of originating products
CCT heading No	Description	
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

## ANNEX IV

### LIST C

#### List of products excluded from the scope of this Protocol

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 V*  
MOVEMENT CERTIFICATE

1. Exporter (Name, full address, country)	<b>EUR. 1</b> No <b>A</b> 000.000		
	See notes overleaf before completing this form		
3. Consignee (Name, full address, country) (Optional)	2. Certificate used in preferential trade between  ..... and ..... (insert appropriate countries, groups of countries or territories)		
	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
6. Transport details (Optional)	7. Remarks		
8. Item number; Marks and numbers; Number and kind of packages (?); Description of goods	9. Gross weight (kg) or other measure (litres, m <sup>3</sup> , etc.)	10. Invoices (Optional)	

*If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.*

--	--

**11. CUSTOMS ENDORSEMENT**

Declaration certified  
Export document <sup>(2)</sup>

Stamp

Form ..... No .....

Customs office .....

Issuing country or territory .....

.....

.....

Date .....

.....

(Signature)

**12. DECLARATION BY THE EXPORTER**

I, the undersigned, declare that the goods described above meet the conditions required for the issue of the attached certificate.

Place and date: .....

.....

.....

.....

(Signature)

<sup>(2)</sup> Complete only where the regulations of the exporting country or territory require.

13. REQUEST FOR VERIFICATION, to	14. RESULT OF VERIFICATION,
Verification of the authenticity and accuracy of this certificate is requested.  <p style="text-align: center;">(Place and date)</p> <p style="text-align: right;">Stamp</p>  <p style="text-align: center;">(Signature)</p>	Verification carried out shows that this certificate <sup>(1)</sup>  <input type="checkbox"/> was issued by the customs office indicated and that the information contained therein is accurate.  <input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).  <p style="text-align: center;">(Place and date)</p> <p style="text-align: right;">Stamp</p>  <p style="text-align: center;">(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

1. Exporter (Name, full address, country)	<b>EUR. 1</b> No <b>A</b> 000.000		
3. Consignee (Name, full address, country) (Optional)	See notes overleaf before completing this form		
	<b>2. Application for a certificate to be used in preferential trade between</b>  ..... and ..... (insert appropriate countries, groups of countries or territories)		
6. Transport details (Optional)	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
	7. Remarks		
8. Item number; Marks and numbers; Number and kind of packages <sup>(1)</sup> ; Description of goods	9. Gross weight (kg) or other measure (litres, m <sup>3</sup> , etc.)	10. Invoices (Optional)	

<sup>(1)</sup> If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

(Front)

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## 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 (if):

.....

.....

.....

UNDER TAKE 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)

## ANNEX VI

Before completing this form read carefully the instructions on the other side.

FORM <b>EUR. 2</b> No		1 Form used in preferential trade between (1) ..... and .....	
		2 <b>Exporter</b> (Name, full address, country)	3 <b>Declaration by exporter</b>  I, the undersigned, exporter of the goods described below, declare that the goods comply with the requirements for the completion of this form and that the goods have obtained the status of originating products within the provisions governing preferential trade shown in box 1.
4 <b>Consignee</b> (Name, full address, country)	5 <b>Place and date</b>		
	6 <b>Signature of exporter</b>		
7 <b>Remarks</b> (2)	8 <b>Country of origin</b> (3)	9 <b>Country of destination</b> (4)	
		10 <b>Gross weight</b> (kg)	
11 <b>Marks; Numbers of consignment; Description of goods</b>		12 <b>Authority in the exporting country</b> (5) responsible for verification of the declaration by the exporter	

(1) Insert the countries, groups of countries or territories concerned.

(2) Refer to any verification already carried out by the appropriate authorities.

(3) The term 'country of origin' means country, group of countries or territory where the goods are considered to be originating.

(4) The term 'country' means country, group of countries or territory of destination.

<p><b>13 Request for verification</b></p> <p>The verification of the declaration by the exporter on the front of this form is requested (*)</p>  <p>..... 19.....          (Place and date) Stamp</p> <p>.....          (Signature)</p>	<p><b>14 Result of verification</b></p> <p>Verification carried out shows that <sup>(1)</sup></p> <p><input type="checkbox"/> the statements and particulars given in this form are accurate.</p> <p><input type="checkbox"/> this form does not meet the requirements as to accuracy and authenticity (see remarks appended.)</p>  <p>..... 19.....          (Place and date) Stamp</p> <p>.....          (Signature)</p> <p>(1) Insert X in the appropriate box.</p>
---	--

(\*) Subsequent verifications of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubt as to the accuracy of the information regarding the authenticity of the forms and the true origin of the goods in question.

### Instructions for the completion of form EUR. 2

1. A form EUR. 2 may be made out only for goods which in the exporting country fulfil the conditions specified by the provisions governing the trade referred to in box 1. These provisions must be studied carefully before the form is completed.
2. In the case of a consignment by parcel post the exporter attaches the form to the dispatch note. In the case of a consignment by letter post he encloses the form in a package. The reference 'EUR. 2' and the serial number of the form should be stated on the customs green label declaration C1 or on the customs declaration C2/CP3, as appropriate.
3. These instructions do not exempt the exporter from complying with any other formalities required by customs or postal regulations.
4. An exporter who uses this form is obliged to submit to the appropriate authorities any supporting evidence which they may require and to agree to any inspection by them of his accounts and of the processes of manufacture of the goods described in box 11 of this form.

## ANNEX VII

## Specimen of Declaration

I, the undersigned, declare that the goods listed on this invoice were obtained in.....

.....

and (as appropriate):

(a) <sup>(1)</sup> satisfy the rules on the definition of the concept of 'wholly obtained products'

or

(b) <sup>(1)</sup> were produced from the following products:

Description	Country of origin <sup>(2)</sup>	Value <sup>(1)</sup>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....



and have undergone the following processes:

..... (indicate processings)

in

.....

Done at .....

.....

(Signature)

---

(1) Complete if necessary.

(2) Complete if necessary. In the event that:

- the goods originate in a country covered by the Agreement or Convention concerned: indicate the country;
- the products originate in another country: indicate 'third country'.

## ANNEX VIII

1. Supplier <sup>(1)</sup>	<p style="text-align: center;"><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;"> <p><b>EUROPEAN ECONOMIC COMMUNITY</b> and</p> <p>..... (in block letters)</p> </div>	
2. Consignee <sup>(1)</sup>		
3. Processor <sup>(1)</sup>	4. State 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 MEMBER STATE 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 (*)	
<b>IMPORTED GOODS USED</b>			
12. Tariff heading number and description		13. Country of origin (*)	14. Quantity (*) : 15. Value (*) (*)
16. Nature of the working or processing carried out			
17. Remarks			
<b>18. CUSTOMS ENDORSEMENT</b> Declaration certified Document ..... Form ..... No ..... Customs office ..... Date <input type="text"/>		<b>19. DECLARATION BY THE SUPPLIER</b> I, the undersigned, declare that the information on this certificate is accurate  ..... (Place) <input type="text"/> (Date)	
..... (Signature)		..... (Signature)	
<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">             Official stamp           </div>			

(From)

**REQUEST FOR VERIFICATION**

The undersigned customs official requests verification of the authenticity and accuracy of this information certificate

.....  
(Place and date)

Official  
stamp

.....  
(Official's signature)

**RESULT OF VERIFICATION**

Verification carried out by the undersigned customs official shows that this information certificate:

- (a) was issued by the customs office indicated and that the information contained therein is accurate (\*)
- (b) does not meet the requirements as to authenticity and accuracy (see notes appended) (\*)

.....  
(Place and date)

Official  
stamp

.....  
(Official's signature)

.....  
(\*) Delete where not applicable.

## 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) Complete if necessary. In the event that:
  - the goods originate in a country covered by the Agreement or Convention concerned: indicate the country;
  - the products originate in another country: indicate 'third country'.
- (6) The value must be indicated in accordance with the provisions on rules of origin.

*ANNEX IX*

**Joint Declaration**

For the implementation of Article 28 of the Protocol, the Community is prepared to examine any request from Algeria for derogations to the rules of origin after the signature of the Agreement.

## FINAL ACT

The Plenipotentiaries of  
the Council of the European Communities,  
of the one part, and of

the President of the Council of the Revolution, President of the Council  
of Ministers of the People's Democratic Republic of Algeria,

of the other part,

meeting at Algiers, this twenty-sixth day of April in the year one thousand  
nine hundred and seventy-six for the purpose of signing the Interim  
Agreement between the European Economic Community and the  
People's Democratic Republic of Algeria,

have, on signing this Agreement,

— adopted the following joint declarations by the Contracting Parties:

1. Joint Declaration by the Contracting Parties on Article 5 (1) of the Agreement,
2. Joint Declaration by the Contracting Parties on Article 8 of the Agreement,
3. Joint Declaration by the Contracting Parties on the provisions of Article 8 of the Agreement in respect of products falling within subheadings 08.02 ex A, ex B, ex C and D of the Common Customs Tariff,
4. Joint Declaration by the Contracting Parties on olive oil,
5. Joint Declaration by the Contracting Parties on agricultural products,
6. Joint Declaration by the Contracting Parties on the presentation of the Agreement to GATT by the Community;

— taken note of the following declarations:

1. Declaration by the European Economic Community on the regional application of certain provisions of the Agreement,

2. Declaration by the representative of the Federal Republic of Germany on the definition of German nationality,
3. Declaration by the representative of the Federal Republic of Germany on the application of the Agreement to Berlin;

— and taken note of the following exchanges of letters:

1. Exchange of letters concerning the special arrangements under which certain products originating in Algeria are imported into France,
2. Exchange of letters on Articles 25 and 37 of the Agreement.

The declarations and exchanges of letters listed above are annexed to this Final Act.

The Plenipotentiaries have agreed that the declarations and exchanges of letters shall be subjected, in the same manner as the Agreement, to any procedures that may be necessary to ensure their validity.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne slutakt.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diese Schlußakte gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Final Act.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présente acte final.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente atto finale.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Slotakte hebben gesteld.

واثباتا لذلك، وقع المفوضون اسفل هذا الاتفاق الموقت .



Udfærdiget i Algier, den seksogtyvende april nitten hundrede og seksoghalvfjerds.

Geschehen zu Algier am sechszwanzigsten April neunzehnhundert-sechundsiebzig.

Done at Algiers this twenty-sixth day of April in the year one thousand nine hundred and seventy-six.

Fait à Alger, le vingt-six avril mil neuf cent soixante-seize.

Fatto a Algeri, addì ventisei aprile millenovecentosettantasei.

Gedaan te Algiers, de zesentwintigste april negentienhonderd zesenzeventig.

تم تحريره بالجزائر العاصمة ، في السادس والعشرين من شهر ابريل سنة الف  
وسماتة وستة وسبعين

For Rådet for De europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

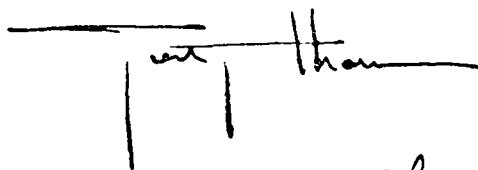
For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

من مجلس المصوبات الأوروبية



C. Cheyrou

For formanden for revolutionsrådet,  
formand for ministerrådet for Den demokratiske folkerepublik Algeriet

Für den Präsidenten des Revolutionsrats,  
Präsident des Ministerrats der Demokratischen Volksrepublik Algerien

For the President of the Council of the Revolution,  
President of the Council of Ministers of the Democratic and Popular  
Republic of Algeria

Pour le président du Conseil de la révolution,  
président du Conseil des ministres de la République algérienne démocratique et populaire

Per il presidente del Consiglio rivoluzionario,  
presidente del Consiglio dei ministri della Repubblica algerina democratica e popolare

Voor de President van de Raad van de Revolutie,  
President van de Raad van Ministers van de Democratische Volksrepubliek Algerije

عن رئيس مجلس الثورة ،  
ورئيس مجلس الوزراء للجمهورية الجزائرية  
الديمقراطية الشعبية



### **Joint Declaration by the Contracting Parties on Article 5 (1) of the Agreement**

The Contracting Parties agree that, should the date of entry into force of the Agreement not coincide with the beginning of the calendar year, the ceilings referred to in Article 5 (1) of the Agreement will be applied *pro rata*.

### **Joint Declaration by the Contracting Parties on Article 8 of the Agreement**

The Contracting Parties agree that, without prejudice to the implementation of the first subparagraph of Article 22 (2) of Regulation (EEC) No 1035/72, the products listed in Article 8 of the Agreement and set out in Annex III to that Regulation shall be admitted into the Community during the period for which the reductions in duty are applicable free of quantitative restrictions and measures having equivalent effect.

Furthermore, the Contracting Parties agree that, where reference is made in the Agreement to the provisions of Articles 23 to 28 of Regulation (EEC) No 1035/72, the Community is referring to the arrangements applicable to third countries at the time of importation of the products in question.

### **Joint Declaration by the Contracting Parties on the provisions of Article 8 of the Agreement in respect of products falling within subheading 08.02 ex A, ex B, ex C and D of the Common Customs Tariff**

The Contracting Parties agree that if, in the light of the results of the Agreement and taking into account the trend of trade flows between the Community and the Mediterranean countries, the advantages accruing from the provisions of Article 8 in respect of products falling within subheading 08.02 ex A, ex B, ex C and D of the Common Customs Tariff are or are likely to be jeopardized by abnormal conditions of

competition, the situation shall be examined within the Joint Committee in order to identify the problems and seek appropriate solutions.

#### **Joint Declaration by the Contracting Parties on olive oil**

The Contracting Parties agree to cooperate closely in order to identify any difficulties which might arise in respect of olive oil and to seek appropriate solutions.

To this end, the Contracting Parties will hold periodic consultations to follow the trend of the olive oil market.

#### **Joint Declaration by the Contracting Parties on agricultural products**

1. The Contracting Parties declare their readiness to foster, so far as their agricultural policies allow, the harmonious development of trade in agricultural products to which the Agreement does not apply.

As regards veterinary, health and plant health matters the Contracting Parties shall apply their rules in a non-discriminatory fashion and shall refrain from introducing any new measures that have the effect of unduly obstructing trade.

2. They shall examine within the Joint Committee any difficulties that might arise in their trade in agricultural products and shall endeavour to seek appropriate solutions.

#### **Joint Declaration by the Contracting Parties on the presentation of the Agreement to GATT by the Community**

The Contracting Parties to the Agreement will consult when the provisions of the Agreement that relate to trade are presented and examined under GATT.

**Declaration by the European Economic Community concerning the regional application of certain provisions of the Agreement**

The European Economic Community declares that the application of any measures it may take under Articles 26 and 27 of the Agreement, in accordance with the procedure and under the arrangements set out in Article 28, or under Article 29, may be limited to one of its regions by virtue of Community rules.

**Declaration by the representative of the Federal Republic of Germany on the definition of German nationality**

Every German person, within the meaning of the basic constitutional law applying in the Federal Republic of Germany, is considered as a national of the Federal Republic of Germany.

**Declaration by the representative of the Federal Republic of Germany on the application of the Agreement to Berlin**

The Agreement shall also apply to Land Berlin provided that no statement to the contrary by the Government of the Federal Republic of Germany is addressed to the other Contracting Parties within three months of the entry into force of the Agreement.

**Exchange of letters concerning the special arrangements under which  
certain products originating in Algeria are imported into France**

Algiers, 26 April 1976

Sir,

I have the honour to inform you that the representatives of the Governments of the Member States of the European Economic Community have asked me to inform you as follows:

'The French Government reserves the right to maintain, pending the review which is to take place in 1978 in accordance with Article 53 of the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria, the customs treatment which it applies at present to imports into its territory of agricultural products originating in Algeria for products which are not covered by the Agreement and for certain other products referred to in Title I (Trade) of the Agreement.'

I should be grateful if you would acknowledge receipt of this letter.

Please accept, Sir, the assurance of my highest consideration.

Jean DURIEUX

*Head of the delegation  
of the European Economic Community*

Algiers, 26 April 1976

Sir,

In your letter of today's date you inform me as follows:

‘“The French Government reserves the right to maintain, pending the review which is to take place in 1978 in accordance with Article 53 of the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria, the customs treatment which it applies at present to imports into its territory of agricultural products originating in Algeria for products which are not covered by the Agreement and for certain other products referred to in Title I (Trade) of the Agreement.”’

I should be grateful if you would acknowledge receipt of this letter.’

I have the honour to acknowledge receipt of your letter.

Please accept, Sir, the assurance of my highest consideration.

Dr Messaoud AIT CHAALAL  
*Head of the Algerian delegation*

**Exchange of letters on Articles 25 and 37 of the Agreement**

Algiers, 26 April 1976

Sir,

I have the honour to inform you of the following declaration by my Government on Articles 25 and 37 of the Agreement:

'The People's Democratic Republic of Algeria hereby declares that in applying Article 25 and 37 of the Agreement its undertakings do not require it to repeal laws and regulations in force in so far as they remain necessary for the protection of its essential security interests. Algeria will see to it that such laws and regulations are applied in such a way as to ensure compliance with Article 35 (1) of the Agreement.'

Please accept, Sir, the assurance of my highest consideration.

**Dr Messaoud AIT CHAALAL**  
*Head of the Algerian delegation*



Algiers, 26 April 1976

Sir,

In your letter of today's date you communicate to me a declaration by your Government on Articles 25 and 37 of the Agreement.

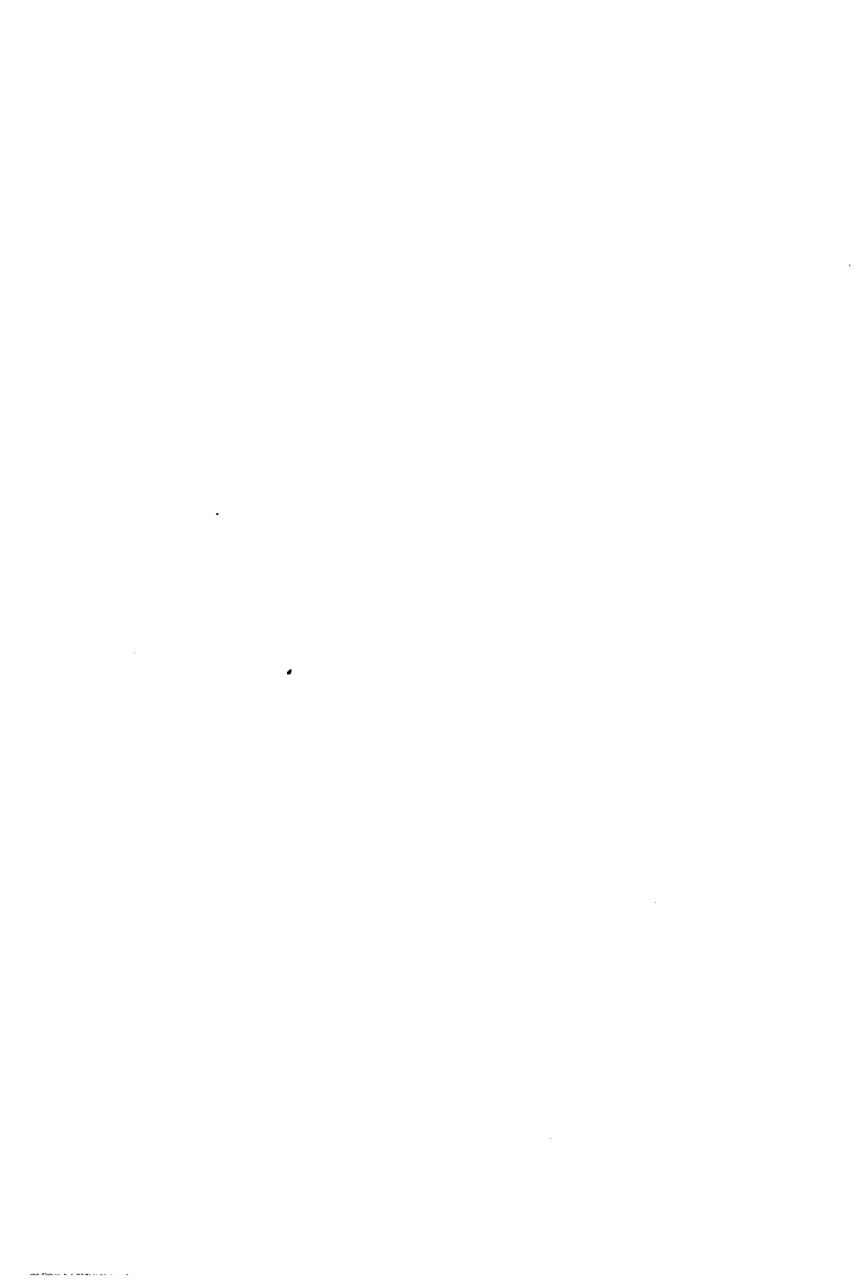
I have the honour to inform you of the following declaration by the European Economic Community on Articles 25 and 37 of the Agreement:

1. The European Economic Community notes the declaration by the People's Democratic Republic of Algeria.
2. The European Economic Community expects the principles set out in the Agreement, including those in Articles 25 and 37 of the Agreement, to be put into full application.

The European Economic Community considers in particular that the application of the principle of non-discrimination should ensure the correct and smooth application of the Agreement.'

Please accept, Sir, the assurance of my highest consideration.

Jean DURIEUX  
*Head of the delegation  
of the European Economic Community*



## AGREEMENT

in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of fruit salads originating in Algeria <sup>(1)</sup>

### COUNCIL REGULATION (EEC) No 1515/76

of 24 June 1976

concluding the Agreement in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of fruit salads originating in Algeria

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria was signed on 26 April 1976;

Whereas the Interim Agreement <sup>(2)</sup> on the advance implementation of the trade provisions of the Cooperation Agreement signed on the same day enters into force on 1 July 1976;

(1) OJ No L 169, 28.6.1976.

(2) OJ No L 141, 28.5.1976.

Whereas the Agreement in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria concerning the import into the Community of fruit salads originating in Algeria should be concluded,

HAS ADOPTED THIS REGULATION

*Article 1*

The Agreement in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of fruit salads originating in Algeria is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

*Article 3*

This Regulation shall enter into force on the 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, 24 June 1976.

*For the Council*  
*The President*  
G. THORN

## AGREEMENT

**in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of fruit salads originating in Algeria**

Sir,

With a view to implementing the 55% reduction in the Common Customs Tariff provided for in Article 19 of the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria and in Article 12 of the Interim Agreement, and following the clarifications exchanged concerning the conditions governing imports into the Community of fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Algeria, I have the honour to inform you that the Algerian Government undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 July to 31 December 1976 do not exceed 50 metric tons.

To this end the Algerian Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the 'Société de gestion et de développement des industries alimentaires (SOGEDIA)' (Society for the Administration and Development of the Foodstuffs Industries).

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Society for the Administration and Development of the Foodstuffs Industries and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows:

'With a view to implementing the 55% reduction in the Common Customs Tariff provided for in Article 19 of the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria and in Article 12 of the Interim Agreement, and following the clarifications exchanged concerning the conditions governing imports into the Community of fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Algeria, I have the honour to inform you that the Algerian Government undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 July to 31 December 1976 do not exceed 50 metric tons.

To this end the Algerian Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the "Société de gestion et de développement des industries alimentaires (SOGEDIA)" (Society for the Administration and Development of the Foodstuffs Industries).

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Society for the Administration and Development of the Foodstuffs Industries and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.'

I am able to confirm the agreement of the Community with the foregoing and consequently to state that the 55% reduction in the Common Customs Tariff will apply from 1 July to 31 December 1976 to the quantities of fruit salads originating in Algeria referred to in your letter.

Please accept, Sir, the assurance of my highest consideration.

## AGREEMENT

in the form of an exchange of letters relating to Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of bran and sharps originating in Algeria <sup>(1)</sup>

### COUNCIL REGULATION (EEC) No 1518/76

of 24 June 1976

concluding the Agreement in the form of an exchange of letters relating to Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of bran and sharps originating in Algeria

#### THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria was signed on 26 April 1976;

Whereas the Interim Agreement <sup>(2)</sup> on the advance implementation of the trade provisions of the Cooperation Agreement signed on the same day enters into force on 1 July 1976;

(1) OJ No L 169, 28.6.1976.

(2) OJ No L 141, 28.5.1976.

Whereas the Agreement in the form of an exchange of letters relating to Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of bran and sharps originating in Algeria should be concluded,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement in the form of an exchange of letters relating to Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of bran and sharps originating in Algeria is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

*Article 3*

This Regulation shall enter into force on the 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, 24 June 1976.

*For the Council*  
*The President*  
G. THORN



## AGREEMENT

in the form of an exchange of letters relating to Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of bran and sharps originating in Algeria

Sir,

I have the honour to inform you as follows:

For the implementation of Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria it is agreed that the following provisions be adopted:

1. The variable component of the levy on imports into the Community of bran, sharps and other residues derived from the sifting, milling or other working of cereals, other than of maize and rice, falling within subheading 23.02 A II of the Common Customs Tariff and originating in Algeria shall be as calculated in accordance with Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice, less the amount specified in paragraph 3 below.
2. Paragraph 1 shall apply provided that Algeria levies on exports of the products referred to a special charge which is equal to the amount by which the variable component of the levy is reduced and is reflected in the Community import price.
3. The amount by which the variable component of the levy is reduced shall be equal to 60% of the average of the variable components of the levies in force during the three months preceding the month in which the amount in question was fixed.

The amount shall be fixed by the Commission not later than the tenth day of the month preceding the quarter during which the amount shall apply.

'Quarter' shall mean a period of three months beginning on 1 February, 1 May, 1 August or 1 November in each year.

However, should the entry into force of the Agreement not coincide with the beginning of one of these quarters, the first reduction in the levy shall be applicable for the month or months of the current quarter.

4. Proof that the special charge on exports has been collected shall be provided by the insertion by the customs authorities under 'Remarks' on the movement certificate of one of the following endorsements:

Taxe spéciale à l'exportation appliquée

Særlig udførselsafgift opkrævet

Sonderausfuhrabgabe erhoben

Special export charge collected

Applicata tassa speciale all'esportazione

Bijzondere uitvoerheffing voldaan

(signature and official stamp)

I should be grateful if you would acknowledge this letter and confirm the agreement of your Government with its contents.

Please accept, Sir, the assurance of my highest consideration.

Sir,

In your letter of today's date you inform me as follows:

'For the implementation of Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria it is agreed that the following provisions be adopted:

1. The variable component of the levy on imports into the Community of bran, sharps and other residues derived from the sifting, milling or other working of cereals, other than of maize and rice, falling within subheading 23.02 A II of the Common Customs Tariff and originating in Algeria shall be as calculated in accordance with Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice, less the amount specified in paragraph 3 below.
2. Paragraph 1 shall apply provided that Algeria levies on exports of the products referred to a special charge which is equal to the amount by which the variable component of the levy is reduced and is reflected in the Community import price.
3. The amount by which the variable component of the levy is reduced shall be equal to 60% of the average of the variable components of the levies in force during the three months preceding the month in which the amount in question was fixed.

The amount shall be fixed by the Commission not later than the tenth day of the month preceding the quarter during which the amount shall apply.

"Quarter" shall mean a period of three months beginning on 1 February, 1 May, 1 August or 1 November in each year.

However, should the entry into force of the Agreement not coincide with the beginning of one of these quarters, the first reduction in the levy shall be applicable for the month or months of the current quarter.

4. Proof that the special charge on exports has been collected shall be provided by the insertion by the customs authorities under "Remarks" on the movement certificate of one of the following endorsements:

Taxe spéciale à l'exportation appliquée

Særlig udførselsafgift opkrævet

Sonderausfuhrabgabe erhoben

Special export charge collected

Applicata tassa speciale all'esportazione

Bijzondere uitvoerheffing voldaan

(signature and official stamp)

I should be grateful if you would acknowledge this letter and confirm the agreement of your Government with its contents.'

I have the honour to acknowledge receipt of your letter and to confirm the agreement of my Government with its contents.

Please accept, Sir, the assurance of my highest consideration.

## AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and the People's Democratic Republic of Algeria on the importation into the Community of tomato concentrates originating in Algeria <sup>(1)</sup>

**COUNCIL REGULATION (EEC) No 1605/76**

**of 29 June 1976**

**concluding the Agreement in the form of an exchange of letters between the European Economic Community and the People's Democratic Republic of Algeria on the importation into the Community of tomato concentrates originating in Algeria**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the recommendation from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria was signed on 26 April 1976;

Whereas an Interim Agreement <sup>(2)</sup> signed on the same date for the advance implementation of the trade provisions of the Cooperation Agreement enters into force on 1 July 1976;

Whereas the Agreement in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the said

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(1) OJ No L 175, 1.7.1976.

(2) OJ No L 141, 28.5.1976.

Interim Agreement and concerning the importation into the Community of tomato concentrates originating in Algeria should be concluded,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement in the form of an exchange of letters between the European Economic Community and the People's Democratic Republic of Algeria concerning the importation into the Community of tomato concentrates originating in Algeria, is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in the form of an exchange of letters and to confer on him the powers required to bind the Community.

*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, 29 June 1976.

*For the Council*  
*The President*  
G. THORN

## AGREEMENT

**in the form of an Exchange of Letters between the European Economic Community and the People's Democratic Republic of Algeria on the importation into the Community of tomato concentrates originating in Algeria**

### *A. Letter from Algeria*

Sir,

With a view to implementing the 30% reduction in the Common Customs Tariff provided for in Article 19 of the Cooperation Agreement concluded between the European Economic Community and the People's Democratic Republic of Algeria and in Article 12 of the Interim Agreement, and following the clarifications exchanged concerning the conditions governing imports into the Community of tomato concentrates prepared or preserved otherwise than by vinegar or acetic acid and falling within subheading 20.02 ex C of the Common Customs Tariff and originating in Algeria, I have the honour to inform you that the Algerian Government undertakes to take all necessary measures in order that the quantities supplied to the Community from 1 July 1976 to 31 December 1976 shall not exceed 50 metric tons.

To this end the Algerian Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the 'Société de gestion et de développement des industries alimentaires (SOGEDIA)'.

The guarantees relating to quantities will be met in accordance with the procedures agreed between SOGEDIA and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Algerian Government*

*B. Letter from the Community*

Your Excellency,

I have the honour to acknowledge receipt of your letter of today worded as follows:

‘With a view to implementing the 30% reduction in the Common Customs Tariff provided for in Article 19 of the Cooperation Agreement concluded between the European Economic Community and the People’s Democratic Republic of Algeria and in Article 12 of the Interim Agreement, and following the clarifications exchanged concerning the conditions governing imports into the Community of tomato concentrates prepared or preserved otherwise than by vinegar or acetic acid and falling within subheading 20.02 ex C of the Common Customs Tariff and originating in Algeria, I have the honour to inform you that the Algerian Government undertakes to take all necessary measures in order that the quantities supplied to the Community from 1 July 1976 to 31 December 1976 shall not exceed 50 metric tons.

To this end the Algerian Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the “Société de gestion et de développement des industries alimentaires (SOGEDIA)”.

The guarantees relating to quantities will be met in accordance with the procedures agreed between SOGEDIA and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.’

I am able to confirm the agreement of the Community with the foregoing and that consequently the 30% reduction in the Common Customs Tariff will apply to the quantities of tomato concentrates originating in Algeria referred to in your letter from 1 July 1976 to 31 December 1976.

Please accept, Your Excellency, the assurance of my highest consideration.

*On behalf of the Council  
of the European Communities*





## INFORMATION CONCERNING

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
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— the INTERIM AGREEMENT between the European Economic Community and the People's Democratic Republic of Algeria <sup>(1)</sup> <sup>(2)</sup>

EEC ALGERIA	26.4.1976	n. 31.5.1976	1.7.1976 <sup>(3)</sup>	until 30.6.1977
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— the AGREEMENT in the form of an exchange of letters relating to Article 19 of the Cooperation Agreement and Article 12 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of fruit salads originating in Algeria <sup>(4)</sup>

EEC ALGERIA	29.6.1976 <sup>(5)</sup>	—	1.7.1976	until 31.12.1976
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— the AGREEMENT in the form of an exchange of letters relating to Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of bran and sharps originating in Algeria <sup>(4)</sup>

EEC ALGERIA	29.6.1976 <sup>(5)</sup>	—	1.7.1976	indefinite
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— the AGREEMENT in the form of an exchange of letters between the European Economic Community and the People's Democratic Republic of Algeria on the importation into the Community of tomato concentrates originating in Algeria <sup>(6)</sup>

EEC ALGERIA	29.6.1976	—	1.7.1976	until 31.12.1976
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(1) OJ No L 141, 28.5.1976.

(2) Corrigendum: OJ No L 185, 9.7.1976.

(3) OJ No L 170, 29.6.1976.

(4) OJ No L 169, 28.6.1976. The Cooperation Agreement had not yet entered into force as at 31.12.1976.

(5) OJ No L 194, 20.7.1976.

(6) OJ No L 175, 1.7.1976.



**Agreements**  
**between the EEC and the ACP States**



## AGREEMENTS

on cane sugar in the form of exchanges of letters between the European Economic Community and Barbados, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Kingdom of Swaziland, the United Republic of Tanzania and Trinidad and Tobago (1)

**COUNCIL REGULATION (EEC) No 1654/76**

**of 29 June 1976**

on the conclusion of the Agreements in the form of exchanges of letters on the guaranteed prices for cane sugar for 1976/77 between the European Economic Community and Barbados, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago and the Republic of India

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the recommendation from the Commission,

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(1) OJ No L 176, 1.7.1976.

Whereas the implementation of Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé (1) and of the Agreement between the European Economic Community and the Republic of India on cane sugar (2), is carried out within the framework of the management of the common organization of the sugar market;

Whereas in respect of the guaranteed prices to apply to cane sugar in 1976/77 it is appropriate to conclude Agreements, in the form of exchanges of letters, between the Community and the States referred to in Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé, and the Republic of India, (3)

HAS ADOPTED THIS REGULATION:

#### *Article 1*

The Agreements on the guaranteed prices to apply to cane sugar in 1976/77 are concluded on behalf of the Community in the form of exchanges of letters between the Community and Barbados, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago and the Republic of India.

The texts of these Agreements are annexed to this Regulation.

#### *Article 2*

The President of the Council is authorized to designate the person empowered to sign the Agreement referred to in Article 1 and to confer on him the powers required in order to bind the Community.

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(1) OJ No L 25, 30.1.1976.

(2) OJ No L 190, 23.7.1975.

(3) The Agreement with the Republic of India appears on page 401 of this volume.



*Article 3*

This Regulation shall enter into force the 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 Luxembourg, 29 June 1976.

*For the Council*  
*The President*  
G. THORN

## AGREEMENTS

on cane sugar in the form of exchanges of letters between the European Economic Community and Barbados, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Kingdom of Swaziland, the United Republic of Tanzania and Trinidad and Tobago

### *Letter No 1*

Brussels, . . . . .

Sir,

Following the conclusion of the negotiations referred to in Article 5 (4) of Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé, the Commission, on behalf of the European Economic Community, and the ACP States referred to in the aforesaid Protocol have agreed as follows:

For the period 1 April 1976 to 30 June 1977 the guaranteed prices referred to in Article 5 (4) of the Protocol shall be:

- (a) for raw sugar, 26·70 units of account per 100 kilograms;
- (b) for white sugar, 34·14 units of account per 100 kilograms.

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 contains a premium of 0·48 unit of account per 100 kilograms of white sugar which will be recoverable from the exporting State concerned to the extent that the price realized on sale from intervention is less than the guaranteed price for raw sugar.

I should be obliged if you would kindly acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.

Please accept, Sir, the assurance of my highest consideration.

*For the Council  
of the European Communities*

*Letter No 2*

Brussels, . . . . .

Sir,

I have the honour to acknowledge receipt of your letter which reads as follows:

'Following the conclusion of the negotiations referred to in Article 5 (4) of Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé, the Commission, on behalf of the European Economic Community, and the ACP States referred to in the aforesaid Protocol have agreed as follows:

For the period 1 April 1976 to 30 June 1977 the guaranteed prices referred to in Article 5 (4) of the Protocol shall be:

(a) for raw sugar, 26·70 units of account per 100 kilograms;

(b) for white sugar, 34·14 units of account per 100 kilograms.

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 contains a premium of 0·48 unit of account per 100 kilograms of white sugar which will be recoverable from the exporting State concerned to the extent that the price realized on sale from intervention is less than the guaranteed price for raw sugar.

I should be obliged if you would kindly acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.'

I have the honour to confirm the agreement of my Government with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of Barbados* <sup>(1)</sup>

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<sup>(1)</sup> The Community had a similar exchange of letters with each of the following ACP States: Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Malagasy Republic, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Kingdom of Swaziland, the United Republic of Tanzania, and Trinidad and Tobago.

## INFORMATION CONCERNING

the AGREEMENTS on cane sugar in the form of exchanges of letters between the European Economic Community and Barbados, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Kingdom of Swaziland, the United Republic of Tanzania, and Trinidad and Tobago <sup>(1)</sup>

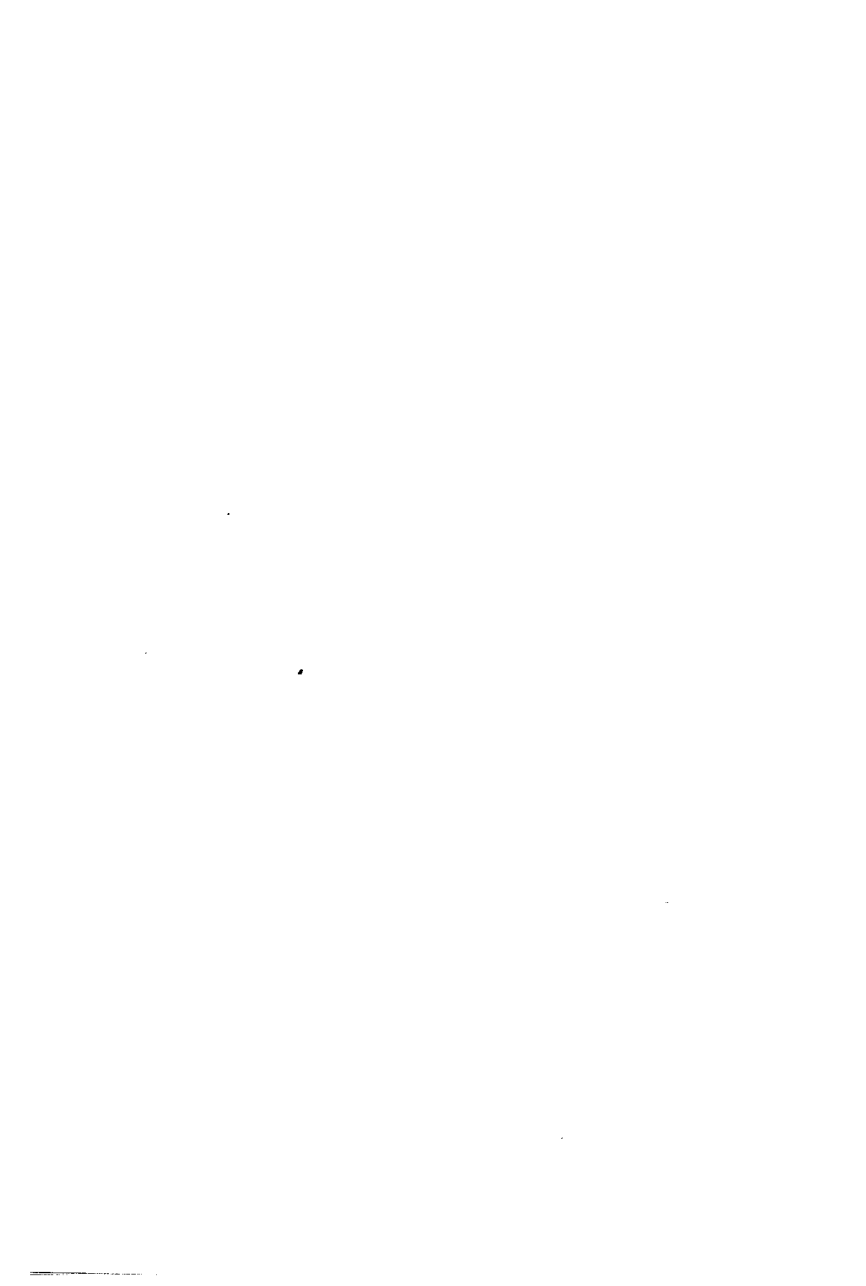
Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC BARBADOS FIJI GUYANA JAMAICA KENYA MADAGASCAR MALAWI MAURITIUS UGANDA CONGO (People's Rep.) SWAZILAND	14.7.1976	—	14.7.1976 <sup>(2)</sup>	until 30.6.1977

TANZANIA TRINIDAD AND TOBAGO				
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(1) OJ No L 176, 1.7.1976.

(2) Applicable for the period 1.4.1976 to 30.6.1977.

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CHAPTER IV

**American countries**

# Introduction

The purpose of this document is to provide a comprehensive overview of the project's objectives and scope.

This document is organized as follows:

1. **Project Objectives:** A detailed list of the project's goals and the expected outcomes.

2. **Scope of Work:** A clear definition of the project's boundaries and the tasks to be completed.

3. **Timeline:** A schedule of key milestones and the estimated duration of each phase.

4. **Resources:** An overview of the personnel, equipment, and materials required for the project.

5. **Risks:** An analysis of potential risks and the strategies to mitigate them.

6. **Conclusion:** A summary of the project's importance and the next steps.

7. **Appendix:** Additional information, including data, charts, and supporting documents.

8. **Glossary:** A list of key terms and their definitions.

9. **References:** A list of sources used in the project's research and development.

10. **Index:** A list of page numbers corresponding to the document's sections.

11. **Table of Contents:** A summary of the document's structure and page numbers.

12. **Appendix A:** Detailed data and analysis for the first major component.

13. **Appendix B:** Detailed data and analysis for the second major component.

14. **Appendix C:** Detailed data and analysis for the third major component.

15. **Appendix D:** Detailed data and analysis for the fourth major component.

16. **Appendix E:** Detailed data and analysis for the fifth major component.

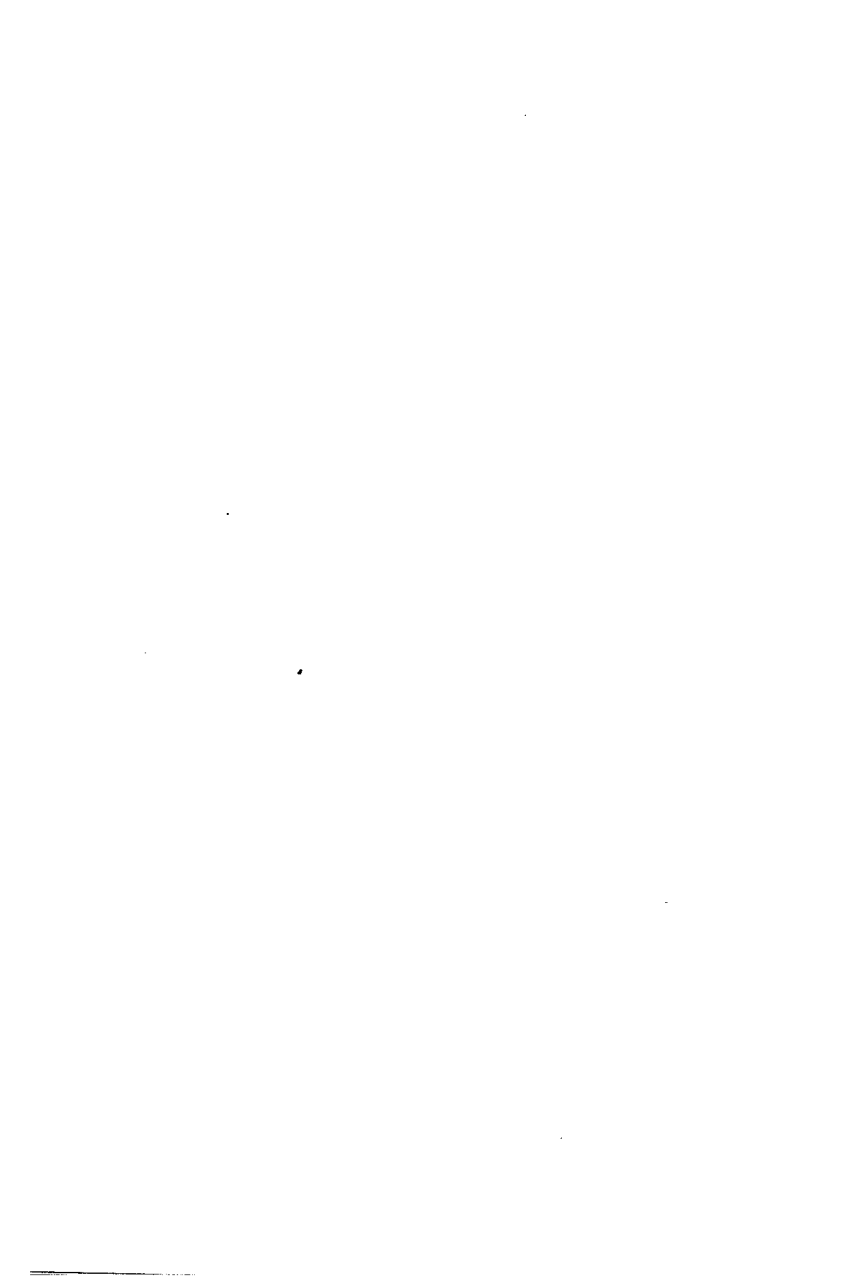
17. **Appendix F:** Detailed data and analysis for the sixth major component.

18. **Appendix G:** Detailed data and analysis for the seventh major component.

19. **Appendix H:** Detailed data and analysis for the eighth major component.

20. **Appendix I:** Detailed data and analysis for the ninth major component.

**Agreement**  
**between the European Communities and Canada**



## FRAMEWORK AGREEMENT

for commercial and economic cooperation between the  
European Communities and Canada (1)

**COUNCIL REGULATION (EEC) No 2300/76**

**of 20 September 1976**

**concluding the Framework Agreement for commercial and economic  
cooperation between the European Communities and Canada**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

Having regard to the Treaty establishing the European Economic  
Community, and in particular Articles 113 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament, (2)

Whereas the conclusion by the European Economic Community of the  
Framework Agreement for commercial and economic cooperation  
between the European Communities and Canada, signed in Ottawa  
on 6 July 1976, appears necessary for the attainment of the ends of the  
Community in the sphere of external economic relations; whereas  
certain forms of economic cooperation provided for by the Agreement  
exceed the powers of action specified in the sphere of the common  
commercial policy,

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(1) OJ No L 260, 24.9.1976.

(2) OJ No C 238, 11.10.1976.

HAS ADOPTED THIS REGULATION:

*Article 1*

The Framework Agreement for commercial and economic cooperation between the European Communities and Canada is hereby concluded on behalf of the European Economic Community.

The text of the Agreement is annexed to this Regulation.

*Article 2*

Pursuant to Article VIII of the Agreement, the President of the Council shall give notification that the procedures necessary for the entry into force of the Agreement have been completed on the part of the European Economic Community.

*Article 3*

This Regulation shall enter into force on the 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 September 1976.

*For the Council*  
*The President*  
M. van der STOEL

## FRAMEWORK AGREEMENT

for commercial and economic cooperation between the European Communities and Canada

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

on behalf of the European Economic Community, and

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

on behalf of the European Atomic Energy Community,

of the one part, and

THE GOVERNMENT OF CANADA,

of the other part,

INSPIRED by the common heritage, special affinity and shared aspirations which unite the countries of the European Communities and Canada;

RECOGNIZING that the European Communities and Canada desire to establish a direct link with each other which will support, complement and extend cooperation between the Member States of the European Communities and Canada;

RESOLVED to consolidate, deepen and diversify their commercial and economic relations to the full extent of their growing capacity to meet each other's requirements on the basis of mutual benefit;

CONSCIOUS of the already substantial flow of trade between the European Communities and Canada;

MINDFUL that the more dynamic trade relationship which both the European Communities and Canada desire calls for close cooperation across the whole range of commercial and economic endeavour;

PERSUADED that such cooperation should be realized in evolutionary and pragmatic fashion, as their policies develop;

DESIRING furthermore to strengthen their relations and to contribute together to international economic cooperation;

HAVE DECIDED to conclude a Framework Agreement for commercial and economic cooperation between the European Economic Community and the European Atomic Energy Community, of the one part, and Canada, of the other part; and to this end have designated as their Plenipotentiaries:

THE COUNCIL AND THE COMMISSION OF THE EUROPEAN COMMUNITIES:

Max van der STOEL,  
President of the Council,  
Minister for Foreign Affairs of the Kingdom of the Netherlands;

Sir Christopher SOAMES,  
Vice-President of the Commission of the European Communities;

THE GOVERNMENT OF CANADA:

The Hon. Allan J. MAC EACHAN,  
Secretary of State for External Affairs;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

*Article I*

*MOST-FAVoured-NATION TREATMENT*

In accordance with the rights and obligations under the General Agreement on Tariffs and Trade, the Contracting Parties undertake to accord each other, on an equal and reciprocal basis, most-favoured-nation treatment.

*Article II*

*COMMERCIAL COOPERATION*

1. The Contracting Parties undertake to promote the development and diversification of their reciprocal commercial exchanges to the highest possible level.

To this end, they shall, in accordance with their respective policies and objectives;



- (a) cooperate at the international level and bilaterally in the solution of commercial problems of common interest;
  - (b) use their best endeavours to grant each other the widest facilities for commercial transactions in which one or the other has an interest;
  - (c) take fully into account their respective interests and needs regarding access to and further processing of resources.
2. The Contracting Parties shall use their best endeavours to discourage, in conformity with their legislation, restrictions of competition by enterprises of their respective industries, including pricing practices distorting competition.
  3. The Contracting Parties agree, upon request, to consult and review these matters in the Joint Cooperation Committee referred to in Article IV.

### *Article III*

#### *ECONOMIC COOPERATION*

1. The Contracting Parties, in the light of the complementarity of their economies and of their capabilities and long-term economic aspirations, shall foster mutual economic cooperation in all fields deemed suitable by the Contracting Parties. Among the objectives of such cooperation shall be:
  - the development and prosperity of their respective industries,
  - the encouragement of technological and scientific progress,
  - the opening up of new sources of supply and new markets,
  - the creation of new employment opportunities,
  - the reduction of regional disparities,
  - the protection and improvement of the environment,
  - generally to contribute to the development of their respective economies and standards of living.
2. As means to such ends, the Contracting Parties shall as appropriate encourage and facilitate *inter alia*:

- broader inter-corporate links between their respective industries, especially in the form of joint ventures,
- greater participation by their respective firms in the industrial development of the Contracting Parties on mutually advantageous terms,
- increased and mutually beneficial investment,
- technological and scientific exchanges,
- joint operations by their respective firms and organizations in third countries.

3. The Contracting Parties will as appropriate encourage the regular exchange of industrial, agricultural and other information relevant to commercial and economic cooperation as well as the development of contacts and promotion activities between firms and organizations in these areas in the Communities and Canada.

4. Without prejudice to the relevant provisions of the Treaties establishing the Communities, the present Agreement and any action taken thereunder shall in no way affect the powers of the Member States of the Communities to undertake bilateral activities with Canada in the field of economic cooperation and to conclude, where appropriate, new economic cooperation agreements with Canada.

#### *Article IV*

#### *JOINT COOPERATION COMMITTEE*

A joint Cooperation Committee shall be set up to promote and keep under review the various commercial and economic cooperation activities envisaged between the Communities and Canada. Consultations shall be held in the Committee at an appropriate level in order to facilitate the implementation and to further the general aims of the present Agreement. The Committee will normally meet at least once a year. Special meetings of the Committee shall be held at the request of either Party. Subcommittees shall be constituted where appropriate in order to assist the Committee in the performance of its tasks.

## *Article V*

### *OTHER AGREEMENTS*

1. Nothing in this Agreement shall affect or impair the rights and obligations of the Contracting Parties under the General Agreement on Tariffs and Trade.
2. To the extent that the provisions of the present Agreement are incompatible with the provisions of the Agreement between the European Atomic Energy Community and Canada of 6 October 1959, the provisions of the present Agreement shall prevail.
3. Subject to the provisions concerning economic cooperation in Article III (4), the provisions of this Agreement shall be substituted for provisions of Agreements concluded between Member States of the Communities and Canada to the extent to which the latter provisions are either incompatible with or identical to the former.

## *Article VI*

### *EUROPEAN COAL AND STEEL COMMUNITY*

A separate Protocol is agreed between the European Coal and Steel Community and its Member States, on the one hand, and Canada, on the other. (1)

## *Article VII*

### *TERRITORIAL APPLICATION*

This Agreement shall apply to the territory of Canada and to the territories to which the Treaties establishing the Communities apply, on the conditions laid down in those Treaties.

## *Article VIII*

### *DURATION*

This Agreement shall enter into force on the first day of the month following that during which the Contracting Parties have notified each

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(1) This Protocol had not yet entered into force as at 31.12.1976.

other of the completion of the procedures necessary for this purpose. It shall be of indefinite duration and may be terminated by either Contracting Party after five years from its entry into force, subject to one year's notice.

### *Article IX*

#### *AUTHENTIC LANGUAGES*

This Agreement is drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, each of these texts being equally authentic.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne rammeaftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Rahmenabkommen gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Framework Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord-cadre.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo quadro.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Kaderovereenkomst hebben gesteld.

Udfærdiget i Ottawa, den sjette juli nitten hundrede og seksoghalvfjerds.

Geschehen zu Ottawa am sechsten Juli neunzehnhundertsechundsiebzig.

Done at Ottawa on the sixth day of July in the year one thousand nine hundred and seventy-six.

Fait à Ottawa, le six juillet mil neuf cent soixante-seize.

Fatto a Ottawa, addì sei luglio millenovecentosettantasei.

Gedaan te Ottawa, de zesde juli negentienhonderdzesenzeventig.

For Rådet og Kommissionen for De europæiske Fællesskaber  
Für den Rat und die Kommission der Europäischen Gemeinschaften  
For the Council and the Commission of the European Communities  
Pour le Conseil et la Commission des Communautés européennes  
Per il Consiglio e la Commissione delle Comunità europee  
Voor de Raad en de Commissie van de Europese Gemeenschappen

M (Mr de Sh)  
Christopher James

For regeringen for Canada  
Für die Regierung von Kanada  
For the Government of Canada  
Pour le gouvernement du Canada  
Per il governo del Canada  
Voor de Regering van Canada

Allen J. MacEachern

## INFORMATION CONCERNING

the FRAMEWORK AGREEMENT for commercial and economic cooperation between the European Communities and Canada <sup>(1)</sup> <sup>(2)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC, EAEC	6.7.1976	n. 30.9.1976	1.10.1976 <sup>(3)</sup>	indefinite
CANADA				

(1) OJ No L 260, 24.9.1976.

(2) See also page 971 of this Volume.

(3) OJ No L 273, 6.10.1976.

**Agreement**  
**between the EEC and the Argentine Republic**





## AGREEMENT

in the form of an exchange of letters extending the Trade Agreement between the European Economic Community and the Argentine Republic (1) (2)

### COUNCIL DECISION

of 18 December 1975

concluding the Agreement in the form of an exchange of letters extending the Trade Agreement between the European Economic Community and the Argentine Republic

(75/783/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission;

Whereas the Trade Agreement between the European Economic Community and the Argentine Republic (3) should be extended for one year as provided for in Article 9 (2) thereof,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

The Agreement in the form of an exchange of letters extending the Trade Agreement between the European Economic Community and the Argentine Republic is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Decision.

(1) OJ No L 330, 24.12.1975.

(2) This Agreement appears in Volume 4, on page 937.

(3) OJ No L 249, 10.11.1971.

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement and to confer on them the powers required in order to bind the Community.

Done at Brussels, 18 December 1975.

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

## AGREEMENT

in the form of an exchange of letters extending the Trade Agreement between the European Economic Community and the Argentine Republic

### *A. Letter to the Argentine authorities*

Sir,

With reference to Article 9 (2) of the Trade Agreement between the European Economic Community and the Argentine Republic signed in Brussels on 8 November 1971, I am pleased to inform you that the European Economic Community agrees to the extension of the above Agreement for a period of one year from 1 January 1976.

Please accept, Sir, the assurance of my highest consideration.

*For the Council of the  
European Communities*

### *B. Letter to the President of the Council of the European Communities*

Sir,

In your letter of . . . , you informed me as follows:

'With reference to Article 9 (2) of the Trade Agreement between the European Economic Community and the Argentine Republic signed in Brussels on 8 November 1971, I am pleased to inform you that the European Economic Community agrees to the extension of the above Agreement for a period of one year from 1 January 1976.'

I am pleased to inform you, on behalf of the Government of the Argentine Republic, that my Government also agrees to the extension of the above agreement for a period of one year from 1 January 1976.

Please accept, Sir, the assurance of my highest consideration.

## INFORMATION CONCERNING

the AGREEMENT in the form of an exchange of letters extending the TRADE AGREEMENT between the European Economic Community and the Argentine Republic <sup>(1)</sup> <sup>(2)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC ARGENTINA	19.12.1975	—	1.1.1976	1 year

(1) OJ No L 330, 24.12.1975.

(2) This Agreement appears in Volume 4, on page 937.

CHAPTER V

**International organizations**



## **Agreement**

**between the EAEC and the EEC, on the one hand,  
and the International Energy Agency on the other**





**AGREEMENT**  
**IN THE FORM OF AN EXCHANGE OF LETTERS**  
between the European Atomic Energy Community and the  
European Economic Community, on the one hand, and the  
International Energy Agency (IEA) on the other, on cooperation  
in the field of energy research and development <sup>(1)</sup>

*A. Letter from the Communities*

Sir,

As you know, research and development programmes in the energy field are carried out in the framework of the EEC and the EAEC. Many of these programmes concern areas in which the International Energy Agency also has research and development programmes.

I have the honour to inform you hereby that the EEC and EAEC intend to cooperate with the IEA in research and development when such cooperation is likely to contribute towards the attainment of the research and development objectives of the Community in the field of energy.

This cooperation can be achieved through Community participation in the programmes and projects of the IEA. In particular, the Commission of the European Communities shall negotiate, on a case by case basis, 'Implementing Agreements' in accordance with the provisions of the Treaties establishing the European Communities.

Please accept, Sir, the assurance of my highest consideration.

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(1) Not published in the OJ.

*B. Letter from the International Energy Agency*

Sir,

I have the honour to acknowledge receipt of your letter stating the following:

'As you know, research and development programmes in the energy field are carried out in the framework of the EEC and the EAEC. Many of these programmes concern areas in which the International Energy Agency also has research and development programmes.

I have the honour to inform you hereby that the EEC and EAEC intend to cooperate with the IEA in research and development when such cooperation is likely to contribute towards the attainment of the research and development objectives of the Community in the field of energy.

This cooperation can be achieved through Community participation in the programmes and projects of the IEA. In particular, the Commission of the European Communities shall negotiate, on a case by case basis, "Implementing Agreements" in accordance with the provisions of the Treaties establishing the European Communities.'

I am pleased to inform you that the International Energy Agency can agree to cooperate with the EEC and the EAEC in the field of energy research and development under the terms set forth in your letter.

Please accept, Sir, the assurance of my highest consideration.

## INFORMATION CONCERNING

the AGREEMENT in the form of an exchange of letters between the European Atomic Energy Community and the European Economic Community, on the one hand, and the International Energy Agency (IEA) on the other, on cooperation in the field of energy research and development <sup>(1)</sup> <sup>(2)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC, EAEC	24.6.1976	—	6.7.1976	indefinite
IEA	6.7.1976			

(1) Not published in the OJ.

(2) See also page 989 of this Volume.



**Agreement**  
**between the EEC and the United Nations Relief**  
**and Works Agency**



## CONVENTION

between the European Economic Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East <sup>(1)</sup>

## COUNCIL DECISION

of 20 July 1976

*on the conclusion of the Convention between the European Economic Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East*

(76/623/EEC)

### THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113, 114 and 228 thereof,

Having regard to the recommendation from the Commission,

Whereas the Community wishes to continue its programme of aid to the Palestine refugees in the countries of the Near East.

Whereas the Convention <sup>(2)</sup> concerning aid for those refugees, which was concluded with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) on 18 December 1972, expired on 30 June 1975;

Whereas a new Convention should be concluded with UNRWA in order that the aid of the Community can continue and can be granted in a comprehensive and continuous fashion,

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(1) OJ No L 203, 29.7.1976.

(2) OJ No L 304, 31.12.1972.

HAS DECIDED AS FOLLOWS:

*Article 1*

The Convention between the European Economic Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East is hereby concluded on behalf of the Community.

The text of the Convention is annexed to this Decision.

*Article 2*

The agreement of the Community under Article V of the Convention shall be given by the Commission.

*Article 3*

The President of the Council is hereby authorized to designate the persons empowered to sign the Convention and to confer upon them the powers necessary to bind the Community.

Done at Brussels, 20 July 1976.

*For the Council*  
*The President*  
M. van der STOEL



## CONVENTION

**between the European Economic Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East**

### *Article 1*

With a view to continuing the aid to Palestine refugees in the countries of the Near East undertaken pursuant to the Convention of 18 December 1972, the European Economic Community, hereinafter referred to as 'the Community', shall make available to the United Nations Relief and Works Agency for Palestine Refugees, hereinafter referred to as 'UNRWA', supplies in kind and payments in cash needed to cover the entire operation of UNRWA's supplementary feeding programme, as well as contributions towards UNRWA's basic rations programme.

## *SUPPLEMENTARY FEEDING PROGRAMME*

### *Article 2*

The Community shall supply to UNRWA by way of gift amounts of wheat flour, husked rice, skimmed-milk powder and white sugar under the supplementary feeding programme. The amounts to be supplied for the first period covered by this Convention are specified in paragraph 1 of the Annex, which forms an integral part of this Convention.

### *Article 3*

1. The Community shall pay to UNRWA a cash contribution for use in the supplementary feeding programme. The sum payable in respect of the first period covered by this Convention is specified in paragraph 2 of the Annex. The contribution may be paid in several instalments.

2. Part of this contribution shall be used for the purchase by public tender on the market of the Community of certain quantities of food-stuffs as specified in paragraph 3 of the Annex.

### *BASIC RATIONS PROGRAMME*

#### *Article 4*

1. The Community shall supply to UNRWA by way of gift 6 000 metric tons of white sugar in respect of the first period covered by this Convention, under the basic rations programme.

2. The Community shall pay UNRWA a contribution of 18.50 units of account per metric ton in respect of the sugar delivered under paragraph 1, intended to cover the costs of inland transport and distribution.

### *TRANSPORT AND DISTRIBUTION*

#### *Article 5*

Deliveries shall be made port of unloading. Detailed arrangements and quality and packaging requirements shall be fixed by subsequent agreement between the two parties.

#### *Article 6*

UNRWA undertakes to take all measures necessary to transport the products from the ports of unloading to the places of destination and also to insure them to the extent that it considers this necessary.

If any loss of the products should occur, excepting losses caused by riots, armed conflicts or acts of war or losses against which insurance could not reasonably have been effected, UNRWA shall replace the products so as to restore the Community's contribution.

#### *Article 7*

UNRWA undertakes to distribute the products to the refugees in need covered by its programme, free of charge and for their own consumption.

## *REPORTING AND INFORMATION*

### *Article 8*

UNRWA undertakes to draw up by 1 March and 1 September each year reports on the implementation of the programmes covered by this Convention, including reports on the distribution of the products mentioning the number of recipients, amounts distributed, and the places and manner of distribution, and a progress report on the use of the cash contributions in support of the supplementary feeding programme.

### *Article 9*

UNRWA shall make all appropriate efforts to inform the recipients and the authorities of the host countries of the contributions towards UNRWA's programmes made by the Community.

## *GENERAL PROVISIONS*

### *Article 10*

This Convention shall cover an initial period from 1 July 1975 to 31 December 1976. It may be extended for subsequent periods with or without amendment by agreement between the two parties up to 30 June 1978.

### *Article 11*

UNRWA and the Community shall consult each other on all questions concerning the application of this Convention, whenever one party so requests.

### *Article 12*

This Convention is drawn up in two copies in Danish, Dutch, English, French, German and Italian, each version being equally authentic.

## ANNEX

### Supplementary feeding programme

First period of the Convention (1 July 1975 to 31 December 1976)

1. *Contribution in kind*

wheat flour:	3 675 metric tons (corresponding to 5 104 metric tons of common wheat);
round grain milled rice:	256 metric tons (corresponding to 330 metric tons of husked rice);
skimmed-milk powder:	2 400 metric tons;
white sugar:	153 metric tons.

2. *Contributions in cash*

for period 1 July 1975 to 30 June 1976:	2 681 000 units of account
for period 1 July 1976 to 31 December 1976:	1 531 000 units of account
	<hr/>
Total	4 212 000 units of account

3. *Foodstuffs to be purchased on the market of the Community*

tomato paste:	42 metric tons
corned beef:	520 metric tons

## INFORMATION CONCERNING

the CONVENTION between the European Economic Community and the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) concerning aid to refugees in the countries of the Near East <sup>(1)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC UNRWA	20.7.1976 <sup>(2)</sup>	—	20.7.1976	initial period 1.7.1975 to 31.12.1976. Thereafter renewable until 30.6.1978

(1) OJ No L 203, 29.7.1976.

(2) OJ No L 249, 11.9.1976.



PART TWO

Bilateral agreements  
concluded by the  
European Atomic Energy  
Community





Agreement  
between the EAEC and the Kingdom of Sweden



## AGREEMENT FOR COOPERATION

between the European Atomic Energy Community and Sweden in the field of controlled thermo-nuclear fusion and plasma physics (1)

(76/541/EURATOM)

## AGREEMENT FOR COOPERATION

between the European Atomic Energy Community and Sweden in the field of controlled thermo-nuclear fusion and plasma physics

THE EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter called 'Euratom', represented by the Commission of the European Communities, hereinafter called 'the Commission',

AND THE GOVERNMENT OF SWEDEN,

WHEREAS Euratom has, since 1959, been implementing multiannual research and training programmes in the field of controlled thermo-nuclear fusion and plasma physics, the work carried out under these programmes being performed under contracts of association;

WHEREAS these programmes have formed part of a long-term scheme of cooperation embracing all activities in the field of fusion and plasma physics in the Member States of Euratom, and have been designed to lead in due course to the joint construction of prototypes with a view to the industrial production and marketing;

WHEREAS Euratom is preparing a fourth five-year research and training programme in the abovementioned field covering the period 1976 to 1980;

WHEREAS Sweden for its part has been carrying out research for many years in the field of controlled thermo-nuclear fusion and plasma physics, and possesses major skills in the technological field associated with such research;

(1) OJ No L 162, 23.6.1976.

RECOGNIZING that, owing to the scope of the work remaining to be performed before reaching the stage at which controlled thermo-nuclear fusion can be applied in practice, it is in the interest of the Parties to this Agreement to combine their efforts in this field with a view to avoiding unnecessary duplication and speeding up their respective programmes, whose objectives have gained greater priority as a result of the energy crisis,

HAVE AGREED AS FOLLOWS:

*Article I*

1. Under this Agreement, the Contracting Parties associate the research programme carried out in Sweden in the field of controlled thermo-nuclear fusion and plasma physics, hereinafter called 'the Swedish programme', with the Euratom research and training programme in that field, hereinafter called 'the Euratom programme'.
2. The Swedish programme shall contribute to the Euratom programme by adopting its long-term objectives and modes of cooperation.
3. The Euratom programme and the Swedish programme referred to in paragraph 1 of this Article are defined respectively in the Annexes I and II to this Agreement.
4. The Swedish programme will be enlarged or modified to include new activities relevant to the Euratom programme whenever such activities arise.

*Article II*

1. The objective of this Agreement is to enable each of the Contracting Parties to derive maximum benefit from the resources assigned to their respective programmes by avoiding unnecessary duplication, and thus to hasten the attainment of the common objective of the Euratom programme and the Swedish programme, namely the production of electricity at competitive prices by utilization of nuclear fusion reactions.

2. Under the terms of this Agreement, this objective will be attained by:
- appropriate participation by each of the Contracting Parties in the phase involving preparation and implementation of the other Party's programmes;
  - reciprocal financing of those programmes;
  - reciprocal rights of access to the scientific and technological results of those programmes.

### *Article III*

1. Euratom, represented by the Commission, shall conclude one or more contracts of association with the persons or undertakings appointed by the Swedish Government, hereinafter called the 'associate Swedish bodies', in order to attain the objective of this Agreement.

2. As far as possible, these contracts shall be the same as those between Euratom and the Member States, persons or undertakings of the Community for the implementation of the Euratom programme. In particular, they shall set up steering committees consisting of appropriate representatives of the Commission and of the appropriate contracting Swedish body or bodies. The task of these steering committees shall be:

- to implement the contracts of association;
- to draw up details of the programmes forming the subject of such contracts;
- to supervise the development of the research, and guide it so as to obtain the best possible results in accordance with the aims of this Agreement.

### *Article IV*

1. The associated Swedish bodies as a whole shall be represented by not more than two Swedish delegates on the Liaison Group, hereinafter called 'the LG', set up within the framework of the Euratom programme. The LG, whose task is to ensure exchange of information and cooperation in matters concerning programmes and operations or proposed programmes and operations, within the scope of the Euratom programme, shall perform that task with respect to all the research and development

activities referred to in this Agreement. In particular, it shall ensure the promotion of cooperation and coordination between the associated laboratories in the Community and in Sweden, and guide their work to the best advantage of the two Contracting Parties towards the common objective defined in the Euratom programme and the Swedish programme and in Article II of this Agreement, with due regard to world trends.

2. In accordance with its rules of procedure, the LG shall appoint one or more Swedish representatives to the Advisory Groups set up in implementation of the Euratom programme, whenever the appropriate Swedish authorities so request. The Advisory Groups, which submit research proposals to the LG with a view to obtaining maximum scientific benefit from the funds allocated under the Euratom programme, shall perform that task with respect to all the research and development activities referred to in the Agreement.

#### *Article V*

1. The Swedish laboratories under the authority of the associated Swedish bodies shall be represented by a laboratory director on the Committee of Directors set up under the Euratom programme. The Committee of Directors, which is responsible for supervising the implementation of the Euratom programme and making optimum use of the capacities of the various laboratories taking part in the work thereunder, shall perform that task with respect to all the research and development activities referred to in this Agreement.

In particular, it shall ensure optimum use of personnel and appropriate movement of the latter between the various laboratories engaged in the implementation of the Euratom programme and the Swedish programme.

2. A Swedish representative shall have the right to sit on any Coordinating Committee set up under the Euratom programme. The Coordinating Committees, which present to the Committee of Directors suitable proposals for the optimum utilization in a particular sector, of the available funds, personnel, knowledge and skills of each laboratory concerned in the implementation of the Euratom programme, shall perform

that task, for a particular sector, with respect to all the research and development activities referred to in this Agreement.

#### *Article VI*

Representatives of the two Contracting Parties shall take part in the work of any technical advisory or management body that may be set up for the purposes of this Agreement.

#### *Article VII*

1. Euratom shall arrange for the associated Swedish bodies to become parties to the following contracts concluded by the Commission with its associates in the Community:

- the Agreement for the design of the JET project;
- the contract relating to mobility of staff.

2. It shall also ensure that the associated Swedish bodies may become parties to any contract the object of which falls within the scope of this Agreement other than a contract of association or similar contract, which Euratom concludes during the period of this Agreement.

#### *Article VIII*

The opinions delivered by the LG, the Committee of Directors, the Advisory Groups and the Coordinating Committees shall be of an advisory nature.

#### *Article IX*

1. The financial contribution of Sweden under this Agreement shall be fixed annually at a sum which bears the same relation to Euratom's share of the cost of Euratom's programme as the Gross National Product of Sweden bore to the total Gross National Product of the Community and of Sweden in the last year before the previous year.

2. The financial contribution of Euratom to the financing of work carried out under the contracts referred to in Articles III and VII shall be

calculated on the same basis as that normally used in calculating the contributions of Euratom to the financing of work carried out under the corresponding contracts under the Euratom programme.

3. Euratom shall at the beginning of each year inform Sweden of the amount foreseen for the expenses concerning the Euratom programme for that year.

Sweden shall pay to the Commission the amount due on the basis of this Article in the following stages:  $\frac{1}{2}$  before 15 January and  $\frac{1}{2}$  before 15 July.

4. The Government of Sweden will take all measures necessary to ensure that Euratom shall be exempt from customs duties and other charges, prohibitions and restrictions on imports in respect of articles intended to be used in Sweden in the research and development activities falling within the scope of this Agreement.

5. The Government of Sweden will take all measures necessary to ensure that Euratom is exempted from the burden of indirect taxes or sales taxes which would otherwise be included in the price of movable or immovable property which Euratom purchases in Sweden for use therein in the research and development activities falling within the scope of this Agreement.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

6. Articles imported into or acquired in Sweden shall not be disposed of, whether or not in return for payment, in Sweden except under conditions approved by the Government of Sweden.

7. Officials of the Communities within the meaning of Article 1 of the Staff Regulations of Officials of the European Communities who are liable to internal tax applied within the Communities on the salaries, wages and emoluments paid by the Communities, and who are engaged in research and development activities in Sweden, falling within the scope of this Agreement, shall be exempt in Sweden from tax on their salaries, wages and emoluments.

The tax exemptions provided for in the preceding subparagraph shall not apply in respect of pensions and annuities paid by the Communities to its former officials.



### *Article X*

1. Right of access by each of the Contracting Parties to the scientific results of the other Party's programme shall be an essential part of this Agreement.

2. It shall be guaranteed by:

- rules on information and patents which will apply in accordance with the general principles set out in Article XI;
- mobility of staff between the laboratories in the Community on the one hand and in Sweden on the other hand;
- equitable sharing among Swedish industries and industries in the Community of orders placed for the implementation of the two associated programmes, subject to the principle of obtaining the best return for the sums committed.

### *Article XI*

- A. 1. The information resulting from research programmes undertaken in Sweden under the terms of this Agreement shall be communicated to the Member States of the Community and to persons or undertakings engaged in research or production activities in the territory of a Member State of the Community where such activities justify their access to such information.
2. Such information shall not be communicated to any other States, persons or undertakings except by agreement between the Commission and its Swedish associates, unless it be to the Swedish Government or to persons or undertakings carrying out in Sweden research or production activities which justify their access to such information.
- B. Information resulting from the activities of the Community, its associates or its contractors in the field of controlled thermo-nuclear fusion and plasma physics during the term of this Agreement shall be communicated to the Swedish Government and to persons or undertakings carrying out, in Sweden, research or production activities which justify their access to such information on the same conditions as to Member States, persons and undertakings in the Community.

- C. If the information referred to in sections A and B is protected by patents, the latter may be used for research purposes by Euratom, the Swedish Government and their associates and contractors in pursuing the aims of this Agreement. The Member States of the Community, the Swedish Government and persons or undertakings established in the Community or in Sweden shall have the right to obtain licences or sublicences for the exploitation of such patents for industrial or commercial purposes on appropriate terms and conditions, where Euratom has the right to grant such licences or sublicences.
- D. (a) The information resulting from activities carried out by Euratom, the Swedish Government and their associates or contractors prior to the entry into force of this Agreement, shall be made available to those States, persons and undertakings to which the information referred to in sections A and B may be communicated to the extent necessary for the use of the information, referred to in those sections.
- (b) Patents resulting from activities referred to in the previous subparagraph shall be made available to those States, persons and undertakings which can obtain a licence or sublicense in respect of the patents referred to in section C to the extent necessary for the use of such licences or sublicences.
- E. This Article does not affect any rights under national laws of inventors or their successors in title.

### *Article XII*

1. A Joint Body which will be called the 'Euratom/Sweden Fusion Committee' shall be set up, consisting on the one hand of representatives of Euratom and on the other hand of representatives of Sweden.
2. The Euratom/Sweden Fusion Committee shall be responsible for ensuring that this Agreement is properly implemented.
3. For this purpose the Euratom/Sweden Fusion Committee may, in particular, on the basis of opinions delivered by the LG, make recommendations which shall be communicated to the authorities in the Community and in Sweden which are responsible for adopting programmes and budgets in the fields of research covered by this Agreement.

4. The Euratom/Sweden Fusion Committee shall meet at the request of either of the Parties, and not less than once a year. It shall examine any measures likely to improve cooperation under this Agreement and keep under review the progress made. If one of the Contracting Parties considers that the other Contracting Party has failed to comply with an obligation under the Agreement, it shall notify the Euratom/Sweden Fusion Committee forthwith.

5. The Euratom/Sweden Fusion Committee shall adopt its own rules of procedure.

6. The Office of Chairman shall be held by each of the Contracting Parties in turn, in accordance with the rules of procedure of the Euratom/Sweden Fusion Committee.

### *Article XIII*

1. Disputes regarding the interpretation or application of this Agreement shall, upon the request of either Contracting Party, be submitted to a Board of Arbitrators.

2. The Board of Arbitrators referred to in paragraph 1 shall be established for each individual case. It shall be composed of three members. Each Contracting Party shall appoint one member and these two members shall agree upon the appointment of the third member, who shall be the Chairman of the Board. If a Contracting Party fails to appoint a member of the Board within two months of the request for submission of a dispute to a Board, or if within one month of the appointment of the second member of a Board, the two members of the Board do not reach agreement on the appointment of the third member, the Contracting Party or the Contracting Parties, as the case may be, shall invite the President of the International Court of Justice to appoint the appropriate member.

3. The Board of Arbitrators shall reach its decision by a majority of votes. Such decisions shall be binding. Each Contracting Party shall bear the costs of its own member in the arbitral proceedings; the costs of the Chairman and the remaining costs shall be borne in equal parts by both Contracting Parties.

*Article XIV*

1. This Agreement will be approved by the Parties in accordance with their own procedures. It shall enter into force when the Parties have notified each other that the procedures necessary to this end have been completed, but not before 1 January 1976.

2. This Agreement is concluded for the period covered by the Euratom programme referred to in Article I and will be tacitly extended in keeping with any subsequent programme decision which the Community may take on the matter. Whenever such a subsequent programme decision is taken, the extension will have effect for the period covered by the new programme and that new programme will be substituted for the Euratom programme in Annex I. This Agreement shall be deemed not to come to an end only by virtue of a delay in the enactment of any subsequent Euratom programme.

3. Either Contracting Party may terminate this Agreement by giving six months' notice at any time.

## ANNEX I

1. The subject-matter of the Euratom programme for the period 1971 to 1975 was:
  - general physics, in particular studies of a basic character or relating to confinement of plasmas with suitable devices and to methods for producing and heating plasmas;
  - research on the confinement on closed and open-ended configurations of plasmas of widely varying density and temperature;
  - production of and research on plasmas of high and very high density;
  - improvement of diagnostic methods;
  - investigation of technological problems connected with current research and of problems relating to thermonuclear reactor technology;
  - the design phase of the JET project.
2. The future Euratom programme, which will start on 1 January 1976, will ensure, in conformity with the decisions which the Council of the European Communities will reach, the logical development of the preceding programme.

This programme is part of a long term cooperative project embracing all work carried out in the Member States in the field of fusion and plasma physics. It is designed to lead in due course to the joint construction of prototypes with a view to their industrial-scale production and marketing.

## ANNEX II

The subject-matter of the Swedish programme will be based on activities on the following lines:

- basic plasma research concerning movement of charged particles in electromagnetic fields, states of equilibrium and dynamics of a plasma, phenomena of instability and waves, heating of a plasma, gas-plasma interaction and non-thermal phenomena. Fusion research mainly concentrated on plasma confinement in poloidal magnetic fields, methods of stabilization, mechanisms of heating and plasma diagnostics;
- energy coupling of waves in plasmas (turbulence and anomalous effects, heating of magnetized plasma). Laser induced fusion research, especially concerning the process determining the radiation-plasma interaction;
- investigation of selected problems connected with current research and of problems related to thermonuclear reactor technology.

Som skedde i Bryssel den tionde maj nittonhundrasjuttiosex i två exemplar på svenska, danska, engelska, franska, italienska, nederländska och tyska språken, vilka tekster äger lika vitsord.

Udfærdiget i Bruxelles, den tiende maj nittenhundrede og syvtiseks i to eksemplarer på svensk, dansk, engelsk, fransk, italiensk, nederländsk og tysk, idet hver tekst har samme gyldighed.

Geschehen zu Brüssel am zehnten Mai neunzehnhundertsechundsiebzig in je zwei Urschriften in schwedischer, dänischer, deutscher, englischer, französischer, italienischer und niederländischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist.

Done at Brussels on the tenth day of May in the year one thousand nine hundred and seventy-six, in duplicate, in the Swedish, Danish, Dutch, English, French, German and Italian languages, each text being equally authentic.

Fait à Bruxelles, le dix mai mil neuf cent soixante-seize, en double exemplaire, dans les langues suédoise, allemande, anglaise, danoise, française, italienne et néerlandaise, chaque texte faisant également foi.

Fatto a Bruxelles, addì dieci maggio millenovecentosettantasei, redatto in duplice copia, in lingua svedese, danese, fransece, inglese, italiana, olandese e tedesca, ciascuno dei testi facente ugualmente fede.

Gedaan te Brussel, de tiende mei negentienhonderdvierenzeventig, in twee exemplaren, in de Zweedse, de Deense, de Duitse, de Engelse, de Franse, de Italiaanse en de Nederlandse taal, zijnde alle teksten gelijkelijk authentiek.

För Sveriges regering:  
E. VON SYDOW

För Europeiska Atomenergigemenskapen:  
For Det europæiske Atomenergifællesskab:  
Für die Europäische Atomgemeinschaft:  
For the European Atomic Energy Community:  
Pour la Communauté européenne de l'énergie atomique:  
Per la Comunità europea dell'energia atomica:  
Voor de Europese Gemeenschap voor Atoomenergie:

G. BRUNNER

## INFORMATION CONCERNING

the AGREEMENT for cooperation between the European Atomic Energy Community and Sweden in the field of controlled thermo-nuclear fusion and plasma physics <sup>(1)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EAEC SWEDEN	10.5.1976	—	10.5.1976	Indefinite (see Articles XIV and I of the Agreement)

<sup>(1)</sup> OJ No L 162, 23.6.1976.



Agreement  
between the European Communities and Canada



## FRAMEWORK AGREEMENT

for commercial and economic cooperation between the European Communities and Canada (1)

### COMMISSION DECISION

of 17 September 1976

concluding the Framework Agreement for commercial and economic cooperation between the European Communities and Canada

(76/753/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the approval of the Council,

Whereas the Framework Agreement for commercial and economic cooperation between the European Communities and Canada, signed in Ottawa on 6 July 1976, should be concluded on behalf of the European Atomic Energy Community,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

The Framework Agreement for commercial and economic cooperation between the European Communities and Canada is hereby concluded and approved on behalf of the European Atomic Energy Community.

The text of the Agreement is annexed to this Decision.

(1) OJ No L 260, 24.9.1976.

*Article 2*

The President of the Commission shall give, as regards the Community, the notification provided for in Article 8 of the Agreement.

*Article 3*

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

Done at Brussels, 17 September 1976.

*For the Commission*  
Christopher SOAMES  
*Vice-President*

## **FRAMEWORK AGREEMENT**

**for commercial and economic cooperation between the European Communities and Canada**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

on behalf of the European Economic Community, and

**THE COMMISSION OF THE EUROPEAN COMMUNITIES,**

on behalf of the European Atomic Energy Community,

of the one part, and

**THE GOVERNMENT OF CANADA,**

of the other part,

**INSPIRED** by the common heritage, special affinity and shared aspirations which unite the countries of the European Communities and Canada;

**RECOGNIZING** that the European Communities and Canada desire to establish a direct link with each other which will support, complement and extend cooperation between the Member States of the European Communities and Canada;

**RESOLVED** to consolidate, deepen and diversify their commercial and economic relations to the full extent of their growing capacity to meet each other's requirements on the basis of mutual benefit;

**CONSCIOUS** of the already substantial flow of trade between the European Communities and Canada;

**MINDFUL** that the more dynamic trade relationship which both the European Communities and Canada desire calls for close cooperation across the whole range of commercial and economic endeavour;

**PERSUADED** that such cooperation should be realized in evolutionary and pragmatic fashion, as their policies develop;

**DESIRING** furthermore to strengthen their relations and to contribute together to international economic cooperation;

HAVE DECIDED to conclude a Framework Agreement for commercial and economic cooperation between the European Economic Community and the European Atomic Energy Community, of the one part, and Canada, of the other part; and to this end have designated as their Plenipotentiaries:

THE COUNCIL AND THE COMMISSION OF THE EUROPEAN COMMUNITIES:

Max van der STOEL,  
President of the Council,  
Minister for Foreign Affairs of the Kingdom of the Netherlands;

Sir Christopher SOAMES,  
Vice-President of the Commission of the European Communities;

THE GOVERNMENT OF CANADA:

The Hon. Allan J. MAC EACHAN,  
Secretary of State for External Affairs;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

*Article I*

*MOST-FAVoured-NATION TREATMENT*

In accordance with the rights and obligations under the General Agreement on Tariffs and Trade, the Contracting Parties undertake to accord each other, on an equal and reciprocal basis, most-favoured-nation treatment.

*Article II*

*COMMERCIAL COOPERATION*

1. The Contracting Parties undertake to promote the development and diversification of their reciprocal commercial exchanges to the highest possible level.

To this end, they shall, in accordance with their respective policies and objectives;

- (a) cooperate at the international level and bilaterally in the solution of commercial problems of common interest;
- (b) use their best endeavours to grant each other the widest facilities for commercial transactions in which one or the other has an interest;
- (c) take fully into account their respective interests and needs regarding access to and further processing of resources.

2. The Contracting Parties shall use their best endeavours to discourage, in conformity with their legislation, restrictions of competition by enterprises of their respective industries, including pricing practices distorting competition.

3. The Contracting Parties agree, upon request, to consult and review these matters in the Joint Cooperation Committee referred to in Article IV.

### *Article III*

#### *ECONOMIC COOPERATION*

1. The Contracting Parties, in the light of the complementarity of their economies and of their capabilities and long-term economic aspirations, shall foster mutual economic cooperation in all fields deemed suitable by the Contracting Parties. Among the objectives of such cooperation shall be:

- the development and prosperity of their respective industries,
- the encouragement of technological and scientific progress,
- the opening up of new sources of supply and new markets,
- the creation of new employment opportunities,
- the reduction of regional disparities,
- the protection and improvement of the environment,
- generally to contribute to the development of their respective economies and standards of living.

2. As means to such ends, the Contracting Parties shall as appropriate encourage and facilitate *inter alia*:

- broader inter-corporate links between their respective industries, especially in the form of joint ventures,
- greater participation by their respective firms in the industrial development of the Contracting Parties on mutually advantageous terms,
- increased and mutually beneficial investment,
- technological and scientific exchanges,
- joint operations by their respective firms and organizations in third countries.

3. The Contracting Parties will as appropriate encourage the regular exchange of industrial, agricultural and other information relevant to commercial and economic cooperation as well as the development of contacts and promotion activities between firms and organizations in these areas in the Communities and Canada.

4. Without prejudice to the relevant provisions of the Treaties establishing the Communities, the present Agreement and any action taken thereunder shall in no way affect the powers of the Member States of the Communities to undertake bilateral activities with Canada in the field of economic cooperation and to conclude, where appropriate, new economic cooperation agreements with Canada.

#### *Article IV*

#### *JOINT COOPERATION COMMITTEE*

A joint Cooperation Committee shall be set up to promote and keep under review the various commercial and economic cooperation activities envisaged between the Communities and Canada. Consultations shall be held in the Committee at an appropriate level in order to facilitate the implementation and to further the general aims of the present Agreement. The Committee will normally meet at least once a year. Special meetings of the Committee shall be held at the request of either Party. Sub-committees shall be constituted where appropriate in order to assist the Committee in the performance of its tasks.



## *Article V*

### *OTHER AGREEMENTS*

1. Nothing in this Agreement shall affect or impair the rights and obligations of the Contracting Parties under the General Agreement on Tariffs and Trade.
2. To the extent that the provisions of the present Agreement are incompatible with the provisions of the Agreement between the European Atomic Energy Community and Canada of 6 October 1959, the provisions of the present Agreement shall prevail.
3. Subject to the provisions concerning economic cooperation in Article III (4), the provisions of this Agreement shall be substituted for provisions of Agreements concluded between Member States of the Communities and Canada to the extent to which the latter provisions are either incompatible with or identical to the former.

## *Article VI*

### *EUROPEAN COAL AND STEEL COMMUNITY*

A separate Protocol is agreed between the European Coal and Steel Community and its Member States, on the one hand, and Canada, on the other. (1)

## *Article VII*

### *TERRITORIAL APPLICATION*

This Agreement shall apply to the territory of Canada and to the territories to which the Treaties establishing the Communities apply, on the conditions laid down in those Treaties.

## *Article VIII*

### *DURATION*

This Agreement shall enter into force on the first day of the month following that during which the Contracting Parties have notified each

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(1) This Protocol had not yet entered into force as at 31.12.1976.

other of the completion of the procedures necessary for this purpose. It shall be of indefinite duration and may be terminated by either Contracting Party after five years from its entry into force, subject to one year's notice.

### *Article IX*

#### *AUTHENTIC LANGUAGES*

This Agreement is drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, each of these texts being equally authentic.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne rammeaftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Rahmenabkommen gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Framework Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord-cadre.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo quadro.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Kaderovereenkomst hebben gesteld.

Udfærdiget i Ottawa, den sjette juli nitten hundrede og seksoghalvfjerds.

Geschehen zu Ottawa am sechsten Juli neunzehnhundertsechundsiebzig.

Done at Ottawa on the sixth day of July in the year one thousand nine hundred and seventy-six.

Fait à Ottawa, le six juillet mil neuf cent soixante-seize.

Fatto a Ottawa, addì sei luglio millenovecentosettantasei.

Gedaan te Ottawa, de zesde juli negentienhonderdzesenzeventig.

For Rådet og Kommissionen for De europæiske Fællesskaber  
Für den Rat und die Kommission der Europäischen Gemeinschaften  
For the Council and the Commission of the European Communities  
Pour le Conseil et la Commission des Communautés européennes  
Per il Consiglio e la Commissione delle Comunità europee  
Voor de Raad en de Commissie van de Europese Gemeenschappen

M. van der Stoep  
Christoph Lauer

For regeringen for Canada  
Für die Regierung von Kanada  
For the Government of Canada  
Pour le gouvernement du Canada  
Per il governo del Canada  
Voor de Regering van Canada

Allen J. MacEachern

## INFORMATION CONCERNING

the FRAMEWORK AGREEMENT for commercial and economic cooperation between the European Communities and Canada <sup>(1)</sup> <sup>(2)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC, EAEC CANADA	6.7.1976	n. 30.9.1976	1.10.1976 <sup>(3)</sup>	indefinite

(1) OJ No L 260, 24.9.1976.

(2) See also page 917 of this Volume.

(3) OJ No L 273, 6.10.1976.

**Agreement  
between the EAEC and the International Atomic  
Energy Agency**



**COOPERATION AGREEMENT**  
**between the European Atomic Energy Community and the**  
**International Atomic Energy Agency (1)**

(75/780/Euratom)

*Article I*

**COOPERATION AND CONSULTATION**

The International Atomic Energy Agency (hereinafter referred to as 'the Agency') and the European Atomic Energy Community (hereinafter referred to as 'the Community'), with a view to promoting the attainment of the objectives laid down by the Statute of the Agency and the Treaty establishing the Community, agree to act in close cooperation. The Contracting Parties shall consult each other regularly on matters of mutual interest with a view to harmonizing their efforts, as far as possible, having due regard to their respective characters and objectives.

*Article II*

**REPRESENTATION**

1. The Community shall be invited to be represented at the regular annual sessions of the General Conference of the Agency and its representatives may participate, without the right to vote, in the deliberations of that body and, where appropriate, of its committees with respect to items on their agenda in which the Community has an interest.
2. The Agency and the Community shall also make any necessary arrangements for ensuring reciprocal representation at appropriate meetings convened under their respective auspices.

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(1) OJ No L 329, 23.12.1975.

### *Article III*

#### *EXCHANGE OF INFORMATION AND DOCUMENTS*

The Agency and the Community shall undertake a full exchange of information and documents, subject to such restrictions and arrangements as may be considered necessary by either Contracting Party to preserve the confidential nature of certain information and documents.

### *Article IV*

#### *ADMINISTRATIVE AND TECHNICAL COOPERATION*

If the cooperation proposed by one of the Contracting Parties to the other in accordance with this Agreement entails expenditure beyond the ordinary running expenses, consultations shall be held between the Agency and the Community to determine the most equitable way of meeting this expenditure.

### *Article V*

#### *IMPLEMENTATION OF THE AGREEMENT*

The Director General of the Agency and the Commission of the European Communities may make the arrangements necessary for ensuring satisfactory implementation of this Agreement.

### *Article VI*

#### *NOTIFICATION TO THE UNITED NATIONS AND FILING AND RECORDING*

1. In accordance with its Agreement with the United Nations, the Agency shall inform the United Nations forthwith of the terms of this Agreement.
2. On the coming into force of this Agreement in accordance with the provisions of Article VIII, the Agency shall communicate it to the Secretary-General of the United Nations for filing and recording.



*Article VII*

*TERMINATION OF THE AGREEMENT*

Either Contracting Party may terminate this Agreement, subject to six months' notice.

*Article VIII*

*ENTRY INTO FORCE*

This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties shall have notified each other that the internal procedures necessary to this end have been completed.

*Article IX*

*LANGUAGES*

This Agreement has been drawn up in duplicate, in English and French, both texts being equally authentic.

In view of the respective needs of the Contracting Parties, the Agency shall prepare official translations of this Agreement into Russian and Spanish, and the Community shall prepare official translations into Danish, Dutch, German and Italian.

Done at Vienna, 1 December 1975.

*For the European  
Atomic Energy Community*  
Guido BRUNNER

*For the International  
Atomic Energy Agency*  
Sigvard EKLUND

## INFORMATION CONCERNING

the COOPERATION AGREEMENT between the European Atomic Energy Community and the International Atomic Energy Agency <sup>(1)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EAEC IAEA	1.12.1975	n. 1.12.1975	1.1.1976	indefinite

(1) OJ No L 329, 23.12.1975.

## Agreement

between the EAEC and the EEC, on the one hand,  
and the International Energy Agency on the other



**AGREEMENT  
IN THE FORM OF AN EXCHANGE OF LETTERS**

between the European Atomic Energy Community and the European Economic Community, on the one hand, and the International Energy Agency (IEA) on the other, on cooperation in the field of energy research and development<sup>(1)</sup>

*A. Letter from the Communities*

Sir,

As you know, research and development programmes in the energy field are carried out in the framework of the EEC and the EAEC. Many of these programmes concern areas in which the International Energy Agency also has research and development programmes.

I have the honour to inform you hereby that the EEC and EAEC intend to cooperate with the IEA in research and development when such cooperation is likely to contribute towards the attainment of the research and development objectives of the Community in the field of energy.

This cooperation can be achieved through Community participation in the programmes and projects of the IEA. In particular, the Commission of the European Communities shall negotiate, on a case by case basis, 'Implementing Agreements' in accordance with the provisions of the Treaties establishing the European Communities.

Please accept, Sir, the assurance of my highest consideration.

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(1) Not published in the OJ

*B. Letter from the International Energy Agency*

Sir,

I have the honour to acknowledge receipt of your letter dated ..... stating the following:

'As you know, research and development programmes in the energy field are carried out in the framework of the EEC and the EAEC. Many of these programmes concern areas in which the International Energy Agency also has research and development programmes.

I have the honour to inform you hereby that the EEC and EAEC intend to cooperate with the IEA in research and development when such cooperation is likely to contribute towards the attainment of the research and development objectives of the Community in the field of energy.

This cooperation can be achieved through Community participation in the programmes and projects of the Agency. In particular, the Commission of the European Communities shall negotiate, on a case by case basis, "Implementing Agreements" in accordance with the provisions of the Treaties establishing the European Communities.'

I am pleased to inform you that the International Energy Agency can agree to cooperate with the EEC and the EAEC in the field of energy research and development under the terms set forth in your letter.

Please accept, Sir, the assurance of my highest consideration.

## INFORMATION CONCERNING

the AGREEMENT in the form of an exchange of letters between the European Atomic Energy Community and the European Economic Community, on the one hand, and the International Energy Agency (IEA) on the other, on cooperation in the field of energy research and development <sup>(1)</sup> <sup>(2)</sup>

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
EEC, EAEC	24.6.1976	—	6.7.1976	indefinite
IEA	6.7.1976			

(1) Not published in the OJ.

(2) See also page 937 of this Volume.





PART THREE

Bilateral agreements  
concluded by the  
European Coal and Steel  
Community

- none -



PART FOUR

Multilateral agreements  
concluded by the  
European Economic Community,  
the European Atomic Energy  
Community and the European  
Coal and Steel Community



CHAPTER I

**Multilateral agreements  
concluded by the  
European Economic Community**



*ACP-EEC Convention of Lomé*





**Agreements**  
**between the EEC and the ACP States**



# ACP-EEC CONVENTION OF LOMÉ (1)

COUNCIL REGULATION (EEC) No 199/76

of 30 January 1976

on the conclusion of the ACP-EEC Convention of Lomé

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 238 thereof,

Having regard to the opinion of the European Parliament, (2)

Whereas the ACP-EEC Convention of Lomé signed at Lomé on 28 February 1975 between the African, Caribbean and Pacific States of the one part and the European Economic Community of the other part should be concluded,

HAS ADOPTED THIS REGULATION:

## *Article 1*

The ACP-EEC Convention of Lomé, the Protocols and the declaration attached thereto, and the declarations annexed to the Final Act are concluded, approved and confirmed on behalf of the Community.

The texts of the Convention, the Protocols and the declaration and of the Final Act are annexed to this Regulation.

## *Article 2*

The President of the Council shall, as regards the Community, deposit the act of notification of the conclusion of the Convention as provided for in Article 87 thereof.

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(1) OJ No L 25, 30.1.1976.

(2) OJ No C 257, 10.11.1975.

*Article 3*

This Regulation shall enter into force on the 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, 30 January, 1976.

*For the Council*  
*the President*  
G. THORN

## ACP-EEC CONVENTION OF LOMÉ

HIS MAJESTY THE KING OF THE BELGIANS,  
HER MAJESTY THE QUEEN OF DENMARK,  
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,  
THE PRESIDENT OF THE FRENCH REPUBLIC,  
THE PRESIDENT OF IRELAND,  
THE PRESIDENT OF THE ITALIAN REPUBLIC,  
HIS ROYAL HIGHNESS THE GRAND DUKE OF  
LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,  
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European Economic  
Community signed at Rome on 25 March 1957 (hereinafter called the  
'Treaty'), whose States are hereinafter called 'Member States',

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,  
of the one part, and

THE HEAD OF STATE OF THE BAHAMAS,

THE HEAD OF STATE OF BARBADOS,

THE PRESIDENT OF THE REPUBLIC OF BOTSWANA,

THE PRESIDENT OF THE REPUBLIC OF BURUNDI,

THE PRESIDENT OF THE UNITED REPUBLIC OF  
CAMEROON,

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC,

THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF THE  
CONGO,

THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST,

THE PRESIDENT OF THE REPUBLIC OF DAHOMEY,

THE PRESIDENT OF THE PROVISIONAL ADMINISTRATIVE  
MILITARY COUNCIL, PRESIDENT OF THE GOVERNMENT  
OF ETHIOPIA,

HER MAJESTY THE QUEEN OF FIJI,

THE PRESIDENT OF THE GABONESE REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF THE GAMBIA,

THE PRESIDENT OF THE NATIONAL REDEMPTION COUNCIL  
OF THE REPUBLIC OF GHANA,  
THE HEAD OF STATE OF GRENADA,  
THE PRESIDENT OF THE REPUBLIC OF GUINEA,  
THE PRESIDENT OF THE COUNCIL OF STATE OF GUINEA  
BISSAU,  
THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL  
GUINEA,  
THE PRESIDENT OF THE COOPERATIVE REPUBLIC OF  
GUYANA,  
THE PRESIDENT OF THE REPUBLIC OF UPPER VOLTA,  
THE HEAD OF STATE OF JAMAICA,  
THE PRESIDENT OF THE REPUBLIC OF KENYA,  
HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO,  
THE PRESIDENT OF THE REPUBLIC OF LIBERIA,  
THE PRESIDENT OF THE REPUBLIC OF MALAWI,  
THE HEAD OF STATE AND OF GOVERNMENT OF THE  
MALAGASY REPUBLIC,  
THE PRESIDENT OF THE MILITARY COMMITTEE OF  
NATIONAL LIBERATION OF MALI, HEAD OF STATE,  
PRESIDENT OF THE GOVERNMENT,  
HER MAJESTY THE QUEEN OF MAURITIUS,  
THE PRESIDENT OF THE ISLAMIC REPUBLIC OF  
MAURITANIA,  
THE PRESIDENT OF THE REPUBLIC OF NIGER,  
THE HEAD OF THE FEDERAL MILITARY GOVERNMENT OF  
NIGERIA,  
THE PRESIDENT OF THE REPUBLIC OF RWANDA,  
THE PRESIDENT OF THE REPUBLIC OF SENEGAL,  
THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE,  
THE PRESIDENT OF THE SOMALI DEMOCRATIC REPUBLIC,  
PRESIDENT OF THE SUPREME REVOLUTIONARY COUNCIL,  
THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE  
SUDAN,  
HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND,

THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA,  
THE PRESIDENT OF THE REPUBLIC OF CHAD,  
THE PRESIDENT OF THE REPUBLIC OF TOGO,  
THE HEAD OF STATE OF TONGA,  
THE HEAD OF STATE OF TRINIDAD AND TOBAGO,  
THE PRESIDENT OF THE REPUBLIC OF UGANDA,  
THE HEAD OF STATE OF WESTERN SAMOA,  
THE PRESIDENT OF THE REPUBLIC OF ZAÏRE,  
THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,

whose States are hereinafter called the 'ACP States',

of the other part,

HAVING REGARD to the Treaty establishing the European Economic Community;

ANXIOUS to establish, on the basis of complete equality between partners, close and continuing cooperation, in a spirit of international solidarity;

RESOLVED to intensify their efforts together for the economic development and social progress of the ACP States;

WISHING to demonstrate their common desire to maintain and develop the friendly relations existing between their countries, according to the principles of the United Nations Charter;

RESOLVED to promote, having regard to their respective levels of development, trade cooperation between the ACP States and the Community and to provide a sound basis therefor in conformity with their international obligations;

CONSCIOUS of the importance of developing cooperation and trade among the ACP States;

RESOLVED to establish a new model for relations between developed and developing States, compatible with the aspirations of the international community towards a more just and more balanced economic order;

DESIROUS of safeguarding the interests of the ACP States whose economies depend to a considerable extent on the exportation of commodities;

**ANXIOUS** to promote the industrial development of the ACP States by wider cooperation between these States and the Member States of the Community;

**HAVE DECIDED TO CONCLUDE THIS CONVENTION**, and to this end have designated as their Plenipotentiaries:

**HIS MAJESTY THE KING OF THE BELGIANS:**

Renaat VAN ELSLANDE,  
Minister for Foreign Affairs;

**HER MAJESTY THE QUEEN OF DENMARK:**

Jens CHRISTENSEN,  
State Secretary for Foreign Affairs, Ambassador;

**THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:**

Hans-Jürgen WISCHNEWSKI,  
Minister of State for Foreign Affairs;

**THE PRESIDENT OF THE FRENCH REPUBLIC:**

Pierre ABELIN,  
Minister for Cooperation;

**THE PRESIDENT OF IRELAND:**

Garret FITZGERALD, TD,  
Minister for Foreign Affairs;

**THE PRESIDENT OF THE ITALIAN REPUBLIC:**

Francesco CATTANELI,  
State Secretary for Foreign Affairs;

**HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:**

Jean DONDELINGER,  
Ambassador Extraordinary and Plenipotentiary,  
Permanent Representative to the European Communities;

**HER MAJESTY THE QUEEN OF THE NETHERLANDS:**

Laurens Jan BRINKHORST,  
State Secretary for Foreign Affairs;

**HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:**



**The Rt. Hon. Judith HART, MP,**  
Minister for Overseas Development;

**THE COUNCIL OF THE EUROPEAN COMMUNITIES:**

**Garret FITZGERALD,**  
President-in-Office of the Council of the European Communities;

**François-Xavier ORTOLI,**  
President of the Commission of the European Communities;

**Claude CHEYSSON,**  
Member of the Commission of the European Communities;

**THE HEAD OF STATE OF THE BAHAMAS:**

**A. R. BRAYNEN,**  
High Commissioner for the Bahamas;

**THE HEAD OF STATE OF BARBADOS:**

**Stanley Leon TAYLOR,**  
Permanent Secretary of the Ministry of Trade, Industry and Commerce;

**THE PRESIDENT OF THE REPUBLIC OF BOTSWANA:**

**The Hon. Dr. GAOSITWE KEAGAKWA TIBE CHIEPE,**  
Minister of Commerce and Industry;

**THE PRESIDENT OF THE REPUBLIC OF BURUNDI:**

**Gilles BIMAZUBUTE,**  
Minister for Foreign Affairs and Cooperation;

**THE PRESIDENT OF THE UNITED REPUBLIC OF CAMEROON:**

**Maikano ABDOULAYE,**  
Minister for Planning and Regional Development;

**THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC:**

**Jean Paul MOKODOPO,**  
Minister for Planning;

**THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF THE CONGO:**

**Commandant Alfred RAOUL,**  
Ambassador Extraordinary and Plenipotentiary,  
Representative of the Congo to the European Economic Community;

**THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST:**

Henri KONAN BEDIE,  
Minister of Economic Affairs and Finance;

**THE PRESIDENT OF THE REPUBLIC OF DAHOMEY:**

Captain André ATCHADE,  
Minister for Industry, Trade and Tourism;

**THE PRESIDENT OF THE PROVISIONAL ADMINISTRATIVE  
MILITARY COUNCIL, PRESIDENT OF THE GOVERNMENT OF  
ETHIOPIA:**

Ato Gebre Kidan ALULA,  
Trade Representative of Ethiopia to the European Economic Com-  
munity;

**HER MAJESTY THE QUEEN OF FIJI:**

The Rt. Hon. Ratu Sir K. K. T. MARA, KBE,  
Prime Minister and Minister for Foreign Affairs;

**THE PRESIDENT OF THE GABONESE REPUBLIC:**

Emile Kassa MAPSI,  
Minister of State;

**THE PRESIDENT OF THE REPUBLIC OF THE GAMBIA:**

ALHAJI THE HONOURABLE IBRAHIMA MUHAMMADOU  
GARBA-JAHUMPA,  
Minister of Finance and Trade;

**THE PRESIDENT OF THE NATIONAL REDEMPTION COUNCIL  
OF THE REPUBLIC OF GHANA:**

Lieutenant-Colonel FELLI,  
Minister Commissioner for Economic Planning;

**THE HEAD OF STATE OF GRENADA:**

Senator Derek KNIGHT,  
Minister without Portfolio;

**THE PRESIDENT OF THE REPUBLIC OF GUINEA:**

Seydou KEITA,  
Ambassador Extraordinary of the Republic of Guinea for Western  
Europe;

**THE PRESIDENT OF THE COUNCIL OF STATE OF GUINEA  
BISSAU:**

**Dr. VASCO CABRAL,**  
State Commissioner for Economic and Financial Affairs;

**THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL  
GUINEA:**

**Agelmasie NTUMU,**  
State Secretary;

**THE PRESIDENT OF THE COOPERATIVE REPUBLIC OF  
GUYANA:**

**The Hon. S. S. RAMPHAL, SC, MP:**  
Minister of Foreign Affairs;

**THE PRESIDENT OF THE REPUBLIC OF UPPER VOLTA:**

**Leonard KALMOGO,**  
State Secretary for Planning;

**THE HEAD OF STATE OF JAMAICA:**

**Perceval J. PATTERSON,**  
Minister of Industry, Tourism and Foreign Trade;

**THE PRESIDENT OF THE REPUBLIC OF KENYA:**

**Dr. J. G. KIANO,**  
Minister of Trade and Industry;

**THE KING OF THE KINGDOM OF LESOTHO:**

**E. R. SEKHONYANA,**  
Minister of Finance;

**THE PRESIDENT OF THE REPUBLIC OF LIBERIA:**

**The Hon. D. Franklin NEAL,**  
Minister of Planning and Economic Affairs;

**THE PRESIDENT OF THE REPUBLIC OF MALAWI:**

**The Hon. D. T. MATENJE,**  
Minister of Trade, Industry and Tourism,  
Minister of Finance;

**THE HEAD OF STATE AND OF GOVERNMENT OF THE  
MALAGASY REPUBLIC:**

**Jules RAZAFIMBAHINY,**  
Ambassador Extraordinary and Plenipotentiary,  
Representative to the European Economic Community;

**THE PRESIDENT OF THE MILITARY COMMITTEE OF  
NATIONAL LIBERATION OF MALI, HEAD OF STATE,  
PRESIDENT OF THE GOVERNMENT:**

**Lieutenant-Colonel Charles SAMBA CISSOKHO,**  
Minister for Foreign Affairs and Cooperation;

**HER MAJESTY THE QUEEN OF MAURITIUS:**

**The Rt. Hon. Sir Seewoosagur RAMGOOLAM, PC, Kt,**  
Prime Minister;

**THE PRESIDENT OF THE ISLAMIC REPUBLIC OF  
MAURITANIA:**

**Sidi Ould CHEIKH ABDALLAH,**  
Minister for Planning and Industrial Development;

**THE PRESIDENT OF THE REPUBLIC OF NIGER:**

**Captain Moumouni DJERMAKOYE ADAMOU,**  
Minister for Foreign Affairs and Cooperation;

**THE HEAD OF THE FEDERAL MILITARY GOVERNMENT  
OF NIGERIA:**

**Gabriel Chukwuemeka AKWAEZE,**  
Federal Commissioner for Trade;

**THE PRESIDENT OF THE REPUBLIC OF RWANDA:**

**NDUHUNGIREHE,**  
Minister for Finance and Economic Affairs;

**THE PRESIDENT OF THE REPUBLIC OF SENEGAL:**

**Babacar BA,**  
Minister for Finance and Economic Affairs;

**THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE:**

**The Hon. Francis M. MINAH,**  
Minister for Trade and Industry;

**THE PRESIDENT OF THE SOMALI DEMOCRATIC REPUBLIC,  
PRESIDENT OF THE SUPREME REVOLUTIONARY COUNCIL:**

**Jaalle Mohamed WARSAMA ALI,**  
Adviser to the Economic Committee of the Supreme Revolutionary  
Council;

**THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE  
SUDAN:**

**Sharif el KHATIM,**  
Deputy Minister of Finance and National Economy;

**THE KING OF THE KINGDOM OF SWAZILAND:**

**The Hon. Simon SISHAYI NXUMALO,**  
Minister of Industry and Mines;

**THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA:**

**Daniel Narcis Mtonga MLOKA,**  
Ambassador to the Federal Republic of Germany;

**THE PRESIDENT OF THE REPUBLIC OF CHAD:**

**Ngarhodjina Adoum MOUNDARI,**  
State Secretary for Modern Economy;

**THE PRESIDENT OF THE REPUBLIC OF TOGO:**

**Benissan TETE-TEVI,**  
Minister for Trade and Industry;

**THE HEAD OF STATE OF TONGA:**

**His Royal Highness Prince TUPOUTOA;**

**THE HEAD OF STATE OF TRINIDAD AND TOBAGO:**

**The Hon. Dr. Cuthbert JOSEPH,**  
Minister in the Ministry of External and West Indian Affairs;

**THE PRESIDENT OF THE REPUBLIC OF UGANDA:**

**The Hon. Edward ATHIYO,**  
Minister of Trade;

**THE HEAD OF STATE OF WESTERN SAMOA:**

**The Hon. Falesa P. S. SAILI,**  
Minister of Finance;

THE PRESIDENT OF THE REPUBLIC OF ZAÏRE:

Kanyinda TSHIMPUMPU,  
State Commissioner for Trade;

THE PRESIDENT OF THE REPUBLIC OF ZAMBIA:

Rajah KUNDA,  
Minister of Commerce;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Title I

TRADE COOPERATION

*Article 1*

In the field of trade cooperation, the object of this Convention is to promote trade between the Contracting Parties, taking account of their respective levels of development, and, in particular, of the need to secure additional benefits for the trade of ACP States, in order to accelerate the rate of growth of their trade and improve the conditions of access of their products to the market of the European Economic Community (hereinafter called the 'Community'), so as to ensure a better balance in the trade of the Contracting Parties.

To this end the Contracting Parties shall apply Chapters 1 and 2 of this Title.

Chapter 1

*TRADE ARRANGEMENTS*

*Article 2*

1. Products originating in the ACP States 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 transitional provisions in force relating to the residual customs duties and charges having equivalent effect resulting from the application of Articles 32, 36 and 59 of the Act concerning the conditions of accession and the adjustments to the Treaties shall have no application.

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

If, however, during the application of this Convention, the Community:

- subjects one or more products to common organization of the market or to specific rules introduced as a result of the common agricultural policy, it reserves the right to adapt the import treatment for these products originating in the ACP States, following consultations within the Council of Ministers. 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 modify the arrangements laid down for products originating in the ACP States, following consultations within the Council of Ministers. In such cases, the Community undertakes to ensure that products originating in the ACP States 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.

#### *Article 3*

1. The Community shall not apply to imports of products originating in the ACP States 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).

The Community shall inform the ACP States when residual quantitative restrictions are eliminated in respect of any of these products.

3. This Article shall not prejudice the treatment that the Community applies to certain products in implementation of world commodity agreements to which the Community and the ACP States concerned are signatory.

#### *Article 4*

Nothing in this Convention shall 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 of arbitrary discrimination or a disguised restriction on trade.



### *Article 5*

Where new measures or measures stipulated in programmes adopted by the Community for the approximation of laws and regulations in order to facilitate the movement of goods are likely to affect the interests of one or more ACP States the Community shall, prior to adopting such measures, inform the ACP States thereof through the Council of Ministers.

In order to enable the Community to take into consideration the interests of the ACP States concerned, consultations shall be held at the request of the latter with a view to reaching a satisfactory solution.

### *Article 6*

1. Where existing rules or regulations of the Community adopted in order to facilitate the movement of goods or where the interpretation, application or administration thereof affect the interests of one or more ACP States, consultations shall be held at the request of the latter with a view to reaching a satisfactory solution.

2. With a view to finding a satisfactory solution, the ACP States may also bring up within the Council of Ministers any other problems relating to the movement of goods which might result from measures taken or to be taken by the Member States.

The competent institutions of the Community shall to the greatest possible extent inform the Council of Ministers of such measures.

### *Article 7*

1. In view of their present development needs, the ACP States shall not be required, for the duration of this Convention, to assume, in respect of imports of products originating in the Community, obligations corresponding to the commitments entered into by the Community in respect of imports of the products originating in the ACP States, under this Chapter.

2. (a) In their trade with the Community, the ACP States shall not discriminate among the Member States, and shall grant to the Community treatment no less favourable than the most-favoured-nation treatment.

- (b) The most-favoured-nation treatment referred to in subparagraph (a) shall not apply in respect of trade or economic relations between ACP States or between one or more ACP States and other developing countries.

*Article 8*

Each Contracting Party shall communicate its customs tariff to the Council of Ministers within a period of three months following the entry into force of this Convention. It shall also communicate any subsequent amendments to that tariff as and when they occur.

*Article 9*

1. The concept of 'originating products' for the purposes of implementing this Chapter, and the methods of administrative cooperation relating thereto, are laid down in Protocol No 1.
2. The Council of Ministers may adopt any amendment to Protocol No 1.
3. Where the concept of 'originating products' has not been defined for a given product in implementation of paragraph 1 or 2, each Contracting Party shall continue to apply its own rules.

*Article 10*

1. If, as a result of applying 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 jeopardize their external financial stability, or if difficulties arise which may result in a deterioration in a sector of the economy of a region of the Community, the latter may take, or may authorize the Member State concerned to take, the necessary safeguard measures. These measures and the methods of applying them shall be notified immediately to the Council of Ministers.
2. For the purpose of implementing paragraph 1, priority shall be given to such measures as would least disturb the trade relations between the Contracting Parties and the attainment of the objectives of this Convention. These measures shall not exceed the limits of what is strictly necessary to remedy the difficulties that have arisen.

### *Article 11*

In order to ensure effective implementation of the provisions of this Convention in the field of trade cooperation, the Contracting Parties agree to inform and consult each other.

Consultations shall take place, at the request of the Community or of the ACP States in accordance with the conditions provided for in the rules of procedure in Article 74, particularly in the following cases:

1. Where Contracting Parties envisage taking any trade measures affecting the interests of one or more Contracting Parties under this Convention, they shall inform the Council of Ministers thereof. Consultations shall take place, where the Contracting Parties concerned so request, in order to take into account their respective interests.
2. Where the Community envisages concluding a preferential trade agreement it shall inform the ACP States thereof. Consultations shall take place, where the ACP States so request, in order to safeguard their interests.
3. Where the Community or the Member States take safeguard measures in accordance with Article 10, consultations on these measures may take place within the Council of Ministers, where the Contracting Parties concerned so request, notably with a view to ensuring compliance with Article 10 (2).
4. If, during the application of this Convention, the ACP States consider that agricultural products covered by Article 2 (2) (a), other than those subject to special treatment, call for special treatment, consultations may take place within the Council of Ministers.

## Chapter 2

### *TRADE PROMOTION*

#### *Article 12*

With a view to attaining the objectives they have set themselves as regards trade and industrial cooperation the Contracting Parties shall carry out trade promotion activities which will be aimed at helping the

ACP States to derive maximum benefit from Title I, Chapter 1, and Title III and to participate under the most favourable conditions in the Community, regional and international markets.

#### *Article 13*

The trade promotion activities provided for in Article 12 shall include:

- (a) improving the structure and working methods of organizations, departments or firms contributing to the development of the foreign trade of ACP States, or setting up such organizations, departments or firms;
- (b) basic training or advanced vocational training of staff in foreign trade and trade promotion;
- (c) participation by the ACP States in fairs, exhibitions, specialized international shows and the organization of trade events;
- (d) improving cooperation between economic operators in the Member States and the ACP States 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 ACP States with a view to developing trade.

#### *Article 14*

Applications for financing of trade promotion activities shall be presented to the Community by the ACP State or ACP States concerned under the conditions laid down in Title IV.

#### *Article 15*

The Community shall participate, under the conditions laid down in Title IV and in Protocol No 2, in financing trade promotion activities for promoting the development of exports of ACP States.

## Title II

### EXPORT EARNINGS FROM COMMODITIES

#### Chapter 1

#### *STABILIZATION OF EXPORT EARNINGS*

##### *Article 16*

With the aim of remedying the harmful effects of the instability of export earnings and of thereby enabling the ACP States to achieve the stability, profitability and sustained growth of their economies, the Community shall implement a system for guaranteeing the stabilization of earnings from exports by the ACP States to the Community of certain products on which their economies are dependent and which are affected by fluctuations in price and/or quantity.

##### *Article 17*

1. Export earnings to which the stabilization system applies shall be those accruing from the exportation by the ACP States 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 ACP State concerned, the level of development of the State concerned and the particular difficulties of the least developed, landlocked or island ACP States listed in Article 24:

- 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 lambskin leather
  - (gd) goat and kidskin 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 ACP States 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;
- (b) brought under the inward processing arrangements there in order to be processed.

2. The system shall apply to an ACP State's export earnings from the products listed above 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 sisal, however, the percentage shall be 5%. For the least developed, landlocked or island ACP States listed in Article 24 the percentage shall be 2.5%.

3. None the less if, not sooner than 12 months following the entry into force of this Convention, one or more products not contained in this list, but upon which the economies of one or more ACP States depend to a considerable extent, are affected by sharp fluctuations, the Council of Ministers may decide whether the product or products should be included in the list, without prejudice to Article 18 (1).

4. For certain special cases the system shall apply to exports of the products in question irrespective of destination.

5. The ACP States concerned shall certify that the products to which the stabilization system applies have originated in their territory.

#### *Article 18*

1. For the purposes specified in Article 16 and for the duration of this Convention, the Community shall allocate to the stabilization system a total amount of 375 million units of account to cover all its commitments under the said system. This amount shall be managed by the Commission of the European Communities (hereinafter called the 'Commission').

2. This total amount shall be divided into five equal annual instalments. Every year except the last, the Council of Ministers 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 Convention shall be carried forward automatically to the following year.

4. On the basis of a report submitted to it by the Commission, the Council of Ministers may reduce the amount of the transfers to be made under the stabilization system.

5. Before the expiry of this Convention, the Council of Ministers 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 ACP States, under Article 21, after the expiry of this Convention.

#### *Article 19*

1. In order to implement the stabilization system a reference level shall be calculated for each ACP State 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. An ACP State shall be entitled to request a financial transfer if, on the basis of the results of a calendar year, its actual earnings, as defined in Article 17, from each of the products considered individually, are at least 7.5% below the reference level. For the least developed, landlocked or island ACP States listed in Article 24 this percentage shall be 2.5%.

3. The request from the ACP State concerned 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:

(a) should examination of the request, to be undertaken by the Commission in conjunction with the ACP State concerned, show that the fall in earnings from exports to the Community of the products in question is the result of a trade policy measure of the ACP State concerned adversely affecting exports to the Community in particular, the request shall not be admissible;

(b) should examination of the total exports of the requesting ACP State show a significant change, consultations shall take place between the Commission and the requesting State to determine whether such changes are likely to have an effect on the amount of the transfer, and if so to what extent.

5. Except in the case referred to in paragraph 4 (a) the Commission shall, in conjunction with the requesting ACP State, draw up a draft decision to make a transfer.



6. All necessary steps shall be taken to ensure that transfers are made rapidly, for example by means of advances, normally six-monthly.

#### *Article 20*

The recipient ACP State 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 21*

1. The amounts transferred shall not bear interest.
2. The ACP States 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.

3. Each ACP State shall help reconstitute the resources when it is found that the trend of its export earnings will so permit.

To this effect, the Commission shall determine, for each year and for each product, and on the conditions specified in Article 17 (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 recipient ACP State 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 of Ministers, taking into consideration in particular the situation of and prospects for the balance of payments, exchange reserves and foreign indebtedness of the ACP States concerned, may decide that:

- the sums outstanding are to be reconstituted wholly or in part, in one or more instalments;
- rights to repayment are to be waived.

5. Paragraphs 2, 3 and 4 shall not apply to the ACP States listed in Article 48 (2).

#### *Article 22*

For each transfer a 'transfer agreement' shall be drawn up and concluded between the Commission and the ACP State concerned.

#### *Article 23*

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 ACP States. The detailed arrangements for such cooperation shall be established by the Council of Ministers.

2. The ACP States and the Commission shall adopt by mutual agreement 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 24*

The least developed, landlocked or island ACP States referred to in Article 17 (1) and (2) and Article 19 (2) are as follows:

- |                            |                       |
|----------------------------|-----------------------|
| — the Bahamas              | — Malawi              |
| — Barbados                 | — Mali                |
| — Botswana                 | — Mauritania          |
| — Burundi                  | — Mauritius           |
| — Central African Republic | — Niger               |
| — Chad                     | — Rwanda              |
| — Dahomey                  | — Somalia             |
| — Equatorial Guinea        | — Sudan               |
| — Ethiopia                 | — Swaziland           |
| — Fiji                     | — Tanzania            |
| — the Gambia               | — Togo                |
| — Grenada                  | — Tonga               |
| — Guinea                   | — Trinidad and Tobago |
| — Guinea Bissau            | — Uganda              |
| — Jamaica                  | — Upper Volta         |
| — Lesotho                  | — Western Samoa       |
| — Madagascar               | — Zambia              |

## Chapter 2

### *SPECIFIC PROVISIONS CONCERNING SUGAR*

#### *Article 25*

1. Notwithstanding any other provisions of this Convention the Community undertakes for an indefinite period to purchase and import, at guaranteed prices, specific quantities of cane sugar, raw or white, which originate in the ACP States producing and exporting cane sugar and which those States undertake to deliver to it.
2. Protocol No 3 annexed to this Convention determines the conditions of implementation of this Article.

## Title III

### INDUSTRIAL COOPERATION

#### *Article 26*

The Community and the ACP States, acknowledging the pressing need for the industrial development of the latter, agree to take all measures necessary to bring about effective industrial cooperation.

Industrial cooperation between the Community and the ACP States shall have the following objectives:

- (a) to promote the development and diversification of industry in the ACP States and to help bring about a better distribution of industry both within those States and between them;
- (b) to promote new relations in the industrial field between the Community, the Member States and the ACP States, in particular the establishment of new industrial and trade links between the industries of the Member States and those of the ACP States;
- (c) to increase the links between industry and the other sectors of the economy, in particular agriculture;
- (d) to facilitate the transfer of technology to the ACP States and to promote the adaptation of such technology to their specific

conditions and needs, for example by expanding the capacity of the ACP States for research, for adaptation of technology and for training in industrial skills at all levels in these States;

- e) to promote the marketing of industrial products of the ACP States in foreign markets in order to increase their share of international trade in those products;
- f) to encourage the participation of nationals of ACP States, in particular that of small- and medium-sized industrial firms, in the industrial development of those States;
- g) to encourage Community firms to participate in the industrial development of the ACP States, where those States so desire and in accordance with their economic and social objectives.

#### *Article 27*

In order to attain the objectives set out in Article 26, the Community shall help to carry out, by all the means provided for in this Convention, programmes, projects and schemes submitted to it on the initiative or with the Agreement of the ACP States in the fields of industrial infrastructures and ventures, training, technology and research, small- and medium-sized firms, industrial information and promotion, and trade cooperation.

#### *Article 28*

The Community shall contribute to the setting up and the extension of the infrastructure necessary for industrial development, particularly in the fields of transport and communications, energy and industrial research and training.

#### *Article 29*

The Community shall contribute to the setting up and the extension in the ACP States of industries processing raw materials and industries manufacturing finished and semi-finished products.

#### *Article 30*

At the request of the ACP States and on the basis of the programmes submitted by the latter, the Community shall contribute to the organiza-

tion and financing of the training, at all levels, of personnel of the ACP States in industries and institutions within the Community.

In addition, the Community shall contribute to the establishment and expansion of industrial training facilities in the ACP States.

#### *Article 31*

With a view to helping the ACP States to overcome obstacles encountered by them in matters of access to and adaptation of technology, the Community is prepared in particular to:

- (a) keep the ACP States better informed on technological matters and assist them in selecting the technology best adapted to their needs;
- (b) facilitate their contacts and relations with firms and institutions in possession of the appropriate technological know-how;
- (c) facilitate the acquisition, on favourable terms and conditions, of patents and other industrial property, in particular through financing and/or through other suitable arrangements with firms and institutions within the Community;
- (d) contribute to the establishment and expansion of industrial research facilities in the ACP States with particular reference to the adaptation of available technology to the conditions and needs of those States.

#### *Article 32*

The Community shall contribute to the establishment and development of small- and medium-sized industrial firms in the ACP States through financial and technical cooperation schemes adapted to the specific needs of such firms and covering *inter alia*:

- (a) the financing of firms,
- (b) the creation of appropriate infrastructure and industrial estates,
- (c) vocational and advanced training,
- (d) the setting up of specialized advisory services and credit facilities.

The development of these firms shall, as far as possible, be conducive to the strengthening of the complementary relationship between small- and medium-sized industrial firms and of their links with large industrial firms.

#### *Article 33*

Industrial information and promotion schemes shall be carried out in order to secure and intensify regular information exchanges and the necessary contacts in the industrial field between the Community and the ACP States.

These schemes could have the following aims:

- (a) to gather and disseminate all relevant information on the trends in industry and trade in the Community and on the conditions of and possibilities for industrial development in the ACP States;
- (b) to organize and facilitate contacts and meetings of all kinds between Community and ACP States' industrial policy-makers, promoters and firms;
- (c) to carry out studies and appraisals aimed at pinpointing the practical opportunities for industrial cooperation with the Community in order to promote the industrial development of the ACP States;
- (d) to contribute, through appropriate technical cooperation schemes, to the setting up, launching and running of the ACP States' industrial promotion bodies.

#### *Article 34*

In order to enable the ACP States to obtain full benefit from trade and other arrangements provided for in this Convention, trade promotion schemes shall be carried out to encourage the marketing of industrial products of ACP States both in the Community as well as in other external markets. Furthermore, programmes shall be drawn up jointly between the Community and the ACP States in order to stimulate and develop the trade of industrial products among the said States.

#### *Article 35*

1. A Committee on Industrial Cooperation shall be established. It shall be supervised by the Committee of Ambassadors.

2. The Committee on Industrial Cooperation shall:
  - (a) see to the implementation of this Title;
  - (b) examine the problems in the field of industrial cooperation submitted to it by the ACP States and/or by the Community, and suggest appropriate solutions;
  - (c) guide, supervise and control the activities of the Centre for Industrial Development referred to in Article 36 and report to the Committee of Ambassadors and, through it, to the Council of Ministers;
  - (d) submit from time to time reports and recommendations which it considers appropriate to the Committee of Ambassadors;
  - (e) perform such other functions as may be assigned to it by the Committee of Ambassadors.
3. The composition of the Committee on Industrial Cooperation and the details for its operation shall be determined by the Council of Ministers.

#### *Article 36*

A Centre for Industrial Development shall be set up. It shall have the following functions:

- (a) to gather and disseminate in the Community and the ACP States all relevant information on the conditions of and opportunities for industrial cooperation;
- (b) to have, at the request of the Community and the ACP States, studies carried out on the possibilities and potential for industrial development of the ACP States, bearing in mind the necessity for adaptation of technology to their needs and requirements, and to ensure their follow-up;
- (c) to organize and facilitate contacts and meetings of all kinds between Community and ACP States' industrial policy-makers, promoters, and firms and financial institutions;
- (d) to provide specific industrial information and support services;
- (e) to help to identify, on the basis of needs indicated by ACP States, the opportunities for industrial training and applied research in the

Community and in the ACP States, and to provide relevant information and recommendations.

The centre's statutes and rules of operation shall be adopted by the Council of Ministers on a proposal from the Committee of Ambassadors upon the entry into force of this Convention.

#### *Article 37*

Programmes, projects or schemes undertaken in the field of industrial cooperation and involving Community financing shall be implemented in accordance with Title IV, taking into account the particular characteristics of interventions in the industrial sector.

#### *Article 38*

1. Each ACP State shall endeavour to give as clear an indication as possible of its priority areas for industrial cooperation and the form it would like such cooperation to take. It will also take such steps as are necessary to promote effective cooperation within the framework of this Title with the Community and the Member States or with firms or nationals of Member States who comply with the development programmes and priorities of the host ACP State.

2. The Community and the Member States, for their part, shall endeavour to set up measures to attract the participation of their firms and nationals in the industrial development efforts of the ACP States concerned, and shall encourage such firms and nationals to adhere to the aspirations and development objectives of those ACP States.

#### *Article 39*

This Title shall not prevent any ACP State or group of ACP States from entering into specific arrangements for the development in ACP States of agricultural, mineral, energy and other specific resources with a Member State or States of the Community, provided that these arrangements are compatible with this Convention. Such arrangements must be complementary to the efforts on industrialization and must not operate to the detriment of this Title.



## Title IV

### FINANCIAL AND TECHNICAL COOPERATION

#### *Article 40*

1. The purpose of economic, financial and technical cooperation is to correct the structural imbalances in the various sectors of the ACP States' economies. The cooperation shall relate to the execution of projects and programmes which contribute essentially to the economic and social development of the said States.
2. Such development shall consist in particular in the greater well-being of the population, improvement of the economic situation of the State, 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 ACP States and shall be adapted to the characteristics of each of the said States.

#### *Article 41*

1. The Council of Ministers shall examine at least once a year whether the objectives referred to in Article 40 are being attained and shall also examine the general problems resulting from the implementation of financial and technical cooperation. It shall take stock, on the basis of information gathered both by the Community and the ACP States, of action undertaken in this context by the Community and by the ACP States. This stocktaking shall also cover regional cooperation and measures in favour of the least developed ACP States.

As regards the Community, the Commission shall submit to the Council of Ministers an annual report 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 State.

The ACP States for their part shall submit to the Council of Ministers

any observations, information or proposals on the problems concerning the implementation, in their respective countries, of the economic, financial and technical cooperation, and also on the general problems of this cooperation.

The work on the annual stocktaking of financial and technical cooperation shall be prepared by the experts of the Community and of the ACP States who are responsible for the implementation of that cooperation.

2. On the basis of the information submitted by the Community and the ACP States and of the examination referred to in paragraph 1, the Council of Ministers 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 ACP States in order to ensure that the objectives of such cooperation are attained.

#### *Article 42*

For the duration of this Convention, the overall amount of the Community's aid shall be 3 390 million units of account. <sup>(1)</sup>

This amount comprises:

1. 3 000 million units of account from the European Development Fund (hereinafter called the 'Fund'), allocated as follows:
  - (a) for the purposes set out in Article 40, 2 625 million units of account, consisting of:
    - 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;
  - (b) for the purposes set out in Title II, up to 375 million units of account, likewise from the Fund, in the form of transfers for the stabilization of export earnings.
2. For the purposes set out in Article 40, up to 390 million units of account in the form of loans from the Bank, made from its own

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<sup>(1)</sup> See Council Decision 75/250/EEC 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 (OJ No L 104, 24.4.1975).

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 5 of Protocol No 2.

The total cost of the interest rate subsidies shall be charged against the amounts of aid provided for in 1 (a) above.

#### *Article 43*

1. The method or methods of financing which may be contemplated for each project or programme shall be selected jointly by the Community and the ACP State or ACP States concerned 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 ACP State or ACP States 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 44*

1. Where appropriate, a number of methods may be combined for financing a project or programme.

2. With the agreement of the ACP State or ACP States 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, ACP States, third countries or international finance organizations.

#### *Article 45*

1. Grants and special loans may be made available to or through the ACP State concerned.
2. Where these funds are on-lent through the ACP State concerned, the terms and procedure for the onlending by the intermediate recipient to the final borrower shall be laid down between the Community and the State 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 46*

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 national 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 47*

1. In the implementation of financial and technical cooperation, the Community shall provide effective assistance for attaining the objectives which the ACP States set themselves in the context of regional and interregional cooperation. This assistance shall aim to:
  - (a) accelerate economic cooperation and development both within and between the regions of the ACP States;
  - (b) accelerate diversification of the economies of the ACP States;
  - (c) reduce the economic dependence of the ACP States on imports by maximizing output of those products for which the ACP States in question have real potential;
  - (d) create sufficiently wide markets within the ACP States and neighbouring States by removing the obstacles which hinder the development and integration of those markets in order to promote trade between the ACP States;
  - (e) maximize the use of resources and services in the ACP States.
2. To this end approximately 10% of the total financial resources provided for in Article 42 for the economic and social development of the ACP States shall be reserved for financing their regional projects.

### *Article 48*

1. In the implementation of financial and technical cooperation, special attention shall be paid to the needs of the least-developed ACP States 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.
2. The following ACP States shall be eligible, according to their particular needs, for the special measures established under this Article:

— Botswana	— Guinea Bissau
— Burundi	— Lesotho
— Central African Republic	— Malawi
— Chad	— Mali
— Dahomey	— Mauritania
— Ethiopia	— Niger
— the Gambia	— Rwanda
— Guinea	— Somalia

- Sudan
- Swaziland
- Tanzania
- Togo
- Tonga
- Uganda
- Upper Volta
- Western Samoa

3. The list of ACP States in paragraph 2 may be amended by decision of the Council of Ministers:

- where a third State in a comparable economic situation accedes to this Convention;
- where the economic situation of an ACP State undergoes a radical and lasting change either so as to necessitate the application of special measures or so that this treatment is no longer warranted.

#### *Article 49*

1. The following shall be eligible for financial and technical co-operation:

- (a) the ACP States;
- (b) the regional or interstate bodies to which the ACP States belong and which are authorized by the said States;
- (c) the joint bodies set up by the Community and the ACP States and authorized by the latter to attain certain specific objectives, notably in the field of industrial and trade cooperation.

2. Subject to the agreement of the ACP State or ACP States 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 ACP States, in particular their development banks;
- (b) private bodies working in the countries concerned for the economic and social development of the population of those ACP States;
- (c) firms carrying out their activities, in accordance with industrial and business management methods, which are formed as companies or firms of an ACP State within the meaning of Article 63;
- (d) groups of producers that are nationals of the ACP States or like

bodies, and, where no such groups or bodies exist, the producers themselves;

(e) for training purposes, scholarship holders and trainees.

#### *Article 50*

1. There shall be close cooperation between the Community and the ACP States in implementing aid measures financed by the former. This cooperation shall be achieved through active participation by the ACP State or group of ACP States concerned in each of the various stages of a project; the aid programming, the submission and appraisal of projects, the preparation of financing decisions, execution of projects and final evaluation of the results, in accordance with the various procedures laid down in Articles 51 to 57.

2. As regards project financing for which the Bank is responsible, application of the principles defined in Articles 51 to 58 may be adapted, in concert with the ACP State or ACP States concerned, to take account of the nature of the operations financed and of the Bank's procedures under its Statute.

#### *Article 51*

1. Community aid, which is complementary to the ACP States' own efforts, shall be integrated in the economic and social development plans and programmes of the said States so that projects undertaken with the financial support of the Community dovetail with the objectives and priorities set by those States.

2. At the beginning of the period covered by this Convention, Community aid shall be programmed, in conjunction with each recipient State, in such a way that the latter can obtain as clear an idea as possible of the aid, in particular as regards the amount and terms, it can expect during that period, and especially of specific objectives which this aid may meet. This programme shall be drawn up on the basis of proposals made by each ACP State, in which it has fixed its objectives and priorities. Projects or programmes already identified on an indicative basis may be the subject of a provisional timetable as regards preparation.

3. The Community indicative aid programme for each ACP State shall be drawn up by mutual agreement by the competent bodies of the Community and those of the ACP State concerned. It shall then be the subject of an exchange of views, at the beginning of the period covered by this Convention, between the representatives of the Community and those of the ACP State concerned.

This exchange of views shall enable the ACP State to set out its development policy and priorities.

4. The aid programmes shall be sufficiently flexible to enable account to be taken of changes occurring in the economic situation of the various ACP States, and any modifications of their initial priorities. Therefore, each programme may be reviewed whenever necessary during the period covered by this Convention.

5. These programmes shall not cover the exceptional aid referred to in Article 59 or the measures for stabilizing export earnings referred to in Title II.

#### *Article 52*

1. Preparation of the projects and programmes which come within the framework of the Community aid programme drawn up by mutual agreement shall be the responsibility of the ACP States concerned or of other beneficiaries approved by them. The Community may, where those States so request, provide technical assistance for drawing up the dossiers of projects or programmes.

2. Such dossiers shall be submitted to the Community as and when they are ready by the beneficiaries specified in Article 49 (1), or, with the express agreement of the ACP State or ACP States concerned, by those specified in Article 49 (2).

#### *Article 53*

1. The Community shall appraise projects and programmes in close collaboration with the ACP States and any other beneficiaries. The technical, social, economic, trade, financial, organizational and management aspects of such projects or programmes shall be reviewed systematically.

2. The aim of appraisal is:



- (a) to ensure that the projects and programmes stem from economic or social development plans or programmes of the ACP States;
- (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 ACP State or ACP States 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 ACP State;

- (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 ACP State or region concerned;
  - and furthermore guaranteeing that the staff and other 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 national personnel.

#### *Article 54*

1. Financing proposals, which summarize the conclusions of the appraisal and are submitted to the Community's decision-making body, shall be drawn up in close collaboration between the competent departments of the Community and those of the ACP State or ACP States concerned.

The final version of each financing proposal shall be transmitted by the competent departments of the Community simultaneously to the Community and to the ACP States concerned.

2. All projects or programmes put forward officially in accordance with Article 52 by an ACP State or ACP States, whether or not selected by the competent departments of the Community, shall be brought

to the attention of the Community body responsible for taking financing decisions.

3. Where the Community body responsible for delivering an opinion on projects fails to deliver a favourable opinion, the competent departments of the Community shall consult the representatives of the ACP State or ACP States concerned on further action to be taken, in particular on the advisability of submitting the dossier afresh, possibly in a modified form, to the relevant Community body.

Before that body gives its final opinion, the representatives of the ACP State or ACP States concerned may request a hearing by the representatives of the Community in order to be able to state their grounds for the project.

Should the final opinion delivered by that body not be favourable, the competent departments of the Community shall consult afresh with the representatives of the ACP State or ACP States concerned before deciding whether the project should be submitted as it stands to the Community's decision-making bodies or whether it should be withdrawn or modified.

#### *Article 55*

The ACP States, 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 56*

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 ACP States.

2. Paragraph 1 shall be without prejudice to measures intended to assist construction firms or manufacturing firms of the ACP States concerned, or of another ACP State, 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 ACP States.

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 or interregional cooperation schemes involving third countries and in the joint financing of projects with other providers of funds.

#### *Article 57*

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 ACP State or ACP States concerned in order to ensure that 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 ACP States concerned shall, each for their respective parts, take the measures which evaluation shows to be necessary. The Council of Ministers shall be kept informed of such measures by the Commission and each ACP State for the purposes of Article 41.

#### *Article 58*

1. The management and maintenance of work carried out within the context of financial and technical cooperation shall be the responsibility of the ACP States or other beneficiaries.

2. Exceptionally, and by way of derogation from Article 46 (2), in particular under the circumstances specified in Article 10 of Protocol No 2, 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 ACP State concerned and the running of which temporarily constitutes a truly excessive burden for the ACP State or other beneficiaries.

#### *Article 59*

1. Exceptional aid may be accorded to ACP States faced with serious difficulties resulting from natural disasters or comparable extraordinary circumstances.

2. For the purposes of financing the exceptional aid referred to in paragraph 1, a special appropriation shall be constituted within the Fund.

3. The special appropriation shall initially be fixed at 50 million units of account. At the end of each year of application of this Convention this appropriation shall be restored to its initial level.

The total amount of monies transferred from the Fund to the special appropriation during the period of application of this Convention may not exceed 150 million units of account.

Upon expiry of this Convention any monies transferred to the special appropriation which have not been committed for exceptional aid shall be returned to the Fund proper for financing other schemes falling within the field of application of financial and technical cooperation, unless the Council of Ministers decides otherwise.

In the event of the special appropriation being exhausted before the expiry of this Convention, the Community and the ACP States shall adopt, within the relevant joint bodies, appropriate measures to deal with the situations described in paragraph 1.

4. Exceptional aid shall be non-reimbursable. It shall be allocated on a case-by-case basis.

5. Exceptional aid shall help finance the most suitable means of remedying the serious difficulties referred to in paragraph 1.

These means may take the form of works, supplies or provision of services, or cash payments.

6. Exceptional aid shall not be used for dealing with the harmful effects of the instability of export earnings, which are the subject of Title II.

7. The arrangements for allocating exceptional aid, for payments and for implementing the programmes shall be worked out under an emergency procedure, with account being taken of the provisions of Article 54.

#### *Article 60*

The fiscal and customs arrangements applicable in the ACP States to contracts financed by the Community shall be adopted by a decision of the Council of Ministers at its first meeting following the date of entry into force of this Convention.

#### *Article 61*

In the event of failure of an ACP State to ratify this Convention pursuant to Title VII, or denunciation of this Convention in accordance with that Title, the Contracting Parties shall be obliged to adjust the amounts of the financial aid provided for in this Convention.

### Title V

## PROVISIONS RELATING TO ESTABLISHMENT, SERVICES, PAYMENTS AND CAPITAL MOVEMENTS

### Chapter 1

#### *PROVISIONS RELATING TO ESTABLISHMENT AND SERVICES*

#### *Article 62*

As regards the arrangements that may be applied in matters of establishment and provision of services, the ACP States on the one hand and the Member States on the other shall treat nationals and companies or firms of Member States and nationals and companies or firms of the ACP States respectively on a non-discriminatory basis. However, if, for a given activity, an ACP State or a Member State is unable to provide such treatment, the Member States or the ACP States, as the case may be, shall not be bound to accord such treatment for this activity to the nationals and companies or firms of the State concerned.

### *Article 63*

For the purposes of this Convention '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.

'Companies or firms of a Member State or of an ACP State' means companies or firms formed in accordance with the law of a Member State or ACP State and whose registered office, central administration or principal place of business is in a Member State or ACP State; however, a company or firm having only its registered office in a Member State or ACP State must be engaged in an activity which has an effective and continuous link with the economy of that Member State or ACP State.

### *Article 64*

At the request of the Community or of the ACP States, the Council of Ministers shall examine any problems raised by the application of Articles 62 and 63. It shall also formulate any relevant recommendations.

## Chapter 2

### *PROVISIONS RELATING TO CURRENT PAYMENTS AND CAPITAL MOVEMENTS*

### *Article 65*

With regard to capital movements linked with investments and to current payments, the Contracting Parties shall refrain from taking action in the field of foreign exchange transactions which would be incompatible with their obligations under this Convention resulting from the provisions relating to trade in goods, to services, establishment and industrial cooperation. These obligations shall not, however, prevent the Contracting Parties from adopting the necessary protective measures, should this be justified by reasons relating to serious economic difficulties or severe balance of payments problems.

### *Article 66*

In respect of foreign exchange transactions linked with investments and current payments, the ACP States 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 67*

Throughout the duration of the loans and risk capital operations provided for in Article 42, each of the ACP States undertakes:

- to place at the disposal of the beneficiaries referred to in Article 49 the currency necessary for the payment of interest and commission on and amortization 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 national currency which represent the net revenue and proceeds from transactions involving the acquisition by the Community of holdings in the capital of firms.

### *Article 68*

At the request of the Community or of the ACP States, the Council of Ministers shall examine any problems raised by the application of Articles 65 to 67. It shall also formulate any relevant recommendations.

## Title VI

### INSTITUTIONS

#### *Article 69*

The institutions of this Convention are the Council of Ministers, assisted by the Committee of Ambassadors, and the Consultative Assembly.

#### *Article 70*

1. The Council of Ministers shall be composed, on the one hand, of the members of the Council of the European Communities and of members of the Commission of the European Communities and, on the other hand, of a member of the Government of each of the ACP States.
2. Any member of the Council of Ministers unable to attend may be represented. The representative shall exercise all the rights of the accredited member.
3. The proceedings of the Council of Ministers shall be valid only if half the members of the Council of the European Communities, one member of the Commission and two-thirds of the accredited members representing the Governments of the ACP States are present.
4. The Council of Ministers shall lay down its rules of procedure.

#### *Article 71*

The office of President of the Council of Ministers shall be held alternately by a member of the Council of the European Communities and a member of the Government of an ACP State, the latter to be designated by the ACP States.

#### *Article 72*

1. Meetings of the Council of Ministers shall be called once a year by its President.
2. The Council of Ministers shall, in addition, meet whenever necessary, in accordance with the conditions laid down in its rules of procedure.



### *Article 73*

1. The Council of Ministers shall act by mutual agreement between the Community on the one hand and the ACP States on the other.
2. The Community on the one hand and the ACP States on the other shall each, by means of an internal protocol, determine the procedure for arriving at their respective positions.

### *Article 74*

1. The Council of Ministers shall define the broad outlines of the work to be undertaken in the context of the application of this Convention.
2. The Council of Ministers shall periodically review the results of the arrangements under this Convention and shall take such measures as may be necessary for the attainment of the objectives of this Convention.
3. Where provided for in this Convention, the Council of Ministers shall have the power to take decisions; such decisions shall be binding on the Contracting Parties, which must take such measures as are required to implement these decisions.
4. The Council of Ministers may likewise formulate such resolutions, recommendations or opinions as it may deem necessary to attain the common objectives and to ensure the smooth functioning of the arrangements of this Convention.
5. The Council of Ministers shall publish an annual report and such other information as it considers appropriate.
6. The Council of Ministers may make all the arrangements that are appropriate for ensuring the maintenance of effective contacts, consultations and cooperation between the economic and social sectors of the Member States and of the ACP States.
7. The Community or the ACP States may raise in the Council of Ministers any problems arising from the application of this Convention.

8. Where provided for in this Convention, consultations shall take place, at the request of the Community or of the ACP States, within the Council of Ministers, in accordance with the conditions laid down in the rules of procedure.

9. The Council of Ministers may set up committees or groups and *ad hoc* working groups, to undertake such activities as it may determine.

10. At the request of one of the Contracting Parties, exchanges of views may take place on questions having direct repercussions on the matters covered by this Convention.

11. By agreement among the Parties, exchanges of views may take place on other economic or technical questions which are of mutual interest.

#### *Article 75*

The Council of Ministers may, where necessary, delegate to the Committee of Ambassadors any of its powers. In this event, the Committee of Ambassadors shall give its decisions in accordance with the conditions laid down in Article 73.

#### *Article 76*

The Committee of Ambassadors shall be composed, on the one hand, of one representative of each Member State and one representative of the Commission and, on the other, of one representative of each ACP State.

#### *Article 77*

1. The Committee of Ambassadors shall assist the Council of Ministers in the performance of its functions and shall carry out any mandate entrusted to it by the Council of Ministers.

2. The Committee of Ambassadors shall exercise such other powers and perform such other duties as are assigned to it by the Council of Ministers.

3. The Committee of Ambassadors shall keep under review the functioning of this Convention and the development of the objectives as defined by the Council of Ministers.

4. The Committee of Ambassadors shall account for its actions to the Council of Ministers particularly in matters which have been the subject

of delegation of powers. It shall also submit to the Council of Ministers any pertinent proposal and such resolutions, recommendations or opinions as it may deem necessary or consider appropriate.

5. The Committee of Ambassadors shall supervise the work of all the committees and all other bodies or working groups, whether standing or *ad hoc*, established or provided for by or under this Convention and submit periodical reports to the Council of Ministers.

#### *Article 78*

The office of Chairman of the Committee of Ambassadors shall be held alternately by a representative of a Member State designated by the Community and a representative of an ACP State designated by the ACP States.

The Committee of Ambassadors shall lay down its rules of procedure which shall be submitted to the Council of Ministers for approval.

#### *Article 79*

The secretariat duties and other work necessary for the functioning of the Council of Ministers and the Committee of Ambassadors or other joint bodies shall be carried out on a basis of parity and in accordance with the conditions laid down in the rules of procedure of the Council of Ministers.

#### *Article 80*

1. The Consultative Assembly shall be composed on a basis of parity of members of the Assembly on the side of the Community and of the representatives designated by the ACP States on the other.
2. The Consultative Assembly shall appoint its Bureau and shall adopt its own rules of procedure.
3. The Consultative Assembly shall meet at least once a year.
4. Each year, the Council of Ministers shall submit a report on its activities to the Consultative Assembly.
5. The Consultative Assembly may set up *ad hoc* consultative committees to undertake such specific activities as it may determine.

6. The Consultative Assembly may adopt resolutions on matters concerning or covered by this Convention.

#### *Article 81*

1. Any dispute which arises between one or more Member States or the Community on the one hand, and one or more ACP States on the other, concerning the interpretation or the application of this Convention may be placed before the Council of Ministers.

2. Where circumstances permit, and subject to the Council of Ministers being informed, so that any parties concerned may assert their rights, the Contracting Parties may have recourse to a good offices procedure.

3. If the Council of Ministers fails to settle the dispute at its next meeting, either party may notify the other of the appointment of an arbitrator; the other party must then appoint a second arbitrator within two months. For the application of this procedure, the Community and the Member States shall be deemed to be one party to the dispute.

The Council of Ministers shall appoint a third arbitrator.

The decisions of the arbitrators shall be taken by majority vote.

Each party to the dispute must take the measures required for the implementation of the arbitrators' decision.

#### *Article 82*

The operating expenses of the institutions of this Convention shall be defrayed in accordance with the terms set out in Protocol No 4 to this Convention.

#### *Article 83*

The privileges and immunities for the purposes of this Convention shall be as laid down in Protocol No 5 to this Convention.

## Title VII

### GENERAL AND FINAL PROVISIONS

#### *Article 84*

No treaty, convention, agreement or arrangement of any kind between one or more Member States and one or more ACP States may impede the implementation of this Convention.

#### *Article 85*

1. This Convention shall apply to the European territories to which the Treaty establishing the European Economic Community applies, in accordance with the conditions set out in that Treaty, on the one hand, and to the territories of the ACP States on the other.
2. Title I of this Convention shall also apply to the relations between the French overseas departments and the ACP States.

#### *Article 86*

1. As regards the Community, this Convention shall be validly concluded by a decision of the Council of the European Communities taken in accordance with the provisions of the Treaty and notified to the parties.

It will be ratified by the Signatory States in conformity with their respective constitutional requirements.

2. The instruments of ratification and the act of notification of the conclusion of this Convention shall be deposited, as concerns the ACP States, with the Secretariat of the Council of the European Communities and, as concerns the Community and the Member States, with the Secretariat of the ACP States. The Secretariats shall forthwith give notice thereof to the Signatory States and the Community.

#### *Article 87*

1. This Convention shall enter into force on the first day of the second month following the date of deposit of the instruments of ratification of the Member States and of at least two-thirds of the ACP States, and

of the act of notification of the conclusion of the Convention by the Community.

2. Any ACP State which has not completed the procedures set out in Article 86 by the date of the entry into force of this Convention as specified in paragraph 1 may do so only within the 12 months following such entry into force and shall be able to proceed with these procedures only during the 12 months following such entry into force, unless before the expiry of this period it gives notice to the Council of Ministers of its intention to complete these procedures not later than six months after this period and on condition that it undertakes the deposit of its instrument of ratification within the same time-limit

3. As regards those ACP States which have not completed the procedures set out in Article 86 by the date of entry into force of this Convention as specified in paragraph 1, this Convention shall become applicable on the first day of the second month following the completion of the said procedures.

4. Signatory ACP States which ratify this Convention in accordance with the conditions laid down in paragraph 2 shall recognize the validity of all measures taken in implementation of this Convention between the date of its entry into force and the date when its provisions become applicable to them. Subject to any extension which may be granted to them by the Council of Ministers they shall, not later than six months following the completion of the procedures referred to in Article 86, carry out all the obligations which devolve upon them under the terms of this Convention or of implementing decisions adopted by the Council of Ministers.

5. The rules of procedure of the institutions set up under this Convention shall lay down whether and under what conditions the representatives of Signatory States which, on the date of entry into force of this Convention have not yet completed the procedures referred to in Article 86, shall sit in those institutions as observers. The arrangements thus adopted shall be effective only until the date on which this Convention becomes applicable to these States; such arrangements shall in any case cease to apply on the date on which, pursuant to paragraph 2, the State concerned may no longer ratify this Convention.

#### *Article 88*

1. The Council of Ministers shall be informed of any request by any State for membership of, or association with, the Community.

2. The Council of Ministers shall be informed of any request made by any State wishing to become a member of an economic grouping composed of ACP States.

#### *Article 89*

1. Any request for accession to this Convention by a country or territory to which Part Four of the Treaty applies, and which becomes independent, shall be referred to the Council of Ministers.

With the approval of the Council of Ministers, the country in question shall accede to this Convention by depositing an instrument of accession with the Secretariat of the Council of the European Communities which shall transmit a certified copy to the Secretariat of the ACP States and shall give notice thereof to the Signatory States.

2. That State shall then enjoy the same rights and be subject to the same obligations as the ACP States. Such accession shall not adversely affect the advantages accruing to the ACP States signatory to this Convention from the provisions on financial and technical cooperation and on the stabilization of export earnings.

#### *Article 90*

Any request for accession to this Convention submitted by a State whose economic structure and production are comparable with those of the ACP States shall require approval by the Council of Ministers. The State concerned may accede to this Convention by concluding an agreement with the Community.

That State shall then enjoy the same rights and be subject to the same obligations as the ACP States.

The agreement may however stipulate the date on which certain of these rights and obligations shall become applicable to that State.

Such accession shall not, however, adversely affect the advantages accruing to the ACP States signatory to this Convention under the provisions on financial and technical cooperation, the stabilization of export earnings and industrial cooperation.

#### *Article 91*

This Convention shall expire after a period of five years from the date of its signature, namely 1 March 1980.

Eighteen months before the end of this period the Contracting Parties shall enter into negotiations in order to examine what provisions shall subsequently govern relations between the Community and the Member States and the ACP States.

The Council of Ministers shall adopt any transitional measures that may be required until the new Convention comes into force.

*Article 92*

This Convention may be denounced by the Community in respect of each ACP State and by each ACP State in respect of the Community, upon six months' notice.

*Article 93*

The Protocols annexed to this Convention shall form an integral part thereof.

*Article 94*

This Convention, drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, all texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities and the Secretariat of the ACP States which shall both transmit a certified copy to the Government of each of the Signatory States.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne konvention.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Convention.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas de la présente convention.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce alla presente convenzione.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.



Udfærdiget i Lomé, den otteogtyvende februar nitten hundrede og femoghalvfjerds.

Geschehen zu Lome am achtundzwanzigsten Februar neunzehnhundert-fünfundsiebzig.

Done at Lomé on the twenty-eighth day of February in the year one thousand nine hundred and seventy-five.

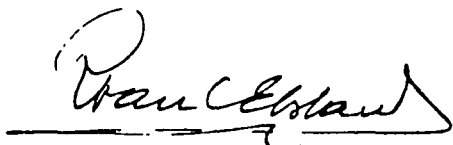
Fait à Lomé, le vingt-huit février mil neuf cent soixante-quinze.

Fatto à Lome, addì ventotto febbraio millenovecentosettantacinque.

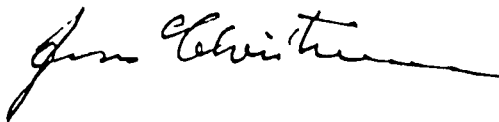
Gedaan te Lomé, de achtentwintigste februari negentienhonderdvijfenzeventig.

Pour Sa Majesté le roi des Belges

Voor Zijne Majesteit de Koning der Belgen

A handwritten signature in black ink, reading "Paul Elstard". The signature is written in a cursive style and is underlined with a single horizontal line.

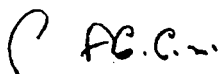
For Hendes Majestæt dronningen af Danmark

A handwritten signature in black ink, reading "Queen Margrethe II". The signature is written in a cursive style.

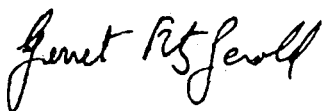
Für den Präsidenten der Bundesrepublik Deutschland

A handwritten signature in black ink, reading "Helmut Schmidt". The signature is written in a cursive style.

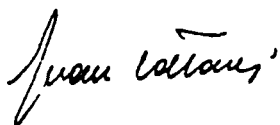
Pour le président de la République française

Handwritten signature of Charles de Gaulle, consisting of a large 'C' followed by 'A.G.C.' and a flourish.

For the President of Ireland

Handwritten signature of Seán FitzGerald in cursive script.

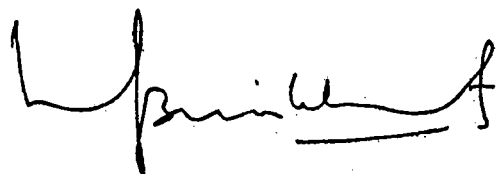
Per il Presidente della Repubblica italiana

Handwritten signature of Giovanni Leone in cursive script.

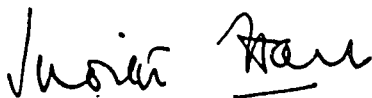
Pour Son Altesse royale le grand-duc de Luxembourg

Handwritten signature of Grand Duke Jean of Luxembourg, featuring a large 'J' and a long horizontal stroke.

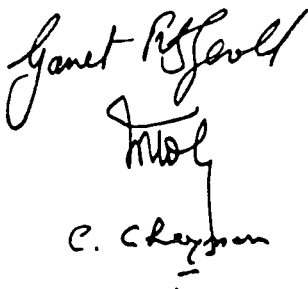
Voor Hare Majesteit de Koningin der Nederlanden

Handwritten signature of Queen Beatrix of the Netherlands, written in a highly stylized cursive script.

For Her Majesty the Queen of the United Kingdom of Great Britain  
and Northern Ireland

A handwritten signature in black ink, appearing to read "Justin Kerr". The name "Kerr" is underlined.

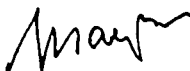
For Rådet for De europæiske Fællesskaber,  
Im Namen des Rates der Europäischen Gemeinschaften,  
For the Council of the European Communities,  
Pour le Conseil des Communautés européennes,  
Per il Consiglio delle Comunità europee,  
Voor de Raad der Europese Gemeenschappen,

A handwritten signature in black ink, appearing to read "Janet Pittford". Below the signature, the name "C. Chapman" is written in a smaller, less legible script.

For the Head of State of the Bahamas

A handwritten signature in black ink, appearing to be a stylized name.

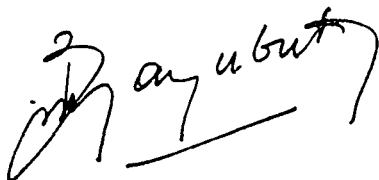
For the Head of State of Barbados

A handwritten signature in black ink, appearing to be a stylized name.

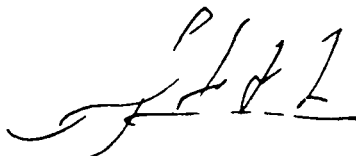
For the President of the Republic of Botswana

A handwritten signature in black ink, appearing to be 'M. M. M. M.', with a horizontal line underneath.

Pour le président de la république du Burundi

A handwritten signature in black ink, appearing to be 'N. N. N.', with a horizontal line underneath.

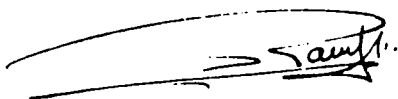
Pour le président de la république unie du Cameroun

A handwritten signature in black ink, appearing to be 'P. P. P.', with a horizontal line underneath.

Pour le président de la république centrafricaine

A handwritten signature in black ink, appearing to be 'F. F. F.', with a horizontal line underneath.

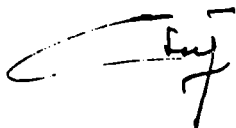
Pour le président de la république populaire du Congo

C. all  
H. Raoul  


Pour le président de la république de Côte-d'Ivoire



Pour le président de la république du Dahomey



For the President of the Provisional Administrative Military Council,  
President of the Government of Ethiopia



For Her Majesty the Queen of Fiji

*K. K. T. Mana.*

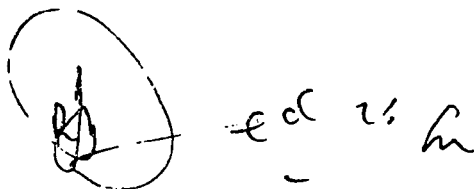
Pour le président de la République gabonaise



For the President of the Republic of the Gambia

*Y. M. Sankhar-Jah* 

For the President of the National Redemption Council of the Republic of Ghana



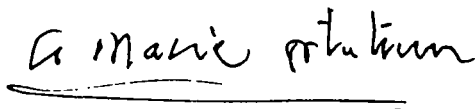
For the Head of State of Grenada

A handwritten signature in black ink, appearing to read "Jereh Gueplet". The signature is fluid and cursive, with a long horizontal stroke at the end.

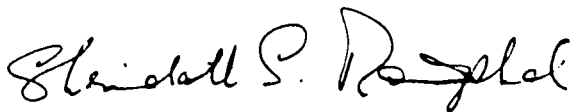
Pour le président de la république de Guinée

Pour le président du conseil d'État de la Guinée-Bissau

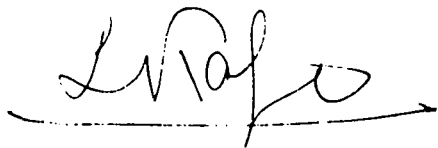
Pour le président de la république de Guinée équatoriale

A handwritten signature in black ink, appearing to read "Aminé Botu". The signature is cursive and is underlined with a single horizontal line.

For the President of the Cooperative Republic of Guyana

A handwritten signature in black ink, appearing to read "Gerald S. Rangel". The signature is cursive and features a prominent, sweeping flourish at the end.

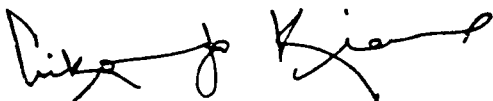
Pour le président de la république de Haute-Volta



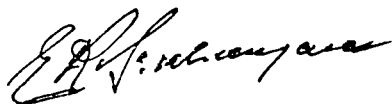
For the Head of State of Jamaica



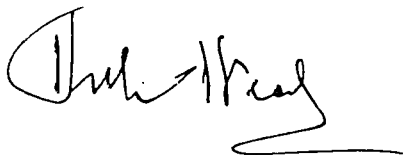
For the President of the Republic of Kenya



For the King of the Kingdom of Lesotho

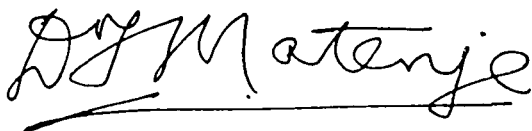


For the President of the Republic of Liberia



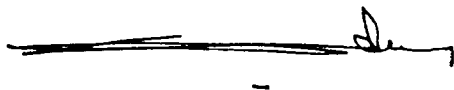


For the President of the Republic of Malawi



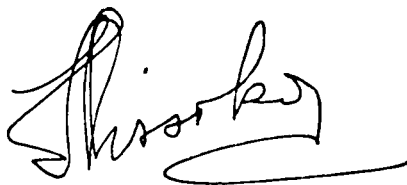
B. M. Mutenje

Pour le chef d'État et de gouvernement de la République malgache



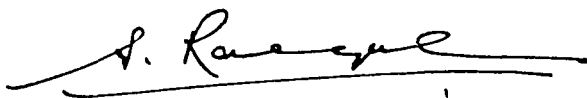
[Signature]

Pour le président du comité militaire de libération nationale du Mali,  
chef d'État, président du gouvernement



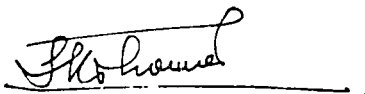
[Signature]

Pour Sa Majesté la reine de l'île Maurice



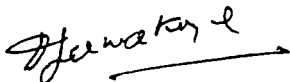
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Pour le président de la république islamique de Mauritanie



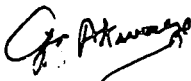
A handwritten signature in black ink, appearing to read "Ikhlas Ould Bouhamed", written over a horizontal line.

Pour le président de la république du Niger



A handwritten signature in black ink, appearing to read "Idriss Déby", written over a horizontal line.

For the Head of the Federal Military Government of Nigeria



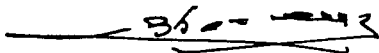
A handwritten signature in black ink, appearing to read "General Abdulsalam Abubakar", written over a horizontal line.

Pour le président de la République rwandaise



A handwritten signature in black ink, appearing to read "Paul Kagame", written over a horizontal line.

Pour le président de la république du Sénégal

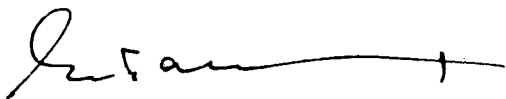


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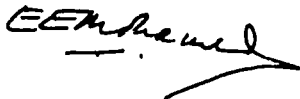
For the President of the Republic of Sierra Leone



For the President of the Somali Democratic Republic,  
President of the Supreme Revolutionary Council



For the President of the Democratic Republic of the Sudan



For the King of the Kingdom of Swaziland



For the President of the United Republic of Tanzania



Pour le président de la république du Tchad

*N. Anouche*

Pour le président de la République togolaise

*[Signature]*

For the Head of State of Tonga

*[Signature]*

For the Head of State of Trinidad and Tobago

*Anthony Joseph*

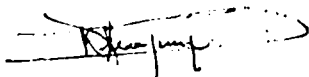
For the President of the Republic of Uganda

*[Signature]*

For the Head of State of Western Samoa

A large, stylized handwritten signature in black ink, featuring a large loop at the beginning and a long, sweeping tail that ends in a sharp hook.

Pour le président de la république du Zaïre

A handwritten signature in black ink, appearing to be a name followed by a surname, with a long, sweeping horizontal stroke underneath.

For the President of the Republic of Zambia

A handwritten signature in black ink, consisting of a name followed by a surname and a small mark at the end.

## PROTOCOL No 1

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 Convention and without prejudice to paragraphs 3 and 4, the following products shall be considered as products originating in an ACP State, under the condition that they were transported directly, within the meaning of Article 5:

- (a) products wholly obtained in one or more ACP States,
- (b) products obtained in one or more ACP States in the manufacture of which products other than those referred to in (a) 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, the ACP States are considered as being one territory.

3. When products wholly obtained in the Community or in the countries and territories defined in Explanatory Note 9 undergo working or processing in one or more ACP States, they shall be considered as having been wholly produced in that or those ACP States, under the condition that the products were transported directly within the meaning of Article 5.

4. Working and processing carried out in the Community or in the 'countries and territories', shall be considered as having been carried out in one or more ACP States, when the final products undergo working or processing in one or more ACP States, under the condition that the products were transported directly within the meaning of 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 one or more ACP States shall be considered as products originating in the ACP State where the last working or processing took place. For this purpose the working or processing listed in Article 3 (3) (a), (b), (c) and (d) shall not be con-

sidered as working or processing, nor shall a combination of such working or of such processing.

6. The products in List C in Annex IV shall be temporarily excluded from the scope of this Protocol.

### *Article 2*

The following shall be considered as wholly obtained either in one or more ACP States, in the Community or in the 'countries and territories' within the meaning of Article 1 (1) (a) 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) (b) 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 tariff heading other than that covering each of the products worked or processed, except, however, working or processing specified in List A in Annex II, where the special provisions of that list apply;
- (b) working or processing specified in List B in Annex III.

'Sections', 'Chapters' and 'tariff 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 tariff 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 tariff 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 packing 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 Protocol to enable them to be considered as originating either in the Community, in an ACP State or in the 'countries and territories';
- (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 an ACP State 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 territory of the Contracting Party 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 parties concerned are considered as transported directly from the ACP States to the Community or from the Community or the 'countries and territories' to the ACP States. 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 Protocol, 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 beneficiary country 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 Protocol, of products is given by a movement certificate EUR. 1 of which a specimen is given in Annex V to this Protocol.

However, the evidence of originating status, within the meaning of this Protocol, 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 IV to this Protocol.

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 ACP State 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 V to this Protocol, which shall be completed in accordance with this Protocol.

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 Convention.

5. Applications for movement certificates EUR. 1 must be preserved for at least three years by the customs authorities of the exporting country.

#### *Article 8*

1. The movement certificate EUR. 1 shall be issued by the customs authorities of the exporting ACP State, if the goods can be considered 'originating products' within the meaning of this Protocol.

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 State 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 V to this Protocol. This form shall be printed in one or more of the languages in which the Convention is drawn up. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State; if they are handwritten, they shall be completed in ink and in capital letters.

Each certificate shall measure 210 x 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 States 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 State, to the customs authorities of the importing State where the goods are entered.
2. When the products enter territories other than those of the ACP States, the Community or the 'countries and territories', 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 State, in accordance with the procedures laid down by that State. 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 State 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 State 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 VI, shall be completed by the exporter. It shall be made out in one of the languages in which the Convention is drawn up and in accordance with the provisions of the domestic law of the exporting State. 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 x 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 States 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 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 an ACP State for exhibition in a country other than an ACP State, a Member State or one 'country or territory' and sold after the exhibition for importation into the Community shall benefit on importation from the provisions of the Convention on condition that the goods meet the requirements of this Protocol entitling them to be recognized as originating in an ACP State and provided that it is shown to the satisfaction of the customs authorities that:

- (a) an exporter has consigned these goods from an ACP State 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;
- (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 Protocol 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 Protocol:

- 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 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 ACP State requested to issue the certificate for products in the manufacture of which products coming from other ACP States, the Community or 'countries or territories' are used, shall take into consideration the declaration, of which a specimen is given in Annex VII, given by the exporter in the State, country or territory from which it 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 VIII, 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*

The ACP States 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, the 'countries and territories' and the ACP States 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 draws up or causes to be drawn up either a form EUR. 2 or a document which contains incorrect particulars for the purpose of obtaining a movement certificate EUR. 1 enabling goods to be accepted as eligible for preferential treatment.

#### *Article 25*

1. Subsequent verifications of movement certificates EUR. 1 and of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing State 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 State 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 State, 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 State decide to suspend execution of Title I of the Convention 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 State shall be informed of the results of the 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 State and those of the exporting State, or when they raise a question as to the interpretation of this Protocol, they shall be submitted to the Customs Cooperation Committee provided for in Article 28.

In all cases the settlement of disputes between the importer and the customs authorities of the importing State 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 of Ministers shall examine annually the application of the provisions of this Protocol 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 Community or the ACP States, notably when the development of existing industries or the creation of new industries necessitates derogations from this Protocol. In those cases, the ACP States concerned shall notify the Community of the particulars of the case and the reasons justifying the need for such derogation.

The Council of Ministers, on the basis of a report by the Committee referred to in Article 28, 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. A Customs Cooperation Committee is set up, charged with carrying out administrative cooperation with a view to the correct and uniform application of this Protocol and with carrying out any other task in the customs field which may be entrusted to it, notably in preparing the decisions of the Council of Ministers for the implementation of Article 27.

2. The Committee shall be composed on the one hand of the customs experts of the Member States and of officials of the departments of the Commission of the European Communities who are responsible for customs questions, and on the other hand of customs experts representing the ACP States, and/or officials of regional groupings of the ACP States who are responsible for customs questions.

#### *Article 29*

The Annexes to this Protocol shall form an integral part thereof.

#### *Article 30*

The Community and the ACP States shall each take the steps necessary to implement this Protocol.

#### *Article 31*

1. For goods which conform to Title I and which, at the time of the entry into force of the Convention are either being transported or being held in the Community or in an ACP State in temporary storage, in bonded warehouses or in free zones, the proof of originating status within the meaning of this Protocol is given by the submission, within four months of that date, to the customs authorities of the importing State of:

- (a) a movement certificate EUR. 1 issued retrospectively by the customs authorities of the exporting State, or
- (b) a certificate of origin issued by the competent authorities in that State, or

- (c) a movement certificate of the model previously used in the context of preferential trade between, on the one hand, the Community and the African and Malagasy States or the Republic of Tanzania, the Republic of Uganda and the Republic of Kenya, on the other hand, or
- (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 Protocol, 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 ACP States from:

- products of one or more Member States of the Community as originally constituted and exported to one or more new Member States; or
- products of one or more new Member States and exported to one or more Member States of the Community as originally constituted;

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).

## ANNEX I

### Explanatory Notes

#### *Note 1 — Articles 1 and 2*

The terms 'one or more ACP States', 'the Community' and 'countries and territories' 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 ACP States, the Community or the 'countries and territories' 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 one or more of the ACP States, the Community or in 'countries and territories', 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 an ACP State, 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, the ACP States 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 tariff 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 only apply to vessels:

- which are registered or recorded in a Member State or an ACP State;
- which sail under the flag of a Member State or an ACP State;
- which are owned to an extent of at least 50% by nationals of States party to the Convention or by a company with its head office in one of these States, 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 board, are nationals of States party to the Convention and of which, in addition in the case of partnerships or limited companies, at least half the capital belongs to States party to the Convention or to public bodies or nationals of such States;
- of which at least 50% of the crew, captain and officers included, are nationals of States party to the Convention.

*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 ACP States, Member States or 'countries and territories' concerned.

*Note 9 — Article 1 (3)*

Within the meaning of this Protocol 'countries and territories' shall mean the countries and territories referred to in Part Four of the Treaty establishing the European Economic Community and in Article 24 of the Act of Accession.





## 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**

CCT heading No	Products obtained Description	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
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,	Drying, dehydration, evaporation, cutting, grinding, powdering of	

	broken or in powder, but not further prepared	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
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

CCT heading No	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
	Description		
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	
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	Manufacture from any product	

	mixed with natural honey); caramel	
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
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

(1) 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		
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: A. Nuts		Manufacture, without added sugar or spirit, in which the value of the constituent 'originating products' of heading No 08.01, 08.05 and 12.01, represents

	<b>B. Other fruits</b>		at least 60% of the value of the manufactured product
		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 (1) 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	

(1) 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 liquors), 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 Chapter 31 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 (1)	



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
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

<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.

CCT heading No	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
	Description			
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
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:			Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

- Fusel oil and Dippel's oil;
- Naphthenic acids and their non-water-soluble salts, esters of naphthenic acids;
- Sulphonaphthenic acids and their non-water-soluble salts; esters of sulphonaphthenic acids;
- 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;
- Mixed alkylbenzenes and mixed alkylnaphthalenes;
- Ion exchangers;
- Catalysts;
- Getters for vacuum tubes;
- Refractory cements or mortars and similar preparations;
- Alkaline iron oxide for the purification of gas;
- 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

ex 39.02

Polymerization products

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

Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

CCT heading No	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
	Description		
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) (1)	
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

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(2)	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(2)	Yarn spun from silk waste other than noil, not put up for retail sale		Manufacture from products of heading No 50.03
50.06(2)	Yarn spun from noil silk, not put up for retail sale		Manufacture from products of heading No 50.03

(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.

(2) 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		
50.07(1)	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(1)	Imitation catgut of silk		Manufacture from products of heading No 50.01 or from products of heading No 50.03 neither carded nor combed
50.09(2)	Woven fabrics of silk or of waste silk other than noil		Manufacture from products of heading No 50.02 or 50.03
50.10(2)	Woven fabrics of noil silk		Manufacture from products of heading No 50.02 or 50.03
51.01(1)	Yarn of man-made fibres (continuous), not put up for retail sale		Manufacture from chemical products or textile pulp
51.02(1)	Monofil, strip (artificial straw and the like) and imitation catgut, of man-made fibre materials		Manufacture from chemical products or textile pulp
51.03(1)	Yarn of man-made fibres (continuous), put up for retail sale		Manufacture from chemical products or textile pulp
51.04(2)	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(1)	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(2)	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(1)	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(1)	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
53.08(1)	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(1)	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(1)	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(2)	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(2)	Woven fabrics of coarse animal hair other than horsehair	Manufacture from products of heading Nos 53.02 to 53.05

- (1) 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.
- (2) 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.

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		
53.13(1)	Woven fabrics of horsehair		Manufacture from horsehair of heading No 05.03
54.03(2)	Flax or ramie yarn, not put up for retail sale		Manufacture from products of heading No 54.01 neither carded nor combed or from products of heading No 54.02
54.04(2)	Flax or ramie yarn, put up for retail sale		Manufacture from materials of heading No 54.01 or 54.02
54.05(1)	Woven fabrics of flax or of ramie		Manufacture from materials of heading No 54.01 or 54.02
55.05(2)	Cotton yarn, not put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.06(2)	Cotton yarn, put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.07(1)	Cotton gauze		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.08(1)	Terry towelling and similar terry fabrics, of cotton		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.09(1)	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 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>(2)</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>(2)</sup>	Yarn of man-made fibres (discontinuous or waste), put up for retail sale	Manufacture from chemical products or textile pulp
56.07 <sup>(1)</sup>	Woven fabrics of man-made fibres (discontinuous or waste)	Manufacture from products of heading Nos 56.01 to 56.03
57.05 <sup>(2)</sup>	Yarn of true hemp	Manufacture from raw true hemp
57.06 <sup>(2)</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>(2)</sup>	Yarn of other vegetable textile fibres	Manufacture from raw vegetable textile fibres of heading No 57.02 or 57.04

(1) 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.
- (2) 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		
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(1)	Woven fabrics of true hemp		Manufacture from products of heading No 57.01
57.10(1)	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(1)	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(2)	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(2)	Other carpets, carpeting, rugs, mats and matting, and 'Kelem', 'Schumacks' and 'Karamanie' rugs and the like (made up or not)		Manufacture from materials of headings 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(2)	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
58.05(2)	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(2)	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(2)	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

- (1) 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.
- (2) 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.

CCT heading No	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
	Description		
58.08(1)	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(1)	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(1)	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(1)	Felt and articles of felt, whether or not impregnated or coated		Manufacture either from natural fibres or from chemical products or textile pulp
ex 59.02(1)	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(1)	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(1)	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(1)	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(1)	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

(1) 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		
59.10 <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
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 (2)
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 (2)
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 (2)

(1) 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.

(2) 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.

CCT heading No	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
	Description			
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 (1)	
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 (1)	
61.01	Men's and boys' outer garments		Manufacture from yarn (1) (2)	
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 (1) (2)	
ex 61.02	Women's, girls' and infants' outer garments, not embroidered		Manufacture from yarn (1) (2)	
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 (1) (2)	
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 (1)	
61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs		Manufacture from yarn (1) (2)	



61.04	Women's, girls' and infants' under garments	Manufacture from yarn (1) (2)
ex 61.05	Handkerchiefs, not embroidered	Manufacture from unbleached single yarn (1) (2) (3)
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 (1)
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 (1) (2)
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 (1)
61.07	Ties, bow ties and cravats	Manufacture from yarn (1) (2)
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 (1) (2)
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 (1)

(1) Trimmings and accessories used (excluding linings and interlinings) 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.

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

(3) 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		
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 (1) (2)
61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods		Manufacture from yarn (1) (2)
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 (1) (2)
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 (1) (2)
62.01	Travelling rugs and blankets		Manufacture from unbleached yarn of Chapters 50 to 56 (2) (3)
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles; not embroidered		Manufacture from unbleached single yarn (2) (3)
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 (2) (3)

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	
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

(1) 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.

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

(3) 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.

CCT heading No	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
	Description		
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 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	
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	
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)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product (1)
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 for 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	
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

(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		
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 (1)
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 (1)
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 (1)
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 (1)
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 (1)
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 (1)
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		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product (1)

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 (1)
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 (1)
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 (1)
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 (1)
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 (1)
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 (1)
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 (1)
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 (1)

(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.

CCT heading No	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
	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
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 (1)
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 (1)
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 (1)
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 (1)
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 (1)
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 (1)
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
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 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	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		
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 liquefied 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
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		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

77.03	size, powders and flakes, of magnesium; tubes and pipes and blanks therefor, of magnesium; hollow bars of magnesium 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 (1)
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 (1)
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 (1)
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 (1)
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 (1)
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

(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.

CCT heading No	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
	Description		
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
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

(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.

(2) 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 this Protocol 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>

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 (1) 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 (2)
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 (1) used are originating products

- (1) 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 this Protocol determining:
    - (i) the value of imported products,
    - (ii) the value of products of undetermined origin.
- (2) This percentage is not cumulative with the 40%.

CCT heading No	Products obtained Description	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
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
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 (1) 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 (1) used are originating products
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 (1) used are originating products

- (1) 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 this Protocol 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		
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>
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

- (1) 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 this Protocol determining:
    - (i) the value of imported products,
    - (ii) the value of products of undetermined origin.
- (2) This percentage is not cumulative with the 40%.

## 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 status of 'originating products' on the products undergoing such operations

CCT heading No	Products manufactured Description	Working or processing that confers the status of originating products
13.02 ex 15.10 ex 21.03 ex 22.09	Shellac, seed lac, stick lac and other lacs; natural gums, resins, gum-resins and balsams Fatty alcohols Prepared mustard Whisky of an alcoholic strength of less than 50°	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 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 Manufacture from fatty acids Manufacture from mustard flour 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 ex 25.15	Earth colours, calcined or powdered Marble squared by sawing, of a thickness not exceeding 25 cm	Crushing and calcination or powdering of earth colours 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 mineral or chemical fertilizers, potassic; calcined, crushed and powdered natural aluminium calcium phosphates (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
ex 31.03	Mineral or chemical fertilizers, potassic: calcined, crushed and powdered natural aluminium calcium phosphates	Crushing and powdering of calcined natural aluminium calcium phosphates, treated thermally
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

Products manufactured		Working or processing that confers the status of originating products
CCT heading No	Description	
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
ex 50.09		
ex 50.10	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 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		
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 within 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
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

Products manufactured		Working or processing that confers the status of originating products
CCT heading No	Description of goods	
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
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
cx 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 (1) 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
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 (1) used for assembly of the head (motor excluded) are originating products, and (b) the thread tension, crochet and zigzag mechanisms are originating products

- (1) 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 this Protocol determining:
    - (i) the value of imported products,
    - (ii) the value of products of undetermined origin.

Products manufactured		Working or processing that confers the status of originating products
CCT heading No	Description of goods	
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 (1)
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 (1)
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
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 (2)
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 (2)
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

- 
- (1) 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.
- (2) 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 IV

### LIST C

#### List of products excluded from the scope of this Protocol

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 V*  
MOVEMENT CERTIFICATE

1. Exporter (Name, full address, country)	<b>EUR. 1</b> No <b>A</b> 000.000		
	See notes overleaf before completing this form		
3. Consignee (Name, full address, country) (Optional)	2. Certificate used in preferential trade between		
	and		
	(insert appropriate countries, groups of countries or territories)		
	4. Country, group of countries or territory in which the products are considered as originating <sup>(1)</sup>	5. Country, group of countries or territory of destination	
6. Transport details (Optional)	7. Remarks		
8. Item number; marks and numbers; Number and kind of packages <sup>(2)</sup> ; Description of goods	9. Gross weight (kg) or other measure (litres, m <sup>3</sup> , etc.)	10. Invoices (Optional)	

<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.

--	--	--

**11. CUSTOMS ENDORSEMENT**

Declaration certified  
Export document (1)

Stamp

Form ..... No .....

Customs office .....

Issuing country or territory .....

.....

.....

Date .....

.....

(Signature)

**12. DECLARATION BY THE EXPORTER**

I, the undersigned, declare that the goods described above meet the conditions required for the issue of the attached certificate.

Place and date: .....

.....

.....

(Signature)

(1) Complete only where the regulations of the exporting country or territory require.

<p>13. REQUEST FOR VERIFICATION, to</p>	<p>14. RESULT OF VERIFICATION,</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 (1)</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>(1) 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

1. Exporter (Name, full address, country)	<b>EUR. 1</b> No <b>A</b> 000.000		
	See notes overleaf before completing this form		
3. Consignee (Name, full address, country) (Optional)	2. Application for a certificate to be used in preferential trade between		
	and		
(1) 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.	(insert appropriate countries, groups of countries or territories)		
	4. Country, group of countries or territory in which the products are considered as originating (1)	5. Country, group of countries or territory of destination	
6. Transport details (Optional)	7. Remarks		
(2) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.	8. Item number; marks and numbers; Number and kind of packages (2); Description of goods	9. Gross weight (kg) or other measure (litres, m <sup>3</sup> , etc.)	10. Invoices (Optional)

--	--	--	--

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 (1):

.....

.....

.....  
.....  
.....  
.....

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)

(1) 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.

Before completing this form, read carefully the instructions on the back of Part 1.

1] Name and address of exporter	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 ..... <sup>(1)</sup> 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.	
3] Name and address of consignee	4] Place and date	
	6] Signature of exporter	
5] Remarks <sup>(2)</sup>	7] Country, group of countries or territory in which the products are considered as originating <sup>(3)</sup>	8] Country of destination
10] Description of goods	9] Gross weight	
	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.)

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 ( )</p> <p>.....            (Place and date of signature)</p> <p>.....            Official stamp</p> <p>.....            (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>.....            (Place and date of signature)</p> <p>.....            Official stamp</p> <p>.....            (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.

Before completing this form read carefully the instructions on the back of Part 1.

1] Name and address of exporter	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.	
3] Name and address of consignee	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 (2)	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).



#### 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 VII***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 obtained products'

or

(b) (\*) were produced from the following products:

Description	Country of origin	Value(*)
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

and have undergone the following processes:

..... (indicate processings)

in

.....(indicate the State(s) partner to the Convention in which the products were obtained)

.....

(place and date)

.....

(Signature)

*ANNEX VIII*  
**EUROPEAN COMMUNITIES**

1. Supplier <sup>(1)</sup>	<b>INFORMATION CERTIFICATE</b> to facilitate the issue of a <b>MOVEMENT CERTIFICATE</b> for preferential trade between the	
2. Consignee <sup>(1)</sup>	<div style="border: 1px solid black; padding: 10px; margin: 0 auto; width: 80%;"> <b>EUROPEAN ECONOMIC COMMUNITY</b>   <b>and THE ACP STATES</b> </div>	
3. Processor <sup>(1)</sup>	4. State 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 style="width: 20px; height: 15px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 15px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 15px; border: 1px solid black;" type="text"/>		
<b>GOODS SENT TO THE MEMBER STATE OF DESTINATION</b>		
8. Marks, numbers, quantity and kind of package	9. Tariff heading number and description of goods	10. Quantity <sup>(2)</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>(3)</sup>	
16. Nature of the working or processing carried out					
17. Remarks					
<b>18. CUSTOMS ENDORSEMENT</b> Declaration certified Document ..... Form ..... No ..... Customs office ..... Date <input type="text"/> <input type="text"/> <input type="text"/>  <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; padding: 5px;">           Official stamp         </div> ..... (Signature)			<b>19. DECLARATION BY THE SUPPLIER</b> I, the undersigned, declare that the information on this certificate is accurate  ..... <input type="text"/> <input type="text"/> <input type="text"/> ..... (Place) (date)  ..... (Signature)		

<sup>(1)</sup>, <sup>(2)</sup>, <sup>(3)</sup>, <sup>(4)</sup>, <sup>(5)</sup> See footnotes on verso.

**REQUEST FOR VERIFICATION**

The undersigned customs official requests verification of the authenticity and accuracy of this information certificate

.....  
(Place and date)

Official  
stamp

.....  
(Official's signature)

**RESULT OF VERIFICATION**

Verification carried out by the undersigned customs official shows that this information certificate:

- (a) was issued by the customs office indicated and that the information contained therein is accurate (\*)
- (b) does not meet the requirements as to authenticity and accuracy (see notes appended) (\*)

.....  
(Place and date)

Official  
stamp

.....  
(Official's signature)

.....  
(\*) Delete where not applicable.

## 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 IX*

### **Joint Declarations**

1. For the purposes of Applying Article 5 (2) (c) of this Protocol, the certificate of sea transport, issued in the first port of embarkation, shall be equivalent to the through bill of lading for products covered by movement certificates issued in landlocked ACP States.
2. Products exported from landlocked ACP States which are warehoused elsewhere than in the ACP States or the countries and territories referred to in Explanatory Note No 9 may be the subject of movement certificates issued under the circumstances referred to in Article 7 (2).
3. For the purpose of Article 7 (1) of this Protocol, certificates EUR. 1 issued by a competent authority and endorsed by the customs authorities will be accepted.
4. For the implementation of Article 27 of this Protocol, the Community is prepared to examine any request of the ACP States in order to bring derogations to this Protocol in favour of the industries concerned. This examination shall be held in an appropriate institutional framework, from the date of signature of the Convention, with a view to allowing the derogations to enter into force at the same date as the Convention.
5. In particular, account shall be taken on a case-by-case basis of the possibility of conferring originating status on products which include products originating in neighbouring developing countries or in developing countries with which one or more ACP States have special relationships, provided that satisfactory administrative cooperation can be established.



## PROTOCOL No 2

### on the application of financial and technical cooperation

#### Chapter 1

##### *Article 1*

In the context of the objectives laid down in Article 40 of the Convention, the Contracting Parties agree that the projects and programmes must help ensure all or part of the following effects:

- growth of the national income of each ACP State;
- 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 ACP States 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 ACP States and, where appropriate, between ACP States and other developing countries.

##### *Article 2*

Upon expiry of the Convention, any moneys provided for under the third indent of point 1 (a) of Article 42 of the Convention in the form of risk capital but not committed shall be added to those provided for in the form of special loans under the second indent of the same provision; moneys provided for under Article 47 (2) of the Convention for financing regional projects, but not committed for that purpose, shall be made available for financing other projects and programmes.

## Chapter 2

### METHODS OF FINANCING

#### *Article 3*

1. Special loans shall serve to finance all or part of projects or programmes of general interest to the economic and social development of the ACP State or ACP States on the territory of which they are to be undertaken.
2. 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 4*

1. In order to assist the execution of industrial, mining and tourism projects of general interest to the economy of the ACP State or ACP States concerned, the Community may grant assistance in the form of risk capital in order to step up their own resources, or resources assimilated thereto, of those countries' firms, 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 ACP States 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 nationals or institutions of the ACP States.
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 ACP States 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.

#### *Article 5*

1. Scrutiny by the Bank of the eligibility of projects, and the according of loans from its own resources, shall be effected in concert with the ACP State or ACP States concerned and 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 ACP State or ACP States 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, except where the loans are intended for investment in the oil sector, wherever these are located, or in the mining sector, unless in the latter case they are situated in one of the least-developed States listed in Article 48 of the Convention, or are situated in countries or concern sectors which will be defined at the first meeting of the Council of Ministers. This 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%.

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 the Community, shall be charged against the amount of grant aid specified in the first indent of point 1 (a) of Article 42 of the Convention and shall be paid directly to the Bank.

### Chapter 3

## TECHNICAL COOPERATION

### *Article 6*

1. The technical cooperation referred to in Article 46 of the Convention 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 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 ACP States, for the vocational training and further training of the nationals thereof;
  - (b) the organization of specific training programmes in the ACP States, in particular for the staff of public services and institutions of the ACP States or of undertakings therein;

- (c) at the request of the ACP States, the provision of experts, advisers, technicians and instructors of the Member States or the ACP States for specific missions and for limited periods;
- (d) the supply of instructional, experimental and demonstration equipment;
- (e) the organization of short training courses for nationals of the ACP States and further training courses for civil servants of those States;
- (f) sectoral studies;
- (g) studies of the prospects and opportunities for economic development and diversification in the ACP States, and of problems of interest to groups of ACP States or to the ACP States as a whole;
- (h) general information and documentation to promote the economic and social development of the ACP States, the development of trade between the Community and those States, and the achievement of the aims of financial and technical cooperation.

## Chapter 4

### REGIONAL COOPERATION

#### *Article 7*

1. Within the meaning of the Convention, regional cooperation shall apply to relations either between two or more ACP States or between one or more ACP States on the one hand and one or more neighbouring non-ACP countries on the other.

Interregional cooperation shall apply to relations either between two or more regional organizations of which ACP States form part or between one or more ACP States and a regional organization.

2. Within the meaning of the Convention, regional projects are those which help directly to solve a development problem common to two or more countries through joint schemes or coordinated national schemes.

#### *Article 8*

The field of application of regional and interregional cooperation shall include:

- (a) the distribution of industries with the aim of accelerating the industrialization of the ACP States, including the setting up of regional and interregional enterprises;
- (b) transport and communications: roads, railways, air and sea transport, inland waterways, postal services and telecommunications;
- (c) the production of energy and joint exploitation of natural resources;
- (d) research and technology applied to intensifying regional and interregional cooperation;
- (e) stockbreeding, agriculture, industry and the promotion of products of these sectors;
- (f) education and training, including the establishment of joint institutions of advanced technology, in the context of training programmes to enable nationals to participate fully in economic development;
- (g) cooperation in travel and tourism, including the establishment of tourist promotion centres or the strengthening of existing ones on a regional basis in order to increase international and regional tourism;
- (h) technical assistance for the establishment of regional cooperation bodies or the development of new activities in existing regional bodies.

#### *Article 9*

An ACP State or group of ACP States participating with neighbouring non-ACP countries in a regional or interregional project may request the Community to finance that part of the project for which it is responsible.

### Chapter 5

## SPECIAL MEASURES IN FAVOUR OF THE LEAST-DEVELOPED ACP STATES

#### *Article 10*

Community aid accorded to the ACP States listed in Article 48 of the Convention shall be combined with particularly favourable terms of financing, having regard to the economic situation specific to each ACP State.

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 States concerned, having regard to the criteria defined in Article 43 of the Convention.

#### *Article 11*

1. At the request of the least-developed ACP States 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 which come within the framework of the programming of Community aid;
- (b) training schemes for management and other staff required for the economic development services and technical departments of those States. Such training must be closely linked to the practical objectives set by the State concerned and carried out, as far as possible, in the territory of that State.

2. The following special aid measures may also be applied to those States:

- (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 enterprises and for carrying out small rural development schemes.

3. By way of derogation from Article 46 (2) of the Convention and on the basis of an examination of the needs and means of each of the ACP States 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 State concerned. This aid shall be accorded only where such expenditure on running costs or major repairs proves too great for the State or other beneficiaries.

#### *Article 12*

The least-developed ACP States shall have a priority claim to the measures for the promotion of regional cooperation specified in Article 47 of the Convention.

## Chapter 6

### SPECIFIC MEASURES IN FAVOUR OF SMALL- AND MEDIUM-SIZED NATIONAL FIRMS

#### *Article 13*

1. Within the limits of the resources provided for in Article 42 of the Convention, the Community shall finance projects in favour of small- and medium-sized firms, cooperatives or local authorities in the ACP States and shall generally do so through public or semi-public financial bodies specialized in development, such as national or regional development banks approved by the Community and the ACP State or ACP States concerned.

2. To this end, the ACP State or ACP States concerned 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 in accordance with Article 54 of the Convention, 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 ACP State 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 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 7

### MICROPROJECTS

#### *Article 14*

1. In order to respond concretely to the needs of local communities with regard to development, the Fund shall participate as an experiment in the financing of microprojects, without prejudice to the range of projects which ACP States may include in their national programmes for financing by the Fund.

To this end, a sum of 20 million units of account, to be deducted from the grant aid provided for in the first indent of point 1 (a) of Article 42

of the Convention, may be used to cover commitments relating to this type of scheme.

2. At the end of the second year after the entry into force of the Convention, the Council of Ministers shall decide on the follow-up to this experiment.

#### *Article 15*

1. In order to be eligible for Community financing, microprojects must:

- meet a real, priority need at local level;
- ensure the active participation of the local community.

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 16*

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 community benefiting, in the form of a contribution in money or in kind adapted to its capacity to contribute;
- the ACP State, 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 national authorities as appropriate.

### *Article 17*

1. The ACP State 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 in accordance with Article 54 of the Convention.

2. Within the framework of the annual programmes thus drawn up, the financing decisions relating to each microproject shall be taken by the ACP State 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 8

## COMPETITION AND TERMS OF PREFERENCE FOR NATIONAL FIRMS

### *Article 18*

1. The Commission and the relevant authorities of the ACP States 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 19, 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 ACP States;
- (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 the ACP States;
- (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 ACP States for example by means of preselection and the creation of groups.

### *Article 19*

For certain operations relating to exceptional aid, and for other operations 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 ACP States may, in agreement with the Commission, exceptionally authorize:

- the placing 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 ACP State has substantial suitable equipment and qualified staff resources available in its national departments.

### *Article 20*

To promote participation by national 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 ACP States.

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 ACP State 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 ACP State 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 ACP States where tenders of equivalent economic and technical quality are compared.

This preference shall be confined to national firms of the ACP States within the meaning of the national laws of those States provided that their residence for tax purposes and main business are established in an ACP State and that a significant share of the capital and management staff are supplied by one or more ACP States;

- (c) for the delivery of supplies a 15% preference shall be taken into account in favour of manufacturing firms of the ACP States where tenders of equivalent technical and economic quality are compared.

This preference shall be confined to national firms of the ACP States which provide a sufficient margin of value added.

#### *Article 21*

The Commission and the relevant authorities of the ACP States shall ensure that Articles 18 to 20 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 tenderers 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 ACP States.

The Commission and the relevant authorities of the ACP States 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 22*

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, on a proposal by the Commission, by a decision of the Council of Ministers at its second meeting following the date of entry into force of the Convention.

### *Article 23*

Any dispute arising between the authorities of an ACP State and a 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 a decision of the Council of Ministers not later than its second meeting following the entry into force of the Convention.

## Chapter 9

### DRAWING UP, NEGOTIATION AND CONCLUSION OF TECHNICAL COOPERATION CONTRACTS

#### *Article 24*

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 25*

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 or ACP States, selected according to criteria guaranteeing their qualifications, experience and independence and taking into account their availability for the proposed undertaking.

The ACP State 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 with the Commission and the ACP State 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 the ACP State concerned to be economically the most advantageous.

3. The ACP firms which may be taken into consideration for technical cooperation actions shall be selected by mutual agreement between the Commission and the ACP State or ACP States concerned.

### *Article 26*

In the context of the common rules provided for in Article 22 and the general conditions of payment established by agreement between the Commission and the ACP States, the technical cooperation contracts shall be prepared, negotiated and concluded by the appropriate authorities of the ACP States, in participation and agreement with the Delegate of the European Commission referred to in Article 31 (hereinafter called the 'Delegate').

### *Article 27*

The Commission shall, as far as possible, encourage cooperation between consultants and experts of Member States and ACP States, temporary partnerships, sub-contracting and the use of national experts in the teams belonging to consultants from Member States.

### *Article 28*

When an ACP State has, within its administrative and technical staff, national 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 another State.

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 10

### EXECUTIVE AGENTS

#### *Article 29*

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 30, 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, and see to it that there is no discrimination and that the tender selected is economically the most advantageous.

### *Article 30*

1. The Government of each ACP State shall appoint a National Authorizing Officer to represent the national authorities 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 National 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 National Authorizing Officer 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 National 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 National 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, are an indispensable element for the performance of the 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 ACP States provided there is no production of comparable goods in the Member States or ACP States;
- (i) subcontracting;
- (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 31*

1. For the purposes of applying the Convention and for the purposes of the Fund's resources which the Commission manages, the Commission shall be represented in each ACP State or in each regional grouping which expressly so requests by a European Commission Delegate approved by the ACP State concerned.

2. Provided that an express request is made by an ACP State 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 ACP States.

4. The Delegate shall collaborate with the national authorities in examining completed projects regularly. Reports on the outcome of the examination shall be drawn up by him and communicated to the ACP State concerned.

5. Every six months the Delegate shall assess the Fund's operations in the ACP State or regional grouping in which he represents the Commission. Reports drawn up in this connection shall be communicated by the Commission to the ACP State or ACP States 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 32*

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 the purpose of effecting payments in the national currencies of the ACP States, accounts denominated in the currency of one or other of the Member States shall be opened in each ACP State on behalf of the Commission with a financial institution, chosen by mutual agreement between the ACP State and the Commission, which shall exercise the functions of paying agent.

3. These functions may be assumed by the central banks of the ACP States or by any other national public or semi-public financial institution.

4. The accounts referred to in paragraph 2 shall be replenished by the Commission by reference to actual cash requirements. Transfers shall be made in the currency of one or other of the Member States and shall be converted into the national currency of the ACP State as and when payments fall due.

5. The paying agent shall not be remunerated for its services; no interest shall be payable on deposited funds.

6. 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 11

### OTHER PROVISIONS

#### *Article 33*

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 ACP State or ACP States concerned, subject to the following provisions.

2. As soon as it appears likely that a project will involve excess expenditure, the National 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 national resources.

3. If it appears impossible to reduce the scale of the project or to cover the excess expenditure by drawing on national 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 ACP State or ACP States concerned.

4. Without prejudice to the arrangements provided for in paragraphs 2 and 3, the National 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 34*

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.

*Article 35*

A representative of the Bank shall be present at meetings of the Council of Ministers or Committee of Ambassadors when matters from the areas which concern the Bank are on the Agenda.

## PROTOCOL No 3

### on ACP sugar

#### *Article 1*

1. The Community undertakes for an indefinite period to purchase and import, at guaranteed prices, specific quantities of cane sugar, raw or white, which originate in the ACP States and which these States undertake to deliver to it.
2. The safeguard clause in Article 10 of the Convention shall not apply. The implementation of this Protocol is carried out within the framework of the management of the common organization of the sugar market which, however, shall in no way prejudice the commitment of the Community under paragraph 1.

#### *Article 2*

1. Without prejudice to Article 7, no change in this Protocol may enter into force until a period of five years has elapsed from the date on which the Convention enters into force. Thereafter, such changes as may be agreed upon will come into force at a time to be agreed.
2. The conditions for implementing the guarantee referred to in Article 1 shall be re-examined before the end of the seventh year of their application.

#### *Article 3*

1. Quantities of cane sugar referred to in Article 1, expressed in metric tons of white sugar, hereinafter referred to as 'agreed quantities', for delivery in each 12-month period referred to in Article 4 (1), shall be as follows:

Barbados	49 300
Fiji	163 600
Guyana	157 700
Jamaica	118 300
Kenya	5 000
Madagascar	10 000
Malawi	20 000
Mauritius	487 200
People's Republic of the Congo	10 000

Swaziland	116 400
Tanzania	10 000
Trinidad and Tobago	69 000
Uganda	5 000

2. Subject to Article 7, these quantities cannot be reduced without the consent of the individual States concerned.

3. Nevertheless, in respect of the period up to 30 June 1975, the agreed quantities, expressed in metric tons of white sugar, shall be as follows:

Barbados	29 600
Fiji	25 600
Guyana	29 600
Jamaica	83 800
Madagascar	2 000
Mauritius	65 300
Swaziland	19 700
Trinidad and Tobago	54 200

#### *Article 4*

1. In each 12-month period from 1 July to 30 June inclusive, hereinafter referred to as the 'delivery period', the sugar-exporting ACP States undertake to deliver the quantities referred to in Article 3 (1), subject to any adjustments resulting from the application of Article 7. A similar undertaking shall apply equally to the quantities referred to in Article 3 (3) in respect of 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 3 (3), shall include supply en route from port of shipment or, in the case of landlocked States, across frontier.

3. Deliveries of ACP 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 5*

1. 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 undertakes to purchase, at the guaranteed price, quantities of white or raw sugar, within agreed 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. It shall be negotiated annually, within the price range obtaining in the Community, taking into account all relevant economic factors, and shall be decided at the latest by 1 May immediately preceding the delivery period to which it will apply.

#### *Article 6*

Purchase at the guaranteed price, referred to in Article 5 (3), shall be assured through the medium of the intervention agencies or of other agents appointed by the Community.

#### *Article 7*

1. If, during any delivery period, a sugar-exporting ACP State fails to deliver its agreed quantity in full for reasons of *force majeure* the Commission shall, at the request of the State concerned, allow the necessary additional period for delivery.

2. If a sugar-exporting ACP State informs the Commission during the course of a delivery period that it will be unable to deliver its agreed quantity in full and that it does not wish to have the additional period referred to in paragraph 1, the shortfall shall be re-allocated by the Commission for delivery during the delivery period in question. Such re-allocation shall be made by the Commission after consultation with the States concerned.

3. If, during any delivery period, a sugar-exporting ACP State fails to deliver its agreed quantity in full for reasons other than *force majeure*, that quantity shall be reduced in respect of each subsequent delivery by the undelivered quantity.

4. It may be decided by the Commission that in respect of subsequent delivery periods, the undelivered quantity shall be re-allocated between the other States which are referred to in Article 3. Such re-allocation shall be made in consultation with the States concerned.

#### *Article 8*

1. At the request of one or more of the States supplying sugar under the terms of this Protocol, or of the Community, consultations relating to all measures necessary for the application of this Protocol shall take place within an appropriate institutional framework to be adopted by the Contracting Parties. For this purpose the institutions established by the Convention may be used during the period of application of the Convention.

2. In the event of the Convention ceasing to be operative, the sugar-supplying States referred to in paragraph 1 and the Community shall adopt the appropriate institutional provisions to ensure the continued application of the provisions of this Protocol.

3. The periodical reviews provided for under this Protocol shall take place within the agreed institutional framework.

#### *Article 9*

Special types of sugar traditionally delivered to Member States by certain sugar-exporting ACP States shall be included in, and treated on the same basis as, the quantities referred to in Article 3.

#### *Article 10*

The provisions of this Protocol shall remain in force after the date specified in Article 91 of the Convention. After that date the Protocol may be denounced by the Community with respect to each ACP State and by each ACP State with respect to the Community, subject to two years' notice.



## *ANNEX*

For the period from 1 February 1975 to 30 June 1976, and in respect of the quantities specified in Protocol No 3, the guaranteed prices referred to in Article 5 (4) of the Protocol 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.

These prices shall refer to sugar of standard quality as defined in Community rules, unpacked, cif European ports of the Community.

## PROTOCOL No 4

### on the operating expenditure of the institutions

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

#### *Article 1*

The Member States and the Community on the one hand, and the ACP States on the other, shall be responsible for such expenditure as they shall incur by reason of their participation in the meetings of the Council of Ministers and its dependent bodies, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenses.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents, and the practical arrangements for meetings (premises, equipment, messengers, etc.) shall be borne by the Community or by one of the ACP States, according to whether the meetings take place in the territory of a Member State or in that of an ACP State.

#### *Article 2*

The Community and the ACP States shall be severally responsible for the travel and subsistence expenditure of their respective participants at the meetings of the Consultative Assembly.

They shall likewise be responsible for the travel and subsistence expenditure of the personnel required for such meetings and for postal and telecommunications charges.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents, and the organization of meetings (premises, equipment, messengers, etc.) shall be borne by the Community or by the ACP States, according to whether the meetings take place in the territory of a Member State or in that of an ACP State.

### *Article 3*

The arbitrators appointed in accordance with Article 81 of the Convention shall be entitled to a refund of their travel and subsistence expenditure. The latter shall be determined by the Council of Ministers.

One half of travel and subsistence expenditure incurred by the arbitrators shall be borne by the Community and the other half by the ACP States.

Expenditure relating to any registry set up by the arbitrators, to preparatory inquiries into disputes, and to the organization of hearings (premises, personnel, interpreting, etc.) shall be borne by the Community.

Expenditure relating to special inquiries shall be settled together with the other costs and the parties shall deposit advances as determined by an order of the arbitrators.

## **PROTOCOL No 5**

### **on privileges and immunities**

#### **THE HIGH CONTRACTING PARTIES,**

Desiring, by the conclusion of a Protocol on privileges and immunities, to facilitate the smooth functioning of the Convention, the preparation of its work and the implementation of the measures adopted for its application;

Whereas it is therefore necessary to specify the privileges and immunities which may be claimed by persons participating in work relating to the application of the Convention and to the arrangements applicable to official communications connected with such work, without prejudice to the provisions of the Protocol on the privileges and immunities of the European Communities, signed at Brussels on 8 April 1965;

Whereas it is also necessary to lay down the treatment to be accorded to the property, funds and assets of the Council of ACP Ministers and its staff;

Whereas the Protocol concerning the measures to be taken for the application of Article 73 of the Convention, signed this day by the ACP States, has established as a coordinating body for the ACP States a Council of ACP Ministers, composed of the ACP States members of the Council of Ministers set up by the Convention, assisted by a Committee of ACP Ambassadors composed of the ACP States members of the Committee of Ambassadors set up by the said Convention; whereas that Council and that Committee are to be assisted by a Secretariat of the ACP States and whereas the said Internal Protocol recognizes the Council of ACP Ministers as having legal personality,

**HAVE AGREED** upon the following provisions, which shall be annexed to the Convention:

## Chapter 1

### PERSONS TAKING PART IN THE WORK OF THE CONVENTION

#### *Article 1*

The representatives of the Governments of the Member States and of the ACP States and the representatives of the institutions of the European Communities, as also their advisers and experts and the members of the staff of the Secretariat of the ACP States taking part, in the territory of the Member States or of the ACP States, in the work either of the institutions of the Convention or of the coordinating bodies, or in work connected with the application of the Convention, shall enjoy the customary privileges, immunities and facilities while carrying out their duties and while travelling to or from the place at which they are required to carry out such duties.

The preceding paragraph shall also apply to members of the Consultative Assembly of the Convention, to the arbitrators who may be appointed under the Convention, to members of the consultative bodies of the economic and social sectors which may be set up, to the officials and employees of these institutions, and also to the members of the agencies of the European Investment Bank and its staff, and also to the staff of the Industrial Development Centre.

## Chapter 2

### PROPERTY, FUNDS AND ASSETS OF THE COUNCIL OF ACP MINISTERS

#### *Article 2*

The premises and buildings occupied by the Council of ACP Ministers for official purposes shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation.

Except when required for the purposes of investigating an accident caused by a motor vehicle belonging to the said Council or being used on its account, or in the event of an infringement of road traffic regulations or of an accident caused by such a vehicle, the property and assets

of the Council of ACP Ministers shall not be the subject of any administrative or legal measure of constraint without the authorization of the Council of Ministers set up under the Convention.

#### *Article 3*

The archives of the Council of ACP Ministers shall be inviolable.

#### *Article 4*

The Council of ACP Ministers, its assets, income and other property shall be exempt from all direct taxes.

The host State shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Council of ACP Ministers makes, strictly for its official use, substantial purchases, the price of which includes taxes of this kind.

No exemption shall be granted in respect of taxes, charges, duties or fees which represent charges for services rendered.

#### *Article 5*

The Council of ACP Ministers shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use; articles so imported may not be sold or otherwise disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

### Chapter 3

## OFFICIAL COMMUNICATIONS

#### *Article 6*

For their official communications and the transmission of all their documents, the European Economic Community, the institutions of the Convention and the coordinating bodies shall enjoy in the territory of the States party to the Convention the treatment accorded to international organizations.

Official correspondence and other official communications of the European Economic Community, the institutions of the Convention and the coordinating bodies shall not be subject to censorship.

## Chapter 4

### STAFF OF THE SECRETARIAT OF THE ACP STATES

#### *Article 7*

The Secretary (Secretaries) and Deputy Secretary (Secretaries) of the Council of ACP Ministers and the other permanent members of the staff, of senior rank, of the Council of ACP Ministers shall enjoy, in the State in which the Council of ACP Ministers is established, under the responsibility of the Chairman-in-Office of the Committee of ACP Ambassadors, the advantages accorded to the diplomatic staff of diplomatic missions. Their spouses and their children under age living in their household shall be entitled, under the same conditions, to the advantages accorded to the spouses and children under age of such diplomatic staff.

#### *Article 8*

The State in which the Council of ACP Ministers is established shall grant immunity from legal proceedings to permanent members of the staff of the Secretariat of the ACP States, apart from those referred to in Article 7, only in respect of acts done by them in the performance of their official duties. Such immunity shall not, however, apply to infringements of road traffic regulations by a permanent member of the staff of the Secretariat of the ACP States or to damage caused by a motor vehicle belonging to, or driven by, him.

#### *Article 9*

The names, positions and addresses of the Chairman-in-Office of the Committee of ACP Ambassadors, the Secretary (Secretaries) and Deputy Secretary (Secretaries) of the Council of ACP Ministers and of the permanent members of the staff of the Secretariat of the ACP States shall be communicated periodically by the President of the Council of ACP Ministers to the Government of the State in whose territory the Council of ACP Ministers is established.

## Chapter 5

### GENERAL PROVISIONS

#### *Article 10*

The privileges, immunities and facilities provided for in this Protocol shall be accorded to those concerned solely in the interests of the proper execution of their official duties.

Each institution or body referred to in this Protocol shall be required to waive immunity wherever it considers that the waiver of such immunity is not contrary to its own interest.

#### *Article 11*

Article 81 of the Convention shall apply to disputes relating to this Protocol.

The Council of ACP Ministers and the European Investment Bank may be party to proceedings during an *ad hoc* arbitration procedure.



## **PROTOCOL No 6**

### **on bananas**

The Community and the ACP States agree to the following objectives and shall take such steps as are necessary for their implementation:

- (1) as regards its exports of bananas to the EEC, no ACP State shall be placed, as regards access to the markets and market advantages in a less favourable situation than in the past or at present;
- (2) a joint endeavour will be undertaken by the ACP States and the Community to devise and implement appropriate measures particularly with respect to investment encompassing all stages from production to consumption in order to enable the ACP States, particularly Somalia, to increase their banana exports to their traditional Community markets;
- (3) comparable endeavours will also be undertaken to enable the ACP States to gain a foothold in new Community markets and to extend their banana exports to those markets.

To assist in the attainment of these objectives a permanent joint group shall be established once the Convention has been signed, and without awaiting the establishment of its institutions, to keep under continuous review the progress made and to make such recommendations as are considered appropriate.

## PROTOCOL No 7

### on rum

1. Until the entry into force of a common organization of the market in spirits, products of tariff subheading 22.09 C I originating in the ACP States shall be imported duty free into the Community under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States.
2. (a) For the purposes of applying paragraph 1 and by derogation from Article 2 (1) of the Convention, the Community shall each year fix the quantities which may be imported free of customs duties on the basis of the largest annual quantities imported from the ACP States into the Community in the last three years for which statistics are available, increased by an annual growth rate of 40% on the market of the United Kingdom and 13% on the other markets of the European Economic Community.
  - (b) Where the application of the provisions of the preceding subparagraph hampers the development of a traditional trade flow between the ACP States and a Member State, the Community shall take appropriate measures to remedy this situation.
  - (c) To the extent that the consumption of rum increases significantly in the Member States, the Community commits itself to engaging in a new examination of the annual percentage increase fixed by the present Protocol.
  - (d) The Community declares itself prepared to proceed to appropriate consultations before determining the measures provided for in paragraph 2 (b) of the present Protocol.
  - (e) The Community moreover declares itself willing to seek with the interested ACP States measures capable of allowing an expansion of their sales in non-traditional markets.

## *ANNEX*

### **Joint Declaration on fishing activities**

1. The Community declares that it is willing to encourage, within the framework of industrial, financial and technical cooperation activities in the ACP States which so desire, the development of their fishery and related industries.
2. The ACP States declare their willingness to negotiate with any Member State bilateral agreements likely to guarantee satisfactory conditions in the fishery activities in the sea waters within their jurisdiction. In the conclusion of such agreements the ACP States shall not, under equal conditions, discriminate between or against Member States of the Community.

## FINAL ACT

The Plenipotentiaries of:

His Majesty the King of the Belgians,

Her Majesty the Queen of Denmark,

The President of the Federal Republic of Germany,

The President of the French Republic,

The President of Ireland,

The President of the Italian Republic,

His Royal Highness the Grand Duke of Luxembourg,

Her Majesty the Queen of the Netherlands,

Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland,

and the Council of the European Communities,

of the one part, and

the Plenipotentiaries of:

The Head of State of the Bahamas,

The Head of State of Barbados,

The President of the Republic of Botswana,

The President of the Republic of Burundi,

The President of the United Republic of Cameroon,

The President of the Central African Republic,

The President of the People's Republic of the Congo,

The President of the Republic of the Ivory Coast,

The President of the Republic of Dahomey,

The President of the Provisional Administrative Military Council,

President of the Government of Ethiopia,

Her Majesty the Queen of Fiji,

The President of the Gabonese Republic,

The President of the Republic of the Gambia,

The President of the National Redemption Council of the Republic of Ghana,

The Head of State of Grenada,

The President of the Republic of Guinea,

The President of the Council of State of Guinea Bissau,  
The President of the Republic of Equatorial Guinea,  
The President of the Cooperative Republic of Guyana,  
The President of the Republic of Upper Volta,  
The Head of State of Jamaica,  
The President of the Republic of Kenya,  
The King of the Kingdom of Lesotho,  
The President of the Republic of Liberia,  
The President of the Republic of Malawi,  
The Head of State and of Government of the Malagasy Republic,  
The President of the Military Committee of National Liberation of Mali,  
Head of State, President of the Government,  
Her Majesty the Queen of Mauritius,  
The President of the Islamic Republic of Mauritania,  
The President of the Republic of Niger,  
The Head of the Federal Military Government of Nigeria,  
The President of the Republic of Rwanda,  
The President of the Republic of Senegal,  
The President of the Republic of Sierra Leone,  
The President of the Somali Democratic Republic,  
President of the Supreme Revolutionary Council,  
The President of the Democratic Republic of the Sudan,  
The King of the Kingdom of Swaziland,  
The President of the United Republic of Tanzania,  
The President of the Republic of Chad,  
The President of the Republic of Togo,  
The Head of State of Tonga,  
The Head of State of Trinidad and Tobago,  
The President of the Republic of Uganda,  
The Head of State of Western Samoa,  
The President of the Republic of Zaïre,  
and the President of the Republic of Zambia,  
of the other part,

meeting at Lomé this twenty-eighth day of February in the year one thousand nine hundred and seventy-five for the purpose of signing the ACP-EEC Convention of Lomé, have adopted the following texts:

The ACP-EEC Convention of Lomé,  
and the following Protocols and Declaration:

Protocol No 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation

Protocol No 2 on the application of financial and technical cooperation

Protocol No 3 on ACP sugar

Protocol No 4 on the operating expenditure of the institutions

Protocol No 5 on privileges and immunities

Protocol No 6 on bananas

Protocol No 7 on rum

Joint Declaration on fishing activities.

The Plenipotentiaries of the Member States and the Plenipotentiaries of the ACP States have also adopted the text of the Agreement on products within the province of the European Coal and Steel Community.

The Plenipotentiaries of the Member States and of the Community and the Plenipotentiaries of the ACP States have also adopted the texts of the Declarations listed below and annexed to this Final Act:

1. Joint Declaration on the presentation of the Convention to GATT (Annex I)
2. Joint Declaration on Article 11 (4) of the Convention (Annex II)
3. Joint Declaration on Article 59 (6) of the Convention (Annex III)
4. Joint Declaration on Article 60 of the Convention (Annex IV)
5. Joint Declaration on representation of regional economic groupings (Annex V)
6. Joint Declaration on Article 89 of the Convention (Annex VI)

7. Joint Declaration on Article 4 (1) of Protocol No 2 (Annex VII)
8. Joint Declaration on Article 20 (c) of Protocol No 2 (Annex VIII)
9. Joint Declaration on Article 22 of Protocol No 2 (Annex IX)
10. Joint Declaration on Article 23 of Protocol No 2 (Annex X)
11. Joint Declaration on Article 26 of Protocol No 2 (Annex XI)
12. Joint Declaration on trade between the European Economic Community and Botswana, Lesotho and Swaziland (Annex XII)
13. Joint Declaration concerning possible requests for participation in Protocol No 3 (Annex XIII)

The Plenipotentiaries of the ACP States have also taken note of the Declarations listed below and annexed to this Final Act:

1. Declaration by the Community on Article 2 of the Convention (Annex XIV)
2. Declaration by the Community on Article 3 of the Convention (Annex XV)
3. Declaration by the Community on Article 10 (2) of the Convention (Annex XVI)
4. Declaration by the Community on the unit of account referred to in Article 42 of the Convention (Annex XVII)
5. Declaration by the Community on Article 3 of Protocol No 2 (Annex XVIII)
6. Declaration by the Community on Article 4 (3) of Protocol No 2 (Annex XIX)
7. Declaration by the Community on any additional financing by the European Investment Bank during the implementation of the Convention (Annex XX)
8. Declaration by the Community concerning sugar originating in Belize, St. Kitts-Nevis-Anguilla and Surinam (Annex XXI)
9. Declaration by the Community on Article 10 of Protocol No 3 (Annex XXII)

10. Declaration by the representative of the Government of the Federal Republic of Germany concerning the definition of German nationals (Annex XXIII)
11. Declaration by the representative of the Government of the Federal Republic of Germany concerning the application to Berlin of the ACP-EEC Convention of Lomé (Annex XXIV)

Til bekræftelse af dette har de undertegnede befuldmægtigede sat deres underskrifter under denne slutakt.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diese Schlußakte gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Final Act.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent acte final.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente atto finale.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Slotakte hebben gesteld.

Udfærdiget i Lomé, den otteogtyvende februar nitten hundrede og femoghalvfjerds.

Geschehen zu Lome am achtundzwanzigsten Februar neunzehnhundert-fündziebzig.

Done at Lomé on the twenty-eighth day of February in the year one thousand nine hundred and seventy-five.

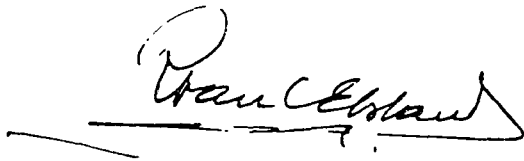
Fait à Lomé, le vingt-huit février mil neuf cent soixante-quinze.

Fatto a Lomé, addì ventotto febbraio millenovecentosettantacinque.

Gedaan te Lomé, de achtentwintigste februari negentienhonderdvijfenzeventig.

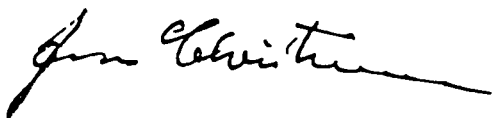
Pour Sa Majesté le roi des Belges

Voor Zijne Majesteit de Koning der Belgen

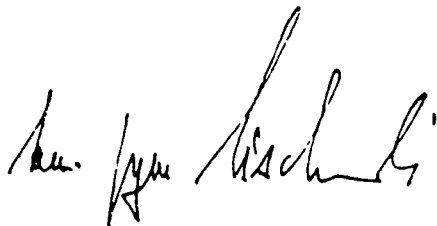
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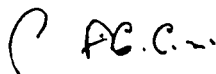
For Hendes Majestæt dronningen af Danmark



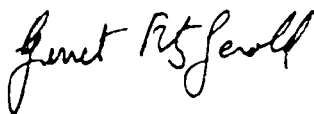
Für den Präsidenten der Bundesrepublik Deutschland



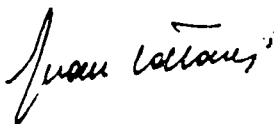
Pour le président de la République française



For the President of Ireland



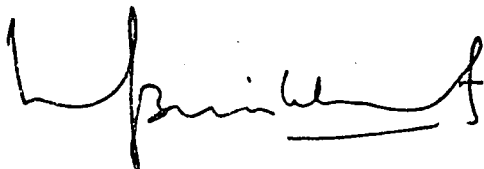
Per il Presidente della Repubblica italiana



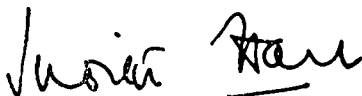
Pour Son Altesse royale le grand-duc de Luxembourg



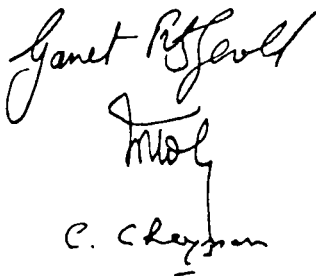
Voor Hare Majesteit de Koningin der Nederlanden



For Her Majesty the Queen of the United Kingdom of Great Britain  
and Northern Ireland



For Rådet for De europæiske Fællesskaber,  
Im Namen des Rates der Europäischen Gemeinschaften,  
For the Council of the European Communities,  
Pour le Conseil des Communautés européennes,  
Per il Consiglio delle Comunità europee,  
Voor de Raad der Europese Gemeenschappen,



Janet Pofford  
Moly  
C. Cheysson

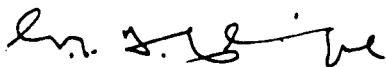
For the Head of State of the Bahamas



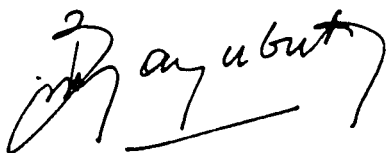
For the Head of State of Barbados



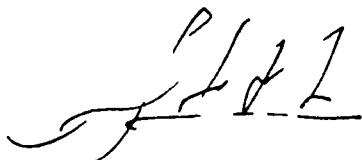
For the President of the Republic of Botswana



Pour le président de la république du Burundi



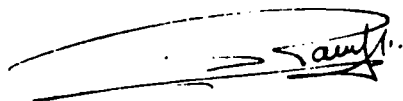
Pour le président de la république unie du Cameroun



Pour le président de la République centrafricaine



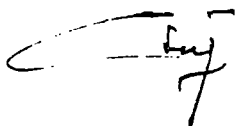
Pour le président de la république populaire du Congo

C. all  
H. Paul  


Pour le président de la république de Côte-d'Ivoire



Pour le président de la république du Dahomey



For the President of the Provisional Administrative Military Council,  
President of the Government of Ethiopia



For Her Majesty the Queen of Fiji

K. K. T. Mana.


Pour le président de la République gabonaise



For the President of the Republic of the Gambia

Y. M. Sankhar-Jah 

For the President of the National Redemption Council of the Republic of Ghana



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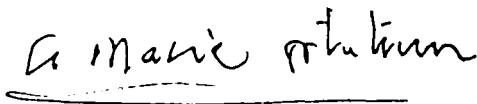
For the Head of State of Grenada



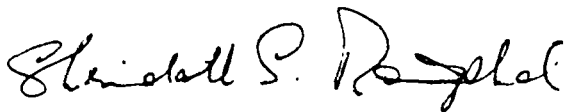
Pour le président de la république de Guinée

Pour le président du conseil d'État de la Guinée-Bissau

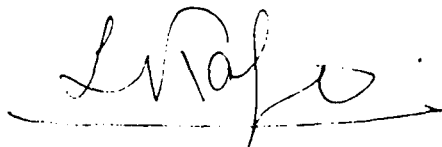
Pour le président de la république de Guinée équatoriale



For the President of the Cooperative Republic of Guyana



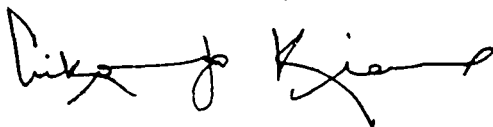
Pour le président de la république de Haute-Volta



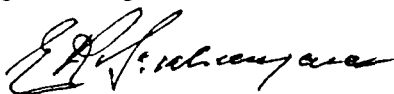
For the Head of State of Jamaica



For the President of the Republic of Kenya



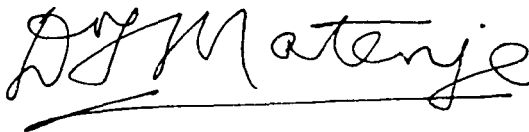
For the King of the Kingdom of Lesotho



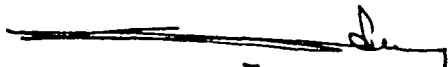
For the President of the Republic of Liberia



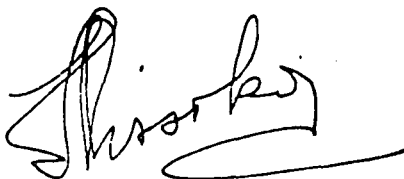
For the President of the Republic of Malawi



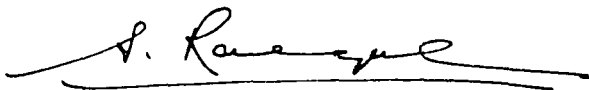
Pour le chef d'État et de gouvernement de la République malgache



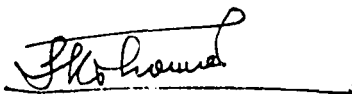
Pour le président du comité militaire de libération nationale du Mali,  
chef de l'État, président du gouvernement

A handwritten signature in black ink, appearing to be 'S. Diakité', written over a horizontal line.

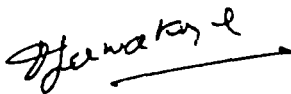
Pour Sa Majesté la reine de l'île Maurice

A handwritten signature in black ink, appearing to be 'S. Ramoos', written over a horizontal line.

Pour le président de la république islamique de Mauritanie

A handwritten signature in black ink, appearing to be 'Mohamed Ould Abdel Aziz', written over a horizontal line.

Pour le président de la république du Niger

A handwritten signature in black ink, appearing to be 'Ibrahim Boubacar Thiéba', written over a horizontal line.

For the Head of the Federal Military Government of Nigeria

A handwritten signature in black ink, appearing to be 'Abacha', written over a horizontal line.

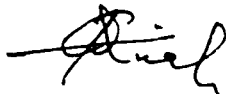
Pour le président de la République rwandaise

A handwritten signature in black ink, appearing to be 'Paul Kagame', written over a horizontal line.

Pour le président de la république du Sénégal



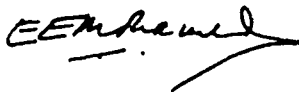
For the President of the Republic of Sierra Leone



For the President of the Somali Democratic Republic,  
President of the Supreme Revolutionary Council



For the President of the Democratic Republic of the Sudan



For the King of the Kingdom of Swaziland



For the President of the United Republic of Tanzania

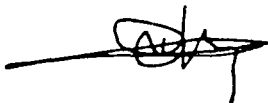


Pour le président de la république du Tchad





Pour le président de la République togolaise



For the Head of State of Tonga



For the Head of State of Trinidad and Tobago



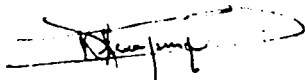
For the President of the Republic of Uganda



For the Head of State of Western Samoa



Pour le président de la république du Zaïre



For the President of the Republic of Zambia



## *ANNEX I*

### **Joint Declaration on the presentation of the Convention to GATT**

The Contracting Parties will consult when the provisions of the Convention that relate to trade are presented and examined under GATT.

## *ANNEX II*

### **Joint Declaration on Article 11 (4) of the Convention**

For the purposes of applying Article 11 (4) of the Convention, the Community is prepared, for the purposes of achieving the aims set in Article 1 to begin an examination of requests by the ACP States that other agricultural products referred to in Article 2 (2) (a) of the Convention should benefit from special treatment.

This examination will cover either new agricultural product for which there would be real possibilities of export to the EEC, or current products not covered by the provisions for implementing the treatment referred to above, in so far as these exports might assume an important position in the exports of one or more ACP States.

## *ANNEX III*

### **Joint Declaration on Article 59 (6) of the Convention**

Article 59 (6) of the Convention may, however, cover the other harmful effects of natural disasters or comparable extraordinary circumstances, in particular serious economic difficulties resulting from a drop in production intended for the domestic market, and the reconstitution of production potential, for export purposes included.

## *ANNEX IV*

### **Joint Declaration on Article 60 of the Convention**

Until the implementation of the decision referred to in Article 60 of the Convention, the arrangements in force on 31 January 1975 in the

ACP States party to the Convention signed at Yaoundé on 29 July 1969 shall continue to be applied, the other ACP States applying to the Community the most favourable provisions they accord to international organizations.

#### *ANNEX V*

##### **Joint Declaration on representation of regional economic groupings**

Arrangements shall be made by the Council of Ministers so that the East African Community and the Caribbean Community may be represented in the Council of Ministers and the Committee of Ambassadors as observers. Requests for arrangements in respect of other regional groupings between ACP States shall be examined by the Council of Ministers on a case by case basis.

#### *ANNEX VI*

##### **Joint Declaration on Article 89 of the Convention**

The Community and the ACP States are prepared to allow the countries and territories referred to in Part Four of the Treaty which have become independent to accede to the Convention, if they wish to continue their relations with the Community in this form.

#### *ANNEX VII*

##### **Joint Declaration on Article 4 (1) of Protocol No 2**

Industrial projects also cover projects for the processing of agricultural products and forestry projects of an industrial nature, excluding planting and re-forestation.

## *ANNEX VIII*

### **Joint Declaration on Article 20 (c) of Protocol No 2**

In order to assess the sufficient margin of value added to the products, the authorities responsible for deciding on invitations to tender will refer to the rules in force concerning origin.

## *ANNEX IX*

### **Joint Declaration on Article 22 of Protocol No 2**

Until the implementation of the decision referred to in Article 22 of Protocol No 2, the placing and performance of public works contracts financed by the Fund shall be governed:

- as regards the ACP States party to the Convention signed at Yaoundé on 29 July 1969, by the legislation in force on 31 January 1975,
- as regards the other ACP States, by their respective national laws or their established practices regarding international contracts.

## *ANNEX X*

### **Joint Declaration on Article 23 of Protocol No 2**

As a transitional measure and pending implementation of the decision referred to in Article 23 of Protocol No 2 any disputes will be definitively settled in accordance with the rules of conciliation and arbitration of the International Chamber of Commerce.

## *ANNEX XI*

### **Joint Declaration on Article 26 of Protocol No 2**

- (a) Until the implementation of the decision provided for in Article 22 of Protocol No 2, the execution of technical and financial cooperation contracts financed by the Fund is covered:

- for the ACP States party to the Convention signed at Yaoundé on 29 July 1969, by the general clauses currently used in the contracts financed by the Fund,
  - for the other ACP States, by the general clauses currently used in the contracts financed by the Fund, or, if not agreed, by their national legislation or established practices regarding international contracts.
- (b) The Community and the ACP States are agreed that the Commission shall establish and submit for the agreement of the ACP States, as soon as possible after the entry into force of the Convention, the general conditions of payment applicable to the contracts.

## *ANNEX XII*

### **Joint Declaration on trade between the European Economic Community and Botswana, Lesotho and Swaziland**

Having regard to Part I (3) of Protocol No 22 to the Act concerning the conditions of accession and the adjustments to the Treaties, the Community recognizes, and the Governments of Botswana, Lesotho and Swaziland declare:

- that the three Governments undertake to apply, at the entry into force of the Convention, the same customs tariff treatment to imports originating in the Community, as they apply to those originating in the other country of the customs union to which they adhere;
- that this undertaking should not prejudice the different methods which may exist for financing the three Governments' budgets in relation to imports originating in the Community and those originating in the other country of the customs union to which they adhere; and
- that the three Governments undertake to ensure through the provisions of their customs systems, and particularly through the application of the rules of origin established under the Convention, that no trade deflection takes place to the detriment of the Community, as a result of their participation with the other country in the customs union to which they adhere.

### *ANNEX XIII*

#### **Joint Declaration concerning possible requests for participation in Protocol No 3**

Any request from an ACP State Contracting Party to the Convention not specifically referred to in Protocol No 3 to participate in the provisions of that Protocol shall be examined.

### *ANNEX XIV*

#### **Declaration by the Community on Article 2 of the Convention**

The duties which may be temporarily retained under Article 38 of the Act concerning the conditions of accession and the adjustments to the Treaties shall remain generally applicable and Article 2 (1) of the Convention may not constitute an exception thereto.

### *ANNEX XV*

#### **Declaration by the Community on Article 3 of the Convention**

Article 3 (1) of the Convention 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 Protocol Nos 6 and 7 to the Act concerning the conditions of accession and the adjustments to the Treaties.

### *ANNEX XVI*

#### **Declaration by the Community on Article 10 (2) of the Convention**

Were the Community to adopt the strictly necessary measures referred to in this Article, it would endeavour to seek those which, by reason of their geographical scope and/or the types of products concerned, would least disturb the exports of the ACP States.

## *ANNEX XVII*

### **Declaration by the Community on the unit of account referred to in Article 42 of the Convention**

The amount of the Community's aid will be the equivalent, in a European unit of account to be defined, of 3 390 million special drawing rights at their value on 28 June 1974. This provision shall not prejudice the decision which the Council of the European Communities will have to take on the question of whether special drawing rights or a basket of currencies of the Member States of the Community should be used to determine the composition of the European unit of account applicable under the Convention.

The Council's decision mentioned above should be taken as soon as possible and before the entry into force of the Convention at the latest.

As soon as the Council has adopted the definition of this unit of account it will inform the ACP States thereof.

## *ANNEX XVIII*

### **Declaration by the Community on Article 3 of Protocol No 2**

The financial terms specified in this Article are the most favourable on which the special loans may be granted. They shall be of general application in the least developed countries referred to in Article 48 of the Convention.

## *ANNEX XIX*

### **Declaration by the Community on Article 4 (3) of Protocol No 2**

Quasi-capital assistance may be accorded either in addition to a loan from the Bank or by itself where, in accordance with the criteria specified in Article 43 of the Convention, such a loan cannot be considered.

## *ANNEX XX*

### **Declaration by the Community on any additional financing by the European Investment Bank during the implementation of the Convention**

The maximum amount of financing by the European Investment Bank from its own resources is fixed in point 2 of Article 42 of the Convention.

However, during the implementation of the Convention, additional financing by the Bank from its own resources could possibly be considered under the provisions of Article 18 of the Statute of the Bank and on the basis of its resources, the amount of loans already granted, the importance of the projects to be financed and the guarantees which could accompany these additional loans.

## *ANNEX XXI*

### **Declaration by the Community concerning sugar originating in Belize, St. Kitts-Nevis-Anguilla and Surinam**

1. The Community undertakes to adopt the necessary measures to ensure the same treatment as provided for in Protocol No 3, for the following quantities of cane sugar, raw or white, originating in:

Belize	39 400 metric tons
St. Kitts-Nevis-Anguilla	14 800 metric tons
Surinam	4 000 metric tons

2. Nevertheless, in respect of the period up to 30 June 1975, the quantities shall be as follows:

Belize	14 800 metric tons
St. Kitts-Nevis-Anguilla	7 900 metric tons



## *ANNEX XXII*

### **Declaration by the Community on Article 10 of Protocol No 3**

The Community declares that Article 10 of Protocol No 3 providing for the possibility of denunciation in that Protocol, under the conditions set out in that Article, is for the purposes of juridicial security and does not represent for the Community any qualification or limitation of the principles enunciated in Article 1 of that Protocol.

## *ANNEX XXIII*

### **Declaration by the representative of the Government of the Federal Republic of Germany concerning the definition of German nationals**

All Germans within the meaning of the Basic Law for the Federal Republic of Germany shall be deemed to be nationals of the Federal Republic of Germany.

## *ANNEX XXIV*

### **Declaration by the representative of the Government of the Federal Republic of Germany concerning the application to Berlin of the ACP-EEC Convention of Lomé**

The ACP-EEC Convention of Lomé shall apply equally to Land Berlin, in so far as the Government of the Federal Republic of Germany does not make a declaration to the contrary to the other Contracting Parties within a period of three months from the entry into force of the Convention.

## INTERNAL AGREEMENT

on the measures and procedures required for implementation of the  
ACP-EEC Convention of Lomé <sup>(1)</sup>

(76/164/EEC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE  
MEMBER STATES OF THE EUROPEAN ECONOMIC COM-  
MUNITY, MEETING IN THE COUNCIL,

Having regard to the Treaty establishing the European Economic  
Community (hereinafter called the 'Treaty') and the ACP-EEC Con-  
vention of Lomé signed on 28 February 1975 (hereinafter called the  
'Convention');

Whereas the representatives of the Community will have to adopt  
common positions in the Council of Ministers provided for by the  
Convention (hereinafter called the 'Council of ACP-EEC Ministers');  
whereas, moreover, implementation of the decisions, recommendations  
and opinions of this Council may require, where appropriate, action  
by the Community, joint action by the Member States or action by a  
Member State;

Whereas the common positions to be adopted by the representatives of  
the Community in the fields for which the latter is competent will be  
adopted in accordance with the provisions of the Treaty, which will  
also be applicable for the adoption of the measures implementing those  
decisions, recommendations and opinions of the Council of ACP-EEC  
Ministers which result from Community action in the same fields;  
whereas, moreover, it will be for the Council of the European Com-  
munities to lay down in a Regulation detailed rules for implementing  
the safeguard measures provided for in Article 10 of the Convention;

Whereas, on the other hand, it is necessary for the Member States to  
specify the conditions for determining, in the fields for which they are  
competent, the common positions to be adopted by the representatives  
of the Community within the Council of ACP-EEC Ministers; whereas,  
in the same fields, it will also be for them to take the measures implement-

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(1) OJ No L 25, 30.1.1976.

ing such decisions, recommendations and opinions of that Council as may require joint action by the Member States or action by a Member State;

Whereas procedures should also be laid down whereby Member States may settle any disputes which may arise between them with regard to the Convention;

After consulting the Commission of the European Communities,

**HAVE AGREED AS FOLLOWS:**

#### *Article 1*

1. The common position to be supported by the representatives of the Community in the Council of ACP-EEC Ministers when the latter considers matters for which the Member States are competent shall be adopted by the Council, acting unanimously after consulting the Commission.

2. Where, pursuant to Article 75 of the Convention, the Council of ACP-EEC Ministers envisages delegating to the Committee of Ambassadors, provided for by the Convention, the power to take decisions or put forward recommendations or opinions in the fields for which the Member States are competent, the common position shall be adopted by the Council, acting unanimously after consulting the Commission.

3. Common positions which the representatives of the Community support in the Committee of Ambassadors shall be adopted under the same conditions as those laid down in paragraph 1.

#### *Article 2*

1. Decisions and recommendations adopted by the Council of ACP-EEC Ministers in the fields for which the Member States are competent shall be implemented by acts adopted by the latter.

2. Paragraph 1 shall also apply in respect of decisions and recommendations adopted by the Committee of Ambassadors pursuant to Article 77 of the Convention.

#### *Article 3*

Any treaty, convention, agreement or arrangement, or any part of a treaty, convention, agreement or arrangement, of whatever form or

nature, which has been or will be concluded between one or more Member States and one or more ACP States and which concerns matters dealt with in the Convention, shall be communicated as soon as possible by the Member State or States concerned to the other Member States and to the Commission.

At the request of a Member State or of the Commission, any texts so communicated shall be discussed by the Council.

#### *Article 4*

If a Member State considers it necessary to invoke Article 81 of the Convention on matters for which the Member States are competent, it shall first consult the other Member States.

If the Council of ACP-EEC Ministers has to reach a decision on the action by the Member State referred to in the first paragraph, the position to be taken by the Community shall be that of the Member State concerned, unless the representatives of the Governments of the Member States, meeting in the Council, decide otherwise.

#### *Article 5*

Disputes arising between Member States concerning the Convention, the Protocols annexed thereto or the Internal Agreements signed for its implementation shall, at the request of the party making the complaint, be submitted to the Court of Justice of the European Communities under the conditions laid down in the Treaty and in the Protocol on the Statute of the Court of Justice annexed to the Treaty.

#### *Article 6*

After consulting the Commission, the representatives of the Governments of the Member States, meeting in the Council, may at any time amend or supplement this Agreement.

#### *Article 7*

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 of the completion of the procedures required for the entry into force of the Agreement.

Provided that the conditions of the first paragraph have been complied with, this Agreement shall enter into force at the same time as the Convention. It shall remain in force for the duration of that Convention.

*Article 8*

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German and Italian languages, all six 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.

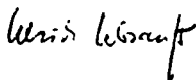
Pour le gouvernement du royaume de Belgique  
Voor de Regering van het Koninkrijk België



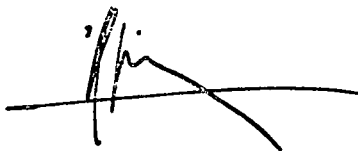
På kongeriget Danmarks vegne



Für die Regierung der Bundesrepublik Deutschland



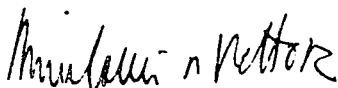
Pour le gouvernement de la République française



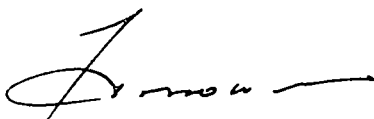
For the Government of Ireland



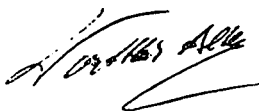
Per il governo della Repubblica italiana



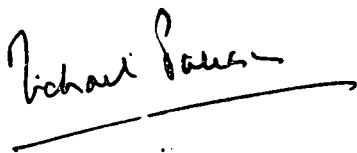
Pour le gouvernement du grand-duché de Luxembourg



Voor de Regering van het Koninkrijk der Nederlanden



For the Government of the United Kingdom of Great Britain and Northern Ireland



## INTERNAL AGREEMENT

on the financing and administration of Community aid <sup>(1)</sup>

(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>(2)</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 cooperation 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;

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(1) OJ No L 25, 30.1.1976.

(2) OJ No L 104, 24.4.1975.

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



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 cooperation 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 cooperation 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

*E. van der Meulen*

På kongeriget Danmarks vegne

*Lise Emborg*

Für die Regierung der Bundesrepublik Deutschland

*Ulrich Weis*

Pour le gouvernement de la République française

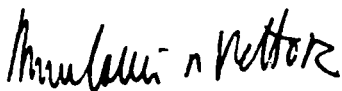
*[Signature]*

For the Government of Ireland

*Kevin Dillon*



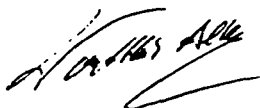
Per il governo della Repubblica italiana

Handwritten signature in black ink, appearing to read "Arnaldo Forlani".

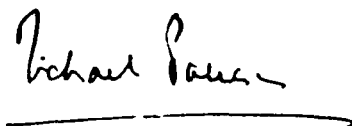
Pour le gouvernement du grand-duché de Luxembourg

Handwritten signature in black ink, consisting of a large initial 'J' followed by a horizontal line.

Voor de Regering van het Koninkrijk der Nederlanden

Handwritten signature in black ink, appearing to read "J. M. A. de Koning".

For the Government of the United Kingdom of Great Britain and Northern Ireland

Handwritten signature in black ink, appearing to read "Michael Palmer", with a horizontal line underneath.



**DECISION 3/76  
OF THE ACP-EEC COUNCIL OF MINISTERS**

**of 14 July 1976**

derogating from the concept of 'originating products' to take account of the special situation of Mauritius with regard to certain products of the textile industry <sup>(1)</sup>

**COUNCIL REGULATION (EEC) No 1929/76**

**of 3 August 1976**

on the application of Decision 3/76 of the ACP-EEC Council of Ministers derogating from the concept of 'originating products' to take account of the special situation of Mauritius with regard to certain products of the textile industry

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

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

Having regard to the proposal from the Commission,

Whereas the ACP-EEC Council of Ministers set up under the ACP-EEC Convention of Lomé <sup>(2)</sup> signed on 28 February 1975, hereinafter called 'the Convention', adopted, pursuant to Article 9 (2) of the Convention, Decision 3/76 of 14 July 1976 derogating from the concept of 'originating products' to take account of the special situation of Mauritius with regard to certain products of the textile industry;

Whereas it is necessary, in accordance with Article 74 (3) of the Convention, to take the measures required to implement that Decision,

(1) OJ No L 210, 4.8.1976.

(2) OJ No L 25, 30.1.1976.

HAS ADOPTED THIS REGULATION:

*Article 1*

Decision 3/76 of the ACP-EEC Council of Ministers annexed to this Regulation shall apply in the Community.

*Article 2*

Member States shall manage their shares in the quota in accordance with their own relevant provisions.

Member States shall ensure that importers of the product in question established in their territory have free access to the shares allocated to them.

The extent to which each Member State has used up its share shall be determined on the basis of the imports of the products in question entered with the customs authorities for home use.

Member States shall forward to the Commission, no later than the fifteenth of each month, a statement of all imports of the products in question effected during the previous month.

*Article 3*

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 August 1976 to 31 July 1977.

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

Done at Brussels, 3 August 1976.

*For the Council*  
*The President*  
M. van der STOEL

# DECISION 3/76 OF THE ACP-EEC COUNCIL OF MINISTERS

of 14 July 1976

**derogating from the concept of 'originating products' to take account of the special situation of Mauritius with regard to certain products of the textile industry**

THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the ACP-EEC Convention of Lomé signed on 28 February 1975, hereinafter called 'the Convention', and in particular Article 9 (2) thereof,

Whereas Article 27 of Protocol I to the Convention, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, provides for derogations from the rules of origin, notably to facilitate the development of existing industries or the creation of new industries;

Whereas the ACP States have submitted a request from the Government of Mauritius for a two-year derogation from the definition set out in the said Protocol for textile products manufactured in that State; whereas a one-year derogation which could be extended for a further year if necessary should also satisfy this request;

Whereas the Customs Cooperation Committee has adopted a report on the said request, in accordance with Article 27 of Protocol 1;

Whereas in order to take account of the special situation of Mauritius and to enable the industrial sectors concerned to set up new industries which necessitate derogations from the said Protocol for a period of not more than two years, provision should be made for a derogation from the definition set out in the said Protocol;

Whereas the quantity covered by the derogation should be split up among the Member States of destination,

## HAS DECIDED AS FOLLOWS:

### *Article 1*

By way of derogation from the special provisions of List A in Annex II to Protocol 1, textile products, manufactured in Mauritius and falling within tariff heading No ex 55.09 'unbleached woven fabrics of cotton', shall be considered as originating in Mauritius under the conditions set out below.

### *Article 2*

This derogation shall cover a quantity of 832 metric tons of unbleached woven fabrics of cotton falling within tariff heading No ex 55.09 imported into the Community between 1 August 1976 and 31 July 1977, this quantity being allocated as follows:

	<i>(in metric tons)</i>
Germany	224.64
Benelux	83.2
France	158.08
Italy	116.48
Denmark	58.24
Ireland	8.32
United Kingdom	183.04

### *Article 3*

Movement certificates EUR.1 issued pursuant to this Decision shall be endorsed with one of the following phrases:

- 'marchandises originaires en vertu de la décision n° 3/76 du Conseil des ministres ACP-CEE';
- 'Ursprungswaren gemäß Beschluß Nr. 3/76 des AKP-EWG Ministerrates';
- 'merci originarie in virtù della decisione n. 3/76 del Consiglio dei ministri ACP-CEE';
- 'goederen van oorsprong uit hoofde van Besluit 3/76 van de ACS-EEG-Raad van Ministers';
- 'originating products by virtue of Decision 3/76 of the ACP-EEC Council of Ministers';
- 'varer med oprindelsesstatus i henhold til AVS-EØF-ministerrådets afgørelse nr. 3/76'.

This endorsement shall be entered under the heading 'Remarks'.

*Article 4*

Mauritius shall ensure that exports to each of the Member States do not exceed the quantities stipulated in Article 2.

The competent authorities of Mauritius shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR. 1 have been issued pursuant to this Decision, indicating the Member States of destination.

*Article 5*

The ACP States, the Member States and the Community shall each take the measures required to implement this Decision.

*Article 6*

This Decision shall enter into force on 1 August 1976.

It shall be applicable until 31 July 1977. The ACP-EEC Council of Ministers may decide to extend it until 31 July 1978 should examination reveal that this is necessary.

Done at Brussels, 14 July 1976.

*The President of the  
ACP-EEC Council of Ministers*  
KING

## INFORMATION CONCERNING

Depositories: Secretariat of the Council of the European Communities } in Brussels (Belgium)  
 Secretariat of the ACP States

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
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The ACP—EEC CONVENTION of Lomé <sup>(1)</sup>

EEC and Member States		d. 17.2.1976 <sup>(10)</sup>		
BAHAMAS BARBADOS BOTSWANA BURUNDI CAMEROON CENTRAL AFRICAN REPUBLIC <sup>(2)</sup> CHAD COMORO STATE <sup>(3)</sup> CONGO DAHOMEY <sup>(4)</sup> EQUATORIAL GUINEA ETHIOPIA FIJI GABON GAMBIA GHANA GRENADA GUINEA (Rep. of) <sup>(5)</sup> GUINEA BISSAU <sup>(6)</sup> GUYANA IVORY COAST JAMAICA KENYA LESOTHO	28.2.1975	d. 19.3.1976 <sup>(11)</sup>	1.4.1976 <sup>(12)</sup>	until 1.3.1980



LIBERIA MALAWI MALAGASY REP. MALI MAURITIUS (7) MAURITANIA NIGER NIGERIA RWANDA SENEGAL SEYCHELLES (8) SIERRA LEONE SOMALIA SUDAN SURINAM (9) SWAZILAND TANZANIA TOGO TONGA TRINIDAD AND TOBAGO UGANDA UPPER VOLTA WESTERN SAMOA ZAIRE ZAMBIA	28.2.1975	d. 19.3.1976 (11)	1.4.1976 (12)	until 1.3.1980
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(1) Signed at Lomé (Togo). OJ No L 25, 30.1.1976.

(2) Now the Central African Empire.

(3) Deposit of instrument of accession 13.9.1976 (OJ No L 317, 17.11.1976).

(4) Now Benin.

(5) Date of signature: 10.4.1975.

(6) Date of signature: 16.5.1975.

(7) To take account of the special situation of Mauritius a derogation was made from the concept of originating products in the case of certain textile products by Decision No 3/76 of the ACP-EEC Council of Ministers (OJ No L 210, 4.8.1976) (See page 1245 of this Volume).

(8) Deposit of instrument of accession: 27.8.1976 (OJ No L 317, 17.11.1976).

(9) Deposit of instrument of accession: 16.7.1976 (OJ No L 317, 17.11.1976).

(10) Deposit of last instrument of approval (EEC).

(11) Deposit of last instrument of ratification by an ACP State.

(12) OJ No L 85, 31.3.1976.

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Duration
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— the INTERNAL AGREEMENT on the measures and procedures required for implementation of the ACP-EEC CONVENTION of Lomé (1)

Member States of EEC	11.7.1975	17.2.1976 (3)	1.4.1976 (2)	same as Convention
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— the INTERNAL AGREEMENT on the financing and administration of Community aid (1)

Member States of EEC	11.7.1975	17.2.1976 (3)	1.4.1976 (2)	same as Convention (4)
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(1) Signed at Lomé (Togo). OJ No L 25, 30.1.1976.

(2) OJ No L 85, 31.3.1976.

(3) Deposit of last instrument of ratification by a Member State of the EEC.

(4) As regards the period of application see Article 33 of the AGREEMENT.

## *Commodity agreements*



## The Fifth International Tin Agreement



# FIFTH INTERNATIONAL TIN AGREEMENT (1)

## COUNCIL DECISION

of 21 June 1976

on the provisional application of the Fifth International Tin Agreement

(76/626/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Community is a party to the Fourth International Tin Agreement;

Whereas, in accordance with the Council Decision of 29 April 1976, the Community signed on the same day the Fifth International Tin Agreement, subject to the conclusion of the Agreement;

Whereas the Community should give notification of its intention to approve the Agreement so as to be able to apply it provisionally pending the completion of the internal procedures necessary for the conclusion thereof,

HAD DECIDED AS FOLLOWS:

### *Article 1*

In accordance with Article 48 of the Fifth International Tin Agreement, the Community shall deposit with the Secretary-General of the United Nations Organization before 1 July 1976 the notification annexed to this

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(1) OJ No L 222, 14.8.1976.

Decision stating that the Community intends to approve the Agreement and that the Community will consider itself provisionally a party to the Agreement when it enters into force provisionally in accordance with Article 50.

The text of the Agreement is annexed to this Decision.

*Article 2*

The President of the Council shall be authorized to designate the person empowered to deposit this notification with the Secretary-General of the United Nations Organization.

Done at Luxembourg, 21 June 1976.

*For the Council*  
*The President*  
J. HAMILIUS



## **NOTIFICATION**

### **of intention to approve the Fifth International Tin Agreement**

It will not be possible for the European Economic Community to complete the institutional procedures referred to in Article 48 of the Agreement before 1 July 1976.

The Community is therefore depositing this notification of its intention to approve the Agreement in accordance with the said Article. In depositing this notification, the Community will consider itself provisionally a party to the Agreement, with all the rights and obligations arising therefrom, when it enters into force provisionally in accordance with Article 50 and until such time as the Council of the European Communities adopts a definitive decision in the matter.

# FIFTH INTERNATIONAL TIN AGREEMENT

## PREAMBLE

### THE PARTICIPATING COUNTRIES,

recognizing:

- (a) the significant assistance to economic growth, especially in developing producing countries, that can be given by commodity agreements in helping to secure stabilization of prices and steady development of export earnings and of primary commodity markets;
- (b) the community and interrelationship of interests of, and the value of continued cooperation between, producing and consuming countries in order to support the purposes and principles of the United Nations and the United Nations Conference on Trade and Development and to resolve problems relevant to tin by means of an international commodity agreement, taking into account the role which the International Tin Agreement can play in the establishment of a new international economic order;
- (c) the exceptional importance of tin to numerous countries whose economy is heavily dependent upon favourable and equitable conditions for its production, consumption or trade;
- (d) the need to protect and foster the health and growth of the tin industry, especially in the developing producing countries, and to ensure adequate supplies of tin to safeguard the interests of consumers;
- (e) the importance to tin producing countries of maintaining and expanding their import purchasing power; and
- (f) the desirability of improving efficiency in the use of tin in both the developing and industrialized countries, as an aid to the conservation of world tin resources;

HAVE AGREED AS FOLLOWS:

## Chapter I

### OBJECTIVES

#### *Article 1*

### OBJECTIVES

The objectives of this Agreement are:

- (a) to provide for adjustment between world production and consumption of tin and to alleviate serious difficulties arising from surplus or shortage of tin, whether anticipated or real;
- (b) to prevent excessive fluctuations in the price of tin and in export earnings from tin;
- (c) to make arrangements which will help to increase the export earnings from tin, especially those of the developing producing countries, so as to provide such countries with resources for accelerated economic growth and social development, while at the same time taking into account the interests of consumers;
- (d) to ensure conditions which will help to achieve a dynamic and rising rate of production of tin on the basis of a remunerative return to producers, which will help to secure an adequate supply at prices fair to consumers and to provide a long-term equilibrium between production and consumption;
- (e) to prevent widespread unemployment or underemployment and other serious difficulties which may result from maladjustments between the supply of and the demand for tin;
- (f) to improve further the expansion in the use of tin and the indigenous processing of tin, especially in the developing producing countries;
- (g) in the event of a shortage of supplies of tin occurring or being expected to occur, to take steps to secure, and increase in the production of tin and a fair distribution of tin metal in order to mitigate serious difficulties which consuming countries might encounter;

- (h) in the event of a surplus of supplies of tin occurring or being expected to occur, to take steps to mitigate serious difficulties which producing countries might encounter;
- (i) to review disposals of non-commercial stocks of tin by Governments and to take steps which would avoid any uncertainties and difficulties which might arise;
- (j) to keep under review the need for the development and exploitation of new deposits of tin and for the promotion, through *inter alia* the technical and financial assistance resources of the United Nations and other organizations within the United Nations system, of the most efficient methods of mining, concentration and smelting of tin ores;
- (k) To promote the development of the tin market in the developing producing countries in order to encourage a more important role for them in the marketing of tin; and
- (l) To continue the work of the International Tin Council under the Fourth International Tin Agreement (hereinafter referred to as the Fourth Agreement) and previous International Tin Agreements.

## Chapter II

### DEFINITIONS

#### *Article 2*

#### *DEFINITIONS*

For the purposes of this Agreement:

*Tin* means tin metal, any other refined tin or the tin content of concentrates or tin ore which has been extracted from its natural occurrence. For the purposes of this definition, 'ore' shall be deemed to exclude (a) material which has been extracted from the ore body for a purpose other than that of being dressed and (b) material which is discarded in the process of dressing.

*Tin metal* means refined tin of good merchantable quality assaying not less than 99.75 %.

*Buffer stock* means the buffer stock established and operated in accordance with the provisions of Chapter X of this Agreement.

*Tin metal held* means the metal holding of the buffer stock, including metal which has been bought for the buffer stock but not yet received, and excluding metal which has been sold from the buffer stock but not yet delivered, by the Manager of the buffer stock.

*Tonne* means a metric ton, i.e. 1 000 kilograms.

*Control period* means a period which has been so declared by the Council and for which a total permissible export tonnage has been fixed.

*Quarter* means a calendar quarter beginning on 1 January, 1 April, 1 July or 1 October.

*Net exports* means the amount exported in the circumstances set out in Part I of Annex C to this Agreement less the amount imported as determined in accordance with Part II of the same annex.

*Participating country* means a country whose Government has ratified, approved, accepted or acceded to this Agreement, or given notification of intention to ratify, approve, accept it, or accede to it, or any territory or territories whose separate participation has taken effect under Article 53, or, as the context may require, the Government of such country or of such territory or territories themselves, or an organization referred to in Article 54.

*Producing country* means a participating country which the Council has declared, with the consent of that country, to be a producing country.

*Consuming country* means a participating country which the Council has declared, with the consent of that country, to be a consuming country.

*Contributing country* means a participating country which has contributions in the buffer stock.

*A simple majority* is attained if a motion is supported by a majority of the votes cast by participating countries.

*A simple distributed majority* is attained if a motion is supported by both a majority of the votes cast by producing countries and a majority of the votes cast by consuming countries.

*A two-thirds distributed majority* is attained if a motion is supported by both a two-thirds majority of the votes cast by producing countries and a two-thirds majority of the votes cast by consuming countries.

*Entry into force* means, except when qualified, the initial entry into force of this Agreement, whether such entry into force is provisional in accordance with Article 50 or definitive in accordance with Article 49.

*Financial year* means a period of one year beginning on 1 July and ending on 30 June of the next year.

*A session* shall comprise one or more meetings of the Council.

## THE INTERNATIONAL TIN COUNCIL: CONSTITUTIONAL PROVISIONS

### Chapter III

#### MEMBERSHIP

##### *Article 3*

#### *THE COUNCIL*

- (a) The International Tin Council (hereinafter called the Council), established by the previous International Tin Agreements, shall continue in being for the purpose of administering the Fifth International Tin Agreement, with the membership, powers and functions provided for in this Agreement.
- (b) The seat of the Council shall be in London, unless the Council decides otherwise.

##### *Article 4*

#### *PARTICIPATION IN THE COUNCIL*

- (a) The Council shall be composed of all the participating countries.
- (b) (i) Each participating country shall be represented in the Council by one delegate, and may designate alternates and advisers to attend sessions of the Council;
- (ii) An alternate delegate shall be empowered to act and vote on behalf of the delegate during the latter's absence or in other special circumstances.

- (c) Each participating country shall constitute a single member of the Council, except as otherwise provided in Article 53.

*Article 5*

*CATEGORIES OF PARTICIPANTS*

- (a) Each member of the Council shall be declared by the Council, with the consent of the country concerned, to be a producing or a consuming country, as soon as possible after receipt by the Council of notice from the Secretary-General of the United Nations that such member has deposited its instrument of ratification, approval, acceptance or accession under Article 48 or 52, or notification of intention to ratify, approve, accept or accede to this Agreement under Article 50 or 52.
- (b) The membership of producing countries and consuming countries shall be based respectively on their domestic mine production and their consumption of tin metal provided that:
- (i) the membership of a producing country which is a substantial consumer of tin metal derived from its own domestic mine production shall with the consent of that country be based on its exports of tin; and
  - (ii) the membership of a consuming country which produces from its own domestic mines a substantial proportion of the tin it consumes shall with the consent of that country be based on its imports of tin.
- (c) In its instrument of ratification, approval, acceptance or accession or in its notification of intention to ratify, approve, accept or accede to this Agreement, each Government may state the category of participating countries to which it considers that it should belong.
- (d) At the first ordinary session of the Council after the entry into force of this Agreement, the Council shall take the decisions necessary for the application of this Article by a majority of votes cast by the participating countries listed in Annex A and by a majority of votes cast by the participating countries listed in Annex B, the votes being

counted separately and voting rights being set out as in Annexes A and B to this Agreement, the operation of Article 13 being left out of account for this purpose.

*Article 6*

*CHANGE OF CATEGORY*

- (a) Where the position of a participating country has changed from that of a consuming to that of a producing country, or vice versa, the Council shall, on the request of that country or on its own initiative with the country's consent, consider the new position and determine what tonnage or percentage would be applicable for the purposes of the relevant annexes to this Agreement.
- (b) The Council shall determine the date when the tonnage and/or percentage, as the case shall require, which it has arrived at under paragraph (a) of this Article, shall come into effect.
- (c) From the date of coming into effect determined by the Council under paragraph (b) the participating country concerned shall cease to hold any of the rights and privileges in, or to be bound by any of the obligations under, this Agreement which pertain to countries in its previous category, except any undischarged financial or other obligations incurred by the country in its previous category, and shall acquire all the rights and privileges in, and shall be bound by all of the obligations under, this Agreement which pertain to countries in its new category:  
Provided that:
  - (i) if the change of category is from that of a producing country to that of a consuming country, the country which has changed shall nevertheless retain its rights to the refund at the termination of this Agreement of its share in the liquidation of the buffer stock in accordance with Articles 25 and 26; and
  - (ii) if the change of category is from that of a consuming country to that of a producing country, the conditions laid down by the Council for the country which has changed shall be equitable as between the country and the other producing countries already participating in this Agreement.



Chapter IV  
POWERS AND FUNCTIONS

*Article 7*

**POWERS AND FUNCTIONS OF THE COUNCIL**

The Council:

- (a) shall have such powers and perform such duties as may be necessary for the administration and operation of this Agreement.
- (b) shall receive from the Executive Chairman, whenever it so requests, such information with regard to the holdings and operations of the buffer stock as it considers necessary to fulfil its functions under this Agreement.
- (c) may request participating countries to furnish available data concerning tin production, the production costs of tin, the level of tin production, tin consumption, international trade in and stocks of tin and any other information necessary for the satisfactory administration of this Agreement, not inconsistent with the national security provisions as laid down in Article 44, and the countries shall furnish to the fullest extent possible the information so requested.
- (d) has the power to borrow for the purposes of the Administrative Account established under Article 16, or of the Buffer Stock Account in accordance with Article 24.
- (e) shall publish after the end of each financial year a report of its activities for that year.
- (f) shall publish after the end of each quarter, but not earlier than three months after the end of that quarter in the absence of a contrary decision by the Council, a statement showing the tonnage of tin metal held at the end of that quarter.
- (g) shall make whatever arrangements are appropriate for consultation and cooperation with:
  - (i) the United Nations, its appropriate organs — particularly the United Nations Conference on Trade and Development — the specialized agencies, other organizations within the United

Nations system and appropriate intergovernmental organizations;  
and

- (ii) non-participating countries which are Members of the United Nations or members of its specialized agencies or which were parties to the previous International Tin Agreements.

#### *Article 8*

#### *PROCEDURES OF THE COUNCIL*

The Council:

- (a) shall establish its own rules of procedure.
- (b) may make whatever arrangements it considers necessary to advise the Executive Chairman at times when the Council is not in session.
- (c) may appoint such committees as it considers necessary to assist it in the performance of its functions, and may draw up their terms of reference; these committees may, unless the Council otherwise decides, establish their own rules of procedure.
- (d) (i) may at any time, by a two-thirds distributed majority, delegate to any committee any power which the Council may exercise by a simple distributed majority, other than those relating to:
- assessment of contributions under Article 19;
  - floor and ceiling prices under Articles 27 and 31;
  - assessment of export control under Articles 32, 33, 34, 35 and 36;
  - action in the event of a tin shortage under Article 40;
- (ii) shall, by a two-thirds distributed majority, fix the membership and terms of reference of any such committee; and
- (iii) may by a simple majority revoke at any time any delegation of powers to any such committee or the appointment of any such committee.

#### *Article 9*

#### *STATISTICS AND STUDIES*

The Council:

- (a) shall, at least once in every quarter, estimate the probable production and consumption of tin during the following quarter or quarters,

with a view to assessing the total statistical tin position for that period, and in this connexion, may take into account such other factors as are relevant.

- (b) shall make arrangements for the continuing study of the production costs of tin, the level of tin production, price trends, market trends and the short-term and long-term problems of the world tin industry; to this effect it shall undertake or promote such studies on problems of the tin industry as it deems appropriate.
- (c) shall keep itself informed of new uses of tin and the development of substitute products which might replace tin in its traditional uses.
- (d) shall encourage closer relationships with and wider participation in organizations devoted to research into the efficient exploration for and production, processing and use of tin; and
- (e) shall make a study of alternative means to supplement or replace existing methods of financing the buffer stock.

## Chapter V

### ORGANIZATION AND ADMINISTRATION

#### *Article 10*

#### *EXECUTIVE CHAIRMAN AND VICE-CHAIRMEN OF THE COUNCIL*

- (a) The Council shall, by a two-thirds distributed majority and by ballot, appoint an independent Executive Chairman, who may be a national of one of the participating countries. The appointment of the Executive Chairman shall be considered at the first ordinary session of the Council after the entry into force of this Agreement.
- (b) An Executive Chairman shall not be appointed if he has been actively engaged in the tin industry or in the tin trade during the five years preceding his appointment and shall comply with the conditions set out in Article 12.
- (c) A member of the staff of the Council shall not be excluded from appointment as Executive Chairman by virtue of paragraph (b) of this Article.

- (d) The Executive Chairman shall hold office for such period and on such other terms and conditions as the Council may determine.
- (e) The Executive Chairman shall preside over sessions and meetings of the Council; he shall have no vote.
- (f) The Council shall elect annually two Vice-Chairmen, one from among the delegates of the producing countries and one from among the delegates of the consuming countries. The two Vice-Chairmen shall be designated respectively First Vice-Chairman and Second Vice-Chairman. The First Vice-Chairman shall be selected for each alternate year from producing countries and consuming countries respectively.
- (g) If the Executive Chairman resigns or is permanently unable to perform his duties, the Council shall appoint a new Executive Chairman in accordance with the procedure provided for in paragraph (a) of this Article. Pending such appointment, or during temporary absences of the Executive Chairman, he shall be replaced by the First Vice-Chairman, or if necessary by the Second Vice-Chairman, who shall have only the duties of presiding over sessions and meetings, unless the Council decides otherwise. The Council shall also provide in its Rules of Procedure for the appointment of an Acting Chief Executive Officer responsible for the administration and operation of this Agreement in accordance with Article 12, during temporary absences of the Executive Chairman, or pending the appointment of a new Executive Chairman in accordance with this paragraph.
- (h) When a Vice-Chairman performs the duties of the Executive Chairman he shall have no vote; the right to vote of the country he represents may be exercised in accordance with the provisions of subparagraph (ii) of paragraph (b) of Article 4 and paragraph (c) of Article 14.

#### *Article 11*

#### *SESSIONS OF THE COUNCIL*

- (a) The Council shall hold four ordinary sessions a year. The Council may also hold such special sessions as may be required.
- (b) The Secretary-General of the United Nations shall convene the first ordinary session of the Council under this Agreement in London. This session shall begin within eight days after entry into force of this Agreement.

- (c) Sessions shall be convened, at the request of any participating country or as may be required by the provisions of this Agreement, by the Executive Chairman or, after consultation with the First Vice-Chairman, and on his behalf by the Acting Chief Executive Officer in the event of the incapacity of the Executive Chairman. Sessions may also be convened by the Executive Chairman at his discretion.
- (d) Sessions shall, unless otherwise decided by the Council, be held at the seat of the Council. Except in the case of sessions convened under Article 31, at least seven days' notice of each session shall be given.
- (e) Delegates holding two-thirds of the total votes of all producing countries and two-thirds of the total votes of all consuming countries shall together constitute a quorum at any session or meeting of the Council. If for any session of the Council, there is not a quorum as defined above, a further session shall be convened after not less than seven days, at which delegates holding more than 1 000 votes shall together constitute a quorum.

## *Article 12*

### *THE STAFF OF THE COUNCIL*

- (a) The Executive Chairman appointed under Article 10 shall be responsible to the Council for the administration and operation of this Agreement in accordance with the decisions of the Council.
- (b) The Executive Chairman shall also be responsible for the management of the administrative services and staff.
- (c) The Council shall appoint a Manager of the Buffer Stock (hereinafter called the Manager) and a Secretary and shall determine the terms and conditions of service of those two officers.
- (d) The Council shall give instructions to the Executive Chairman as to the manner in which the Manager is to carry out his responsibilities laid down in this Agreement.
- (e) The Executive Chairman shall be assisted by the staff considered necessary by the Council. All staff, including the Manager and the Secretary of the Council, shall be responsible to the Executive Chairman. The method of appointment and the conditions of employment of the staff shall be approved by the Council.

- (f) Neither the Executive Chairman nor members of the staff shall have any financial interest in the tin industry, tin trade, tin transport, tin publicity, or other activities related to tin.
- (g) In the performance of their duties, neither the Executive Chairman nor the members of the staff shall seek or receive instructions from any Government or person or authority other than the Council or a person acting on behalf of the Council under the terms of this Agreement. They shall refrain from any action which might reflect on their position as international officials responsible only to the Council. Each participating country undertakes to respect the exclusively international character of the responsibilities of the Executive Chairman and the members of the staff and not to seek to influence them in the discharge of their responsibilities.
- (h) No information concerning the operation or administration of this Agreement shall be revealed by the Executive Chairman, the Manager, the Secretary of the Council or other staff of the Council, except as may be authorized by the Council or as is necessary for the proper discharge of their duties under this Agreement.

## Chapter VI

### VOTES IN THE COUNCIL

#### *Article 13*

#### *PERCENTAGES AND VOTES*

- (a) The producing countries shall together hold 1 000 votes. Each producing country shall receive five initial votes; the remainder shall be divided among the producing countries as nearly as possible in proportion to the percentages of each producing country as listed in Annex A or as otherwise determined in accordance with this Article.
- (b) The consuming countries shall together hold 1 000 votes. Each consuming country shall receive five initial votes, or, if there are more than 30 consuming countries, the highest whole number so that the total of such initial votes shall not exceed 150; the remainder shall be divided among the consuming countries as nearly as possible

in proportion to the percentage of each consuming country as listed in Annex B or as otherwise determined in accordance with this Article.

- (c) No participating country shall have more than 450 votes.
- (d) There shall be no fractional votes.
- (e) Where, by reason of the failure of one or more Governments of the countries listed in Annex A or Annex B to ratify, approve, accept, or accede to, or to give notification of intention to ratify, approve, accept or accede to this Agreement, or by reason of a change in the category of a participating country in accordance with Article 6, or by reason of the withdrawal of a participating country, or by reason of the operation of any of the provisions of this Agreement, the total of the percentages of the producing countries or of the consuming countries becomes less than 100, or the total of their respective votes becomes less than 1 000, the balance of percentages and votes shall be distributed among the other producing or consuming countries, as the case may be, as nearly as possible in proportion to the percentages they already hold so that the respective totals of the percentages of producing and consuming countries are each 100, and the respective totals of their votes each 1 000.
- (f)
  - (i) If, prior to entry into force of this Agreement, a Government of a country not listed in Annex A or B has ratified, approved, accepted or acceded to this Agreement, or has given notification of intention to ratify, approve, accept or accede to this Agreement; or
  - (ii) If, after the entry into force of this Agreement, the Government of any country not already a participating country ratifies, approves, accepts or accedes to this Agreement, or gives notification of intention to ratify, approve, accept, or accede to it, or if any participating country has been approved for a change in its category in accordance with Article 6;

the Council shall determine a percentage for that country, and shall redetermine the percentages of other participating countries in proportion to their current percentages so that the respective totals

of the percentages of producing and consuming countries are each 100 and the respective totals of their votes each 1 000. Except as provided in paragraph (i) of this Article, a percentage determined in accordance with this paragraph shall take effect upon the date decided by the Council for the purposes of this Article as if it were one of the percentages listed in Annex A or B, as the case may be.

- (g) (i) The Council shall review the percentages of the producing countries in Annex A and redetermine them in accordance with the rules of Annex F. Except for the first redetermination, which shall take place at the first ordinary session of the Council, the percentage of a producing country shall not, during any period of 12 months, be reduced by more than one-tenth of its percentage at the commencement of that period;
  - (ii) In any action which it may propose to take in accordance with the rules of Annex F, the Council shall give due consideration to any circumstances stated by any producing country as being exceptional and may, by a two-thirds distributed majority, waive or modify the full application of those rules;
  - (iii) The Council may, from time to time, by a two-thirds distributed majority revise the rules of Annex F, and any such revision shall have effect as if it were included in that Annex;
  - (iv) The percentages resulting from the procedure set out in this paragraph shall be published and shall take effect upon the first day of the quarter following the date of the decision of the Council in replacement of the percentages listed in Annex A.
- (h) The Council shall at its first ordinary session revise Annex B and shall publish the revised Annex, which shall be effective for the purpose of this Article forthwith; and subsequently, at sessions to be held during the second quarter of each calendar year the Council shall review the figures of the consumption of tin of each consuming country for each of the three preceding calendar years and shall publish revised percentages for each consuming country on the basis of the averages of such figures of consumption, which percentages shall take effect on 1 July next following for the purpose of this Article as if they were the percentages listed in Annex B.
- (i) When, by reason of the application of paragraph (f) of this Article, the percentages of producing countries have been proportionately



adjusted, during a control period declared by the Council in accordance with Article 33, the Council shall then publish as soon as possible the revised table of percentages which shall come into force for the purposes of Article 33 with effect from the first day of the quarter following the period in which the decision to revise percentages was taken.

#### *Article 14*

### *VOTING PROCEDURE OF THE COUNCIL*

- (a) Each member of the Council shall be entitled to cast the number of votes it holds in the Council. When voting, a delegate shall not divide his votes. When abstaining, a delegate shall be deemed not to have cast his votes.
- (b) Decisions of the Council shall, except when otherwise provided, be taken by a simple distributed majority.
- (c) Any member may, in a form satisfactory to the Council, authorize any other member to represent its interests and to exercise its voting rights at any session or meeting of the Council.

#### Chapter VII

### PRIVILEGES AND IMMUNITIES

#### *Article 15*

### *PRIVILEGES AND IMMUNITIES*

- (a) The Council shall be accorded in each participating country such currency exchange facilities as may be necessary for the discharge of its functions under this Agreement.
- (b) The Council shall have legal personality. It shall in particular have the capacity to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings.
- (c) The Council shall have in each participating country, to the extent consistent with its law, such exemption from taxation on the assets,

- income and other property of the Council as may be necessary for the discharge of its functions under this Agreement.
- (d) The status, privileges and immunities of the Council in the territory of the United Kingdom shall continue to be governed by the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Tin Council signed at London on 9 February 1972.

## FINANCIAL PROVISIONS

### Chapter VIII

#### ACCOUNTS AND AUDIT

##### *Article 16*

##### *FINANCIAL ACCOUNTS*

- (a) (i) There shall be kept two accounts — the Administrative Account and the Buffer Stock Account — for the administration and operation of this Agreement;
- (ii) The administrative expenses of the Council, including the remuneration of the Executive Chairman, the Manager, the Secretary and the staff, shall be entered into the Administrative Account;
- (iii) Any expenditure which is solely attributable to buffer stock transactions or operations, including expenses for borrowing arrangements, storage, commission and insurance, shall be entered into the Buffer Stock Account by the Manager;
- (iv) The liability of the Buffer Stock Account for any other type of expenditure shall be decided by the Executive Chairman.
- (b) The Council shall not be responsible for the expenses of delegates to the Council or the expenses of their alternates and advisers.

*Article 17*

*CASH CONTRIBUTIONS — CURRENCY OF PAYMENT*

Cash payments to the Administrative Account by participating countries under Articles 19 and 58, cash payments to the Buffer Stock Account by contributing countries under Articles 21, 22 and 23, cash payments from the Administrative Account to participating countries under Article 58 and cash payments from the Buffer Stock Account to contributing countries under Articles 21, 22, 23 and 25 shall be assessed in pounds sterling and paid in sterling or, at the option of the country concerned, the equivalent of the amount due in sterling at the rate of exchange on the date of payment may be paid in any currency which is freely convertible into sterling on the London foreign exchange market.

*Article 18*

*AUDIT*

- (a) The Council shall appoint auditors for the purpose of auditing its books of account.
- (b) The Council shall as soon as possible after the end of each financial year publish the independently audited Administrative and Buffer Stock Accounts, provided that such Buffer Stock Accounts shall not be published earlier than three months after the end of the financial year to which they relate.

**Chapter IX**

**THE ADMINISTRATIVE ACCOUNT**

*Article 19*

*THE BUDGET*

- (a) The Council shall at its first ordinary session after the entry into force of this Agreement approve the budget of contributions and expenditure on the Administrative Account for the period between the date of entry into force of this Agreement and the end of the first financial year. Thereafter, it shall approve a similar annual budget for each financial year. If at any time during any financial year, because of unforeseen circumstances which have arisen or are likely to arise, the

balance remaining in the Administrative Account is likely to be inadequate to meet the administrative expenses of the Council, the Council may approve a necessary supplementary budget for the remainder of that financial year.

- (b) On the basis of the budgets described in paragraph (a) of this Article, the Council shall assess in pounds sterling the contribution to the Administrative Account of each participating country, which shall be liable to pay its full contribution to the Council on notice of assessment. Participating countries with 21 or more votes on the date of assessment shall each pay 1% of the total budget and participating countries with 20 or less votes on the date of assessment shall each pay three-tenths of 1% of the total budget. That portion of the budget which is not covered by the above payments shall be met by a payment in respect of each vote which a participating country holds on the date of assessment of one two-thousandth of the total amount required.
- (c) Any participating country which fails to pay its contribution to the Administrative Account within six months of the date of notice of assessment may be deprived by the Council of its right to vote. If such a country fails to pay its contribution within 12 months of the date of notice of assessment, the Council may deprive it of any other rights under this Agreement, provided that the Council shall, on receipt of any such outstanding contribution, restore to the country concerned the rights of which it has been deprived under this paragraph.

## Chapter X

### THE BUFFER STOCK ACCOUNT

#### *Article 20*

#### *ESTABLISHMENT OF THE BUFFER STOCK*

- (a) A buffer stock shall be established, the aggregate of which shall consist of contributions by producing countries in accordance with Article 21 and of contributions by consuming countries in accordance with Article 22.
- (b) The resources of the buffer stock may be supplemented by borrowing from the capital market and by making arrangements as stated in Article 24.
- (c) For the purposes of this Article, any part of a contribution made in cash shall be deemed to be equivalent to the quantity of tin metal

which could have been purchased at the floor price in effect at the date when this part is called in accordance with Article 21 or contributed under Article 22.

### *Article 21*

#### *CONTRIBUTIONS BY PRODUCING COUNTRIES*

- (a) (i) Producing countries shall make contributions to the buffer stock in either cash, tin metal or a combination of both, amounting to the equivalent of 20 000 tonnes of tin metal of which the equivalent of 7 500 tonnes shall be due on the entry into force of this Agreement;
- (ii) The Council shall decide what portion of the initial and subsequent contributions shall become due in cash or in tin metal;
- (iii) Subject to the provisions of subparagraph (iv), payment of the initial contributions shall be made on the date of the first ordinary session of the Council under this Agreement;
- (iv) Producing countries shall make the payment of the cash portion of any contribution due by them on the date determined by the Council and shall deliver the portion due in tin metal not later than three months from the date of such decision;
- (v) Notwithstanding the provisions of subparagraph (iii), the Council may at any time determine by which date or dates and in what instalments the whole or part of the balances of the aggregate contribution shall be made. However, the Council may authorize the Executive Chairman to request payment of instalments of these balances at not less than 14 days' notice;
- (vi) If at any time the Council holds cash assets in the Buffer Stock Account whose total amount exceeds the sum of the initial contributions required under subparagraphs (i) and of any additional contributions received under Article 22, the Council may authorize refunds out of such excess to the producing countries in proportion to the contributions they have made under this Article. At the request of a producing country, the refund to which it is entitled may be retained in the buffer stock. The balances remaining to be paid out of the aggregate contri-

butions due under subparagraph (i) shall be increased by the amount of such refunds, but not by the amount on any refund authorized but retained in the buffer stock.

- (b) Contributions due in accordance with paragraph (a) of this Article may, with the consent of the contributing country concerned, be made by transfer from the buffer stock held under the Fourth Agreement.
- (c) The contributions referred to in paragraph (a) of this Article shall be apportioned among the producing countries according to the percentages in Annex A, as reviewed and redetermined at the first ordinary session of the Council in accordance with paragraph (g) of Article 13.
- (d)
  - (i) If, on or after the entry into force of this Agreement, a country listed in Annex A deposits an instrument of ratification, approval, acceptance or accession, or gives notification of intention to ratify, approve, accept, or accede to, this Agreement, or if a consuming country has changed its category to that of a producing country in accordance with Article 6, the contribution of that country shall be determined by the Council with reference to its percentage in Annex A;
  - (ii) Contributions determined under subparagraph (i) shall be made on the date of the deposit of such instrument or on the date determined by the Council under paragraph (b) of Article 6;
  - (iii) In this connexion the Council may direct that refunds, not exceeding in the aggregate the amount of any contribution received under subparagraph (i), be made to the other producing countries or consuming countries. If the Council decides that such refunds or parts of such refunds are to be made in tin metal, it may attach to these refunds such conditions as it deems necessary. At the request of a producing country, the refund to which it is entitled may be retained in the buffer stock.
- (e)
  - (i) A producing country which for the purpose of making a contribution under this Article wishes, during a period of export control, to export tin from stocks lying within that country may apply to the Council for permission to export the tonnage so desired in addition to its permissible export tonnage, if any, determined under Article 34;
  - (ii) The Council shall consider any such application and may approve it subject to such conditions as it deems necessary.

Subject to these conditions being satisfied and to the furnishing of such evidence as the Council may require to identify the metal or concentrates exported with the tin metal delivered to the buffer stock, paragraphs (b) and (d) of Article 34 and paragraph (a) of Article 36 shall not apply to such exports.

- (f) Contributions in tin metal may be accepted by the Manager in warehouses officially approved by the London Metal Exchange or at such other place or places as are determined by the Council. The brands of tin so delivered shall be brands registered with and recognized by the London Metal Exchange.

#### *Article 22*

#### *ADDITIONAL CONTRIBUTIONS*

- (a) Consuming countries may, upon conditions agreed upon by the Council, make contributions to the buffer stock in either cash, tin metal or a combination of both, up to an additional amount equivalent to 20 000 tonnes of tin metal. Notwithstanding the conditions which shall have been imposed under this paragraph, the Council may refund to any country which has made a contribution to the buffer stock under this paragraph the whole or any part of such contributions. If such refund or part of such refund is made in tin metal the Council may attach to this refund the conditions which it deems necessary.
- (b) Any country invited to the United Nations Tin Conference, 1975, may make contributions to the buffer stock in cash, or in tin metal or both, subject to the agreement of the Council and upon such conditions as shall include conditions as to refund. Such contribution shall be additional to the contributions shown in paragraph (a) of Article 21 and paragraph (a) of this Article.
- (c) The Executive Chairman shall notify the participating countries of the receipt of any contributions received under paragraphs (a) and (b) of this Article and shall also notify any non-participating countries which have made a contribution under paragraph (b) of this Article of the receipt of any such contribution.
- (d) At the expiration of 30 calendar months after the entry into force of this Agreement, the Council shall review the results obtained as regards the additional contributions referred to in paragraphs (a) and (b) of this Article and it may decide that a negotiating conference

is to be convened within six months of the date of the Council's decision in order wholly or partly to amend this Agreement by a Protocol or other appropriate international instrument. If such a decision is reached, the Council shall request the Secretary-General of the United Nations to convene such a negotiating conference.

### *Article 23*

#### *PENALTIES RELATING TO CONTRIBUTIONS*

- (a) The Council shall determine penalties to be applied to countries which fail to meet their obligations under subparagraph (v) of paragraph (a) of Article 21.
- (b) If a producing country does not fulfil its obligations under Article 21, the Council may deprive it of any or all of its rights and privileges under this Agreement and may also require the remaining producing countries to make good the deficit in cash or in tin metal or in both.
- (c) If a part of the deficit is to be made good in tin metal, the producing countries which are making good that deficit shall be permitted to export the amounts required of them in addition to any permissible export amounts that may have been determined under Article 34. Subject to the furnishing of such evidence as the Council may require to identify the metal or concentrates exported with the tin metal delivered to the buffer stock, paragraphs (b) and (d) of Article 34 and paragraph (a) of Article 36 shall not apply to such exports.
- (d) The Council may at any time and on such conditions as it may determine:
  - (i) declare that the default has been remedied;
  - (ii) restore the rights and privileges of the country concerned; and
  - (iii) refund the additional contributions made by the other producing countries under paragraph (b) of this Article together with interest at a rate which shall be determined by the Council, taking into account prevailing international interest rates, provided that, in respect of that part of the additional contribution which has been made in tin metal, such interest shall be calculated on the basis of an appropriate price for tin metal on the date of the decision of the Council under paragraph (b) of this Article, on a recognized market to be agreed by the Council. If such refunds or parts of such refunds are made in tin metal the Council may attach to these refunds the conditions which it deems necessary.



## *Article 24*

### **BORROWING FOR THE BUFFER STOCK**

- (a) The Council may borrow for the purposes of the buffer stock and upon the security of tin warrants held by the buffer stock such sum or sums as it deems necessary provided that the maximum amount of such borrowing and the terms and conditions thereof shall have been approved by the majority of the votes cast by consuming countries and all the votes cast by producing countries.
- (b) The Council may, by a two-thirds distributed majority, make any other arrangements it sees fit for borrowing for the purpose of the buffer stock or to supplement its resources.
- (c) Without prejudice to paragraph (d) of this Article, all charges connected with these borrowings and arrangements shall be assigned to the Buffer Stock Account, but the Council may decide that participating non-contributing countries may contribute towards these charges. The Executive Chairman shall make regular reports to the Council on the operation of this paragraph. The operation of this paragraph shall be considered in relation to the provisions of paragraph (d) of Article 22.
- (d) No obligation shall be laid upon any participating country under this Article without the consent of that country.
- (e) In the event of any financial resources being made available to the Council, the Council may, by a two-thirds distributed majority decide to modify the figures stated in paragraph (a) of Article 21 and paragraph (a) of Article 22.

## Chapter XI

### **LIQUIDATION OF THE BUFFER STOCK**

## *Article 25*

### **LIQUIDATION PROCEDURE**

- (a) On the termination of this Agreement, all buffer stock operations under Articles 28, 29, 30, 31 or paragraph (b) of Article 36 shall cease. The Manager shall thereafter make no further purchase of tin

metal and may sell tin metal only as authorized by paragraphs (b), (c) or (i) of this Article.

- (b) Unless the Council substitutes other arrangements for those contained in this Article, the Manager shall, in connexion with the liquidation of the buffer stock, take the steps set out in paragraphs (c), (d), (e), (f), (g), (h), (i) and (j) of this Article.
- (c) As soon as possible after the termination of this Agreement, the Manager shall make an estimate of the total expenses of liquidation of the buffer stock in accordance with the provisions of this Article and shall set aside from the balance remaining in the Buffer Stock Account a sum which is in his opinion sufficient to meet such expenses. Should the balance remaining in the Buffer Stock Account be inadequate to meet such expenses, the Manager shall sell a sufficient quantity of tin metal to provide the additional sum required.
- (d) Subject to and in accordance with the terms of this Agreement, the share of each contributing country in the buffer stock shall be refunded to that country.
- (e)
  - (i) the share of each contributing country shall be ascertained in accordance with paragraph (f) of this Article;
  - (ii) Upon the request of all contributing countries, the Council shall revise paragraph (f) of this Article.
- (f) For the purpose of ascertaining the share of each contributing country in the buffer stock, the Manager shall adopt the following procedure:
  - (i) the contributions of each contributing country to the buffer stock, excluding any contribution or part of a contribution which has been made under Article 22, and which has been refunded under Article 22, shall be evaluated, and for this purpose any contribution or portion of any contribution made by a contributing country in metal shall be calculated at the prevailing floor price in effect on the date of call-up of such contribution and shall be added to the total contributions made by that country in cash;
  - (ii) all the tin metal held by the Manager on the date of termination of this Agreement shall be valued on the basis of an appropriate price for tin metal on that date on a recognized market to be agreed by the Council, and an amount to that value shall be added to the total cash held by him at that date after setting aside a sum as required by paragraph (c) of this Article;

- (iii) if the total arrived at under subparagraph (ii) is greater than the sum total of all the contributions made to the buffer stock by all the contributing countries, calculated in accordance with subparagraph (i), the surplus shall be apportioned among the contributing countries in proportion to the total contributions to the buffer stock of each contributing country multiplied by the number of days that such contributions have been at the disposal of the Manager on the termination of this Agreement. For this purpose contributions in tin metal shall be calculated in accordance with subparagraph (i) and each individual contribution, in metal or in cash, shall be multiplied by the number of days that it has been at the disposal of the Manager. For the purpose of calculating the number of days that a contribution has been at the disposal of the Manager neither the day on which the contribution was received by him nor the day of the termination of this Agreement shall be counted. The amount of surplus so apportioned to each contributing country shall be added to the total of the contributions of that country, calculated in accordance with subparagraph (i). In calculating the apportionment of such a surplus a forfeited contribution shall not be regarded as having been at the disposal of the Manager during the period of forfeiture;
- (iv) if the total arrived at under subparagraph (ii) is less than the sum of all the contributions made to the buffer stock by all the contributing countries, the deficit shall be apportioned among the contributing countries in proportion to their total contribution. The amount of the deficit so apportioned to each contributing country shall be deducted from the total of the contributions of that country, such contributions shall be calculated in accordance with subparagraph (i);
- (v) the result of the foregoing calculation shall in the case of each contributing country, be treated as its share of the buffer stock.
- (g) Subject to the provisions of paragraph (c) of this Article, the share of each contributing country in the cash and tin metal available for distribution in accordance with paragraph (f) of this Article shall be allocated to it, provided that if any contributing country has forfeited the whole or part of its rights to participate in the proceeds of the liquidation of the buffer stock by virtue of Articles 19, 23, 36, 45, 46 or 56, it shall to that extent be excluded from the refund of its

share and the resulting residue shall be apportioned between the other contributing countries in proportion to their respective shares in the buffer stock.

- (h) The ratio of tin metal to cash allocated under the provisions of paragraphs (d), (e) and (g) of this Article to each contributing country shall be the same.
- (i) Each contributing country shall be repaid the cash allocated to it as the result of the procedure set out in paragraph (f), and either:
  - (i) the tin metal so allocated to each contributing country may be transferred in such instalments and over such period as the Council may deem appropriate, but in any case not exceeding 24 months; or
  - (ii) at the option of any contributing country any such instalment may be sold and the net proceeds of such sale paid to that country.
- (j) When all the tin metal has been disposed of in accordance with paragraph (i) of this Article, the Manager shall distribute among the contributing countries any balance remaining of the sum set aside under paragraph (c) of this Article in the proportions allocated to each country in accordance with paragraphs (e) and (f) of this Article.

#### *Article 26*

### *LIQUIDATION AND EXPORT CONTROL*

- (a) When fixing the total permissible export tonnage for any control period in accordance with the provisions of Article 32, the Council shall, in the light of consideration given to the renewal of this Agreement under paragraph (c) of Article 57, decide whether there is need to reduce the tonnage of tin metal currently held in the buffer stock. In such case, the total permissible export tonnage may be fixed at such figure, lower than the figure which the Council would otherwise have fixed as the total permissible export tonnage for that period, as the Council may decide.
- (b) Within the framework of instructions of the Council, the Manager may sell from the buffer stock at any price, but not less than the floor

price, the quantities of tin metal by which the Council has reduced the total permissible export tonnages in accordance with the provisions of paragraph (a) of this Article.

## ECONOMIC PROVISIONS

### Chapter XII

#### FLOOR AND CEILING PRICES

##### *Article 27*

##### *FLOOR AND CEILING PRICES*

- (a) For the purposes of this Agreement there shall be floor and ceiling prices for tin metal which shall be expressed in Malaysian ringgit or in any other currency which the Council may decide. The range between the floor and ceiling prices shall be divided into three sectors.
- (b) The initial floor and ceiling prices and sectors within the price range shall be those in force under the Fourth Agreement at the date of the termination of that Agreement.
- (c) The Council may at any session decide the extent of each or any of the sectors referred to in paragraph (a) of this Article.
- (d) (i) The Council shall at its first ordinary session after the entry into force of this Agreement and, based on continuing studies, at any time thereafter or in accordance with the provisions of Article 31, consider whether the floor and ceiling prices are appropriate for the attainment of the objectives of this Agreement and may revise either or both of them. If the Council does not determine new floor and ceiling prices at its first ordinary session after the entry into force of this Agreement, the floor and ceiling prices and sectors within the price range shall remain the same as those in force at the date of the termination of the Fourth Agreement.

- (ii) In so doing, the Council shall take into account the short-term developments and medium-term trends of tin production, the production costs of tin and the level of tin production and consumption, the existing capacity for mine production, the adequacy of the current price to maintain sufficient future mine production capacity and other relevant factors affecting movements in the price of tin.
- (e) The Council shall publish as soon as possible any revised floor and ceiling price, including any provisional or revised price determined under Article 31 and any revised division of the range.

### Chapter XIII

#### MANAGEMENT OF BUFFER STOCK OPERATIONS

##### *Article 28*

##### *OPERATION OF THE BUFFER STOCK*

- (a) The Manager shall, in conformity with Article 12 and within the provisions of this Agreement and the framework of instructions of the Council, be responsible to the Executive Chairman for the operation of the buffer stock.
- (b) For the purposes of this Article, the market price of tin shall be the price of tin in that market recognized by the Council at the termination of the Fourth Agreement or such other price as the Council may at any time decide.
- (c) If the market price of tin
  - (i) is equal to or greater than the ceiling price, the Manager shall, unless instructed by the Council to operate otherwise and subject to Articles 29 and 31, offer for sale at the market price on recognized markets such tin as is at his disposal until the market price of tin falls below the ceiling price or the tin at his disposal is exhausted;
  - (ii) is in the upper sector of the range between the floor and ceiling prices, the Manager may operate on recognized markets at the

market price if necessary to prevent the market price from rising too steeply, provided he is a net seller of tin;

- (iii) is in the middle sector of the range between the floor and ceiling prices, the Manager may operate only on special authorization by the Council;
  - (iv) is in the lower sector of the range between the floor and ceiling prices, the Manager may operate on recognized markets at the market price if necessary to prevent the market price from falling too steeply, provided he is a net buyer of tin; or
  - (v) is equal to or less than the floor price, the Manager shall, unless instructed by the Council to operate otherwise, if he has funds at his disposal and subject to Articles 29 and 31, offer to buy tin on recognized markets at the floor price until the market price of tin is above the floor price or the funds at his disposal are exhausted.
- (d) For the purposes of this Article recognized markets shall be taken to mean the Penang Straits Tin Market, the London Metal Exchange, and/or any other market which may be from time to time recognized by the Council for the purposes of the operation of the buffer stock.
- (e) The Manager may engage in forward transactions under paragraph (c) of this Article only if these will be completed before the termination date of this Agreement or before some other date after the termination of this Agreement as determined by the Council.

#### *Article 29*

#### *RESTRICTION OR SUSPENSION OF BUFFER STOCK OPERATIONS*

- (a) Notwithstanding the provisions of subparagraphs (ii) and (iv) of paragraph (c) of Article 28, the Council may restrict or suspend forward transactions of tin when the Council considers it necessary to achieve the purposes of this Agreement.
- (b) Notwithstanding the provisions of subparagraphs (i) and (v) of paragraph (c) of Article 28, the Council, if in session, may restrict or suspend the operations of the buffer stock if, in its opinion, the

discharge of the obligations laid upon the Manager by those subparagraphs will not achieve the purposes of this Agreement.

- (c) At such times as the Council is not in session, the power to restrict or suspend operations under paragraph (b) of this Article shall be vested in the Executive Chairman.
- (d) The Executive Chairman may at any time revoke a restriction or suspension made under paragraph (c) of this Article.
- (e) Immediately after a decision by the Executive Chairman to restrict or suspend the operations of the buffer stock under paragraph (c) of this Article, he shall convene a session of the Council to review such decision. Such session shall be held within 14 days after the date of the restriction or suspension.
- (f) The Council may confirm or cancel any restriction or suspension under paragraph (c) of this Article. If the Council does not come to a decision, buffer stock operations shall be resumed or continue without restriction in accordance with the provisions of Article 28.
- (g) So long as any restriction or suspension of the operations of the buffer stock determined in accordance with this Article remains in force, the Council shall review this decision at intervals of not longer than six weeks. If at a session to make such a review the Council does not come to a decision in favour of the continuation of the restriction or suspension, buffer stock operations shall be resumed.

### *Article 30*

#### *OTHER OPERATIONS OF THE BUFFER STOCK*

- (a) The Council may authorize the Manager to buy tin from, or sell tin to or for the account of, a governmental non-commercial stock. The Council may also authorize the Manager to buy tin from contributing countries to the buffer stock of the Fourth Agreement from their share of the liquidation of the buffer stock under that Agreement. The provisions of paragraph (c) of Article 28 shall not apply to buying or selling of tin for which authority has been given in accordance with the provisions of this paragraph.



- (b) Notwithstanding the provisions of Articles 28 and 29, the Council may authorize the Manager, if his funds are inadequate to meet his operational expenses, to sell sufficient quantities of tin at the current price to meet expenses.

*Article 31*

*THE BUFFER STOCK AND CHANGES IN EXCHANGE RATES*

- (a) The Executive Chairman may convene, or any participating country may request him to convene, a session of the Council immediately to review the floor and ceiling prices if the Executive Chairman or the participating country, as the case may be, considers that changes in exchange rates make such a review necessary. Sessions may be convened under this paragraph at less than seven days' notice.
- (b) In the circumstances set forth in paragraph (a) of this Article, the Executive Chairman may, pending the session of the Council referred to in that paragraph, provisionally restrict or suspend the operations of the buffer stock if such a restriction or suspension is in his opinion necessary to prevent buying or selling of tin by the Manager to an extent likely to prejudice the purposes of this Agreement.
- (c) A restriction or a suspension of buffer stock operations under this Article may be confirmed, amended or cancelled by the Council. If the Council does not come to a decision, buffer stock operations, if provisionally restricted or suspended, shall be resumed.
- (d) Within 30 days of its decision to confirm, amend or cancel a restriction or a suspension of buffer stock operations under this Article, the Council shall consider the determination of provisional floor and ceiling prices and may determine these prices. If the Council does not determine provisional floor and ceiling prices in accordance with this paragraph, the existing floor and ceiling prices shall, subject to the provisions of paragraph (f) of this Article, remain in force.

- (e) Within 90 days from the establishment of provisional floor and ceiling prices, the Council shall review these prices and may determine new floor and ceiling prices. If the Council does not determine new floor and ceiling prices in accordance with this paragraph, the provisional floor and ceiling prices shall remain in force.
- (f) If the Council does not determine provisional floor and ceiling prices in accordance with paragraph (d) of this Article, it may at any subsequent session determine what the floor and ceiling prices shall be.
- (g) Buffer stock operations shall be resumed in accordance with the provisions of Article 28 on the basis of such floor and ceiling prices as are determined in accordance with paragraphs (d), (e) or (f) of this Article, as the case may be.

## Chapter XIV

### EXPORT CONTROL

#### *Article 32*

#### *DETERMINATION OF EXPORT CONTROL*

- (a) The Council may from time to time determine the quantities of tin which may be exported from producing countries in accordance with the provisions of this Article and may declare a control period and shall, by the same decision, fix a total permissible export tonnage for that control period. In fixing such a permissible export tonnage the Council shall take into account the estimates of production and consumption made under paragraph (a) of Article 9, the quantity of tin metal and cash held in the buffer stock, the quantity, availability and probable trend of other stocks of tin, the trade in tin, the current price of tin metal and any other relevant factors.
- (b) It shall also be the duty of the Council to adjust supply to demand so as to maintain the price of tin metal between the floor and ceiling prices. The Council shall also aim to maintain available in the buffer stock tin metal and cash adequate to rectify discrepancies between supply and demand which may arise.

- (c) The limitation of exports under this Agreement in each control period shall depend on the decision of the Council, and no such limitation shall operate in any period unless the Council has declared it to be a control period and fixed a total permissible export tonnage in respect of it.
- (d) The Council may declare control periods and fix total permissible export tonnages, notwithstanding the restriction or suspension of buffer stock operations in accordance with the provisions of Article 29 or 31.
- (e) A total permissible export tonnage previously fixed under paragraph (a) of this Article may be increased, but not decreased, by the Council during the control period to which it relates.
- (f) When, under the provisions of paragraph (a) of this Article, the Council has declared a control period and has fixed a total permissible export tonnage in respect of that period, the Council may at the same time call upon any country which is also a producer of tin from mines within its territory or territories to put into effect for that period such a limitation of its exports of tin derived from such production as may be agreed to be appropriate between the Council and the country concerned. The Council may also consult with countries which are consumers of tin with a view to improving the effectiveness of controls on supplies of tin coming on to international markets.

### *Article 33*

#### *CONTROL PERIODS*

- (a) Control periods shall correspond to quarters, provided that, on any occasion when the limitation of exports is being introduced for the first time during the currency of this Agreement or is being reintroduced after an interval during which there has been no limitation of exports, the Council may declare as the control period any period not being greater than five months or less than two months, ending on 31 March, 30 June, 30 September or 31 December.
- (b) The Council shall not declare a control period unless it finds that at least 10 000 tonnes of tin metal are likely to be held in the buffer stock at the beginning of that period, except that:

- (i) if a control period is declared for the first time after an interval during which no limitation of exports was in force, the figure for the purposes of this paragraph shall be 5 000 tonnes, and
  - (ii) the Council may by a two-thirds distributed majority revise in respect of any control period the required figures of 10 000 tonnes or 5 000 tonnes, as the case may be, to take account of the total capacity of the buffer stock at that time.
- (c) A total permissible export tonnage which has become effective shall not cease to be effective during the course of the period to which it relates by reason only of the fact that the buffer stock holding has fallen below the minimum tonnage of tin metal required under paragraph (b) of this Article or any other tonnage substituted therefore under the same paragraph.
- (d) A control period already declared may be cancelled before, or terminated during, the currency of that period by the Council and the period so cancelled or terminated shall not be regarded as a control period for the purposes of paragraph (f) of Article 32 and subparagraphs (ii), (iii) and (iv) of paragraph (a) of Article 36.
- (e) Notwithstanding the provisions of this Article, if, under the Fourth Agreement, a total permissible export tonnage has been fixed in respect of the last quarter of that Agreement and is still effective at the termination of that Agreement:
- (i) A control period, commencing upon the entry into force of this Agreement, shall be deemed to have been declared under this Agreement; and
  - (ii) The total permissible export tonnage for such control period shall be at the same quarterly rate as that fixed by the Fourth Agreement for the last quarter of that Agreement unless and until revised by the Council in accordance with the provisions of this Article:

Provided that, if at the time of the first ordinary session of the Council under this Agreement less than 10 000 tonnes are held in the buffer stock, the Council shall consider the position at its first ordinary session, and if a decision to continue the limitation of exports is not reached, the period in question shall cease to be a control period.

### *Article 34*

#### *DIVISION OF TOTAL PERMISSIBLE EXPORT TONNAGE*

- (a) The total permissible export tonnage for any control period shall be divided among producing countries in proportion to their production or export figures, as appropriate, for the last four consecutive quarters which preceded the control period and which were not declared control periods. In the division of the total permissible export tonnage under this paragraph, the Council shall give due consideration to any circumstances referred to in Rule 6 of Annex F, or stated by any producing country as being exceptional according to Rule 9 of Annex F, and may, with the consent of other producing countries, use for that country production or export figures as appropriate, relating to another period decided by the Council.
  
- (b)
  - (i) Notwithstanding the provisions of paragraph (a) of this Article the Council may, with the consent of a producing country, reduce its share in the total permissible export tonnage and redistribute the tonnage of the reduction among the other producing countries in proportion to the percentages of those countries, or if circumstances so require, in some other manner;
  - (ii) The quantity of tin determined according to subparagraph (i) for any producing country for any control period shall for the purposes of this Article be deemed to be the permissible export tonnage of that country for that control period.
  
- (c) Each producing country shall take such measures as may be necessary to maintain and enforce the provisions of this Article so that its exports shall correspond as closely as possible to its permissible export tonnage for any control period.
  
- (d)
  - (i) It shall be the duty of any producing country which believes itself unlikely to be able to export in any control period as much tin as it would be entitled to export in accordance with its permissible export tonnage for that control period, to make to the Council a declaration to that effect as soon as possible, but in any case not later than two calendar months after the date upon which such permissible export tonnage has become effective;

- (ii) If the Council has received such a declaration, or is of the opinion that any producing country is unlikely to be able to export in any control period as much tin as it would be entitled to export in accordance with its permissible export tonnage, the Council may take such steps as will, in its opinion, ensure that the total permissible export tonnage required will in fact be exported.
- (e) For the purposes of this Article, the Council may decide that exports of tin from any producing country shall include the tin content of any material derived from the mineral production of the country concerned.

#### *Article 35*

#### *POINT OF EXPORT*

Tin shall be deemed to have been exported if, in the case of a country named in Annex C, the formalities set out in that Annex opposite the name of that country have been completed, provided that:

- (i) the Council may, from time to time, with the consent of the country concerned, revise Annex C and any such revision shall have effect as if it were included in that Annex; and
- (ii) if any tin shall be exported from any producing country by any method which is not provided for by Annex C, the Council shall determine whether such tin shall be deemed to have been exported for the purposes of this Agreement and, if so, the time at which such export shall be deemed to have taken place.

#### *Article 36*

#### *PENALTIES RELATING TO EXPORT CONTROL*

- (a) (i) The net exports of tin from each producing country for each control period shall be limited, except as otherwise provided for in this Agreement, to the permissible export tonnage for that country for that control period;
- (ii) If, notwithstanding the provisions of subparagraph (i), the net exports of tin from a producing country in any control period

exceed its permissible export tonnage for that control period by more than 5%, the Council may require the country concerned to make an additional contribution to the buffer stock not exceeding the tonnage by which such exports exceed its permissible export tonnage. Such a contribution shall be in tin metal or in cash or in such proportions of tin metal and cash and before such date or dates as the Council may decide. That part, if any, of the contribution which is to be paid in cash shall be calculated at the floor price in effect on the date of the decision. That part, if any, of the contribution which is to be made in tin metal shall be included in and shall not be additional to the permissible export tonnage of the country in question for the control period in which such contribution is due to be made;

- (iii) If, notwithstanding the provisions of subparagraph (i), the aggregate net exports of tin from a producing country in any four successive control periods including, if appropriate, the control period referred to in subparagraph (ii) exceed by more than 1% the aggregate of its permissible export tonnages for those periods, the permissible export tonnages of that country during each of the four subsequent control periods may be reduced by one-quarter of the aggregate tonnage so over-exported or, if the Council so decides, by any greater fraction not exceeding one-half. Such reduction shall take effect in and from the control period next following that in which the decision was taken by the Council;
- (iv) If, after any four such successive control periods, during which the aggregate net exports of tin from a country have exceeded its permissible export tonnage as mentioned in subparagraph (iii), the aggregate net exports of tin from that country in any four further successive control periods, which shall not include any control period covered by subparagraph (iii), exceed the aggregate of the permissible export tonnages for those four control periods, the Council may, in addition to reducing the total permissible export tonnage of that country in accordance with the provisions of subparagraph (iii), declare that the country shall forfeit a part, which shall on the first occasion not exceed one-half, of its rights to participation on liquidation of the buffer stock. The Council may at any time restore to the

country concerned the portion of its rights so forfeited on such terms and conditions as it may determine;

- (v) It shall be the duty of a producing country which has exported a tonnage of tin in excess of its permissible export tonnage and of any tonnage permitted by other provisions of this Article to take effective steps to correct its breach of this Agreement at the earliest possible opportunity. The Council, when deciding the action to be taken under this paragraph, shall take account of any failure to take steps or delay in doing so.
- (b) For the purposes of subparagraphs (ii), (iii) and (iv) of paragraph (a) of this Article, control periods for which total permissible export tonnages have been fixed, tonnages which have been exported in excess of such permissible export tonnages, and penalties which have been imposed under Article 33 of the Fourth Agreement shall be deemed, as from the entry into force of this Agreement, to have been fixed, exported or imposed under this Article.

#### *Article 37*

#### *SPECIAL EXPORTS*

- (a) At any time when it has declared a control period the Council may, by a two-thirds distributed majority, permit the export (hereinafter called a special export) of a specified quantity of tin in addition to the permissible export amount referred to in paragraph (a) of Article 34, on the condition that:
  - (i) it considers that the proposed special export is destined to form part of a governmental stockpile; and
  - (ii) it considers that the proposed special export is unlikely to be used for any commercial or industrial purpose during the currency of this Agreement.
- (b) The Council may by a two-thirds distributed majority impose such conditions upon a special export as it deems necessary.
- (c) If the provisions of Article 39 and the conditions imposed by the Council under paragraph (b) of this Article are fulfilled, a special export shall not be taken into account when the provisions of paragraphs (b) and (d) of Article 34 and paragraph (a) of Article 36 are being applied.



- (d) The Council may by a two-thirds distributed majority at any time revise the conditions in paragraph (a) of this Article, provided that any such revision shall be without prejudice to anything done by a country in pursuance of permission given and conditions already imposed under paragraph (b) of this Article.

*Article 38*

*SPECIAL DEPOSITS*

- (a) A producing country may at any time with the consent of the Council make special deposits of tin metal with the Manager. A special deposit shall not be treated as part of the buffer stock and shall not be at the disposal of the Manager.
- (b) A producing country which has informed the Council of its intention of making a special deposit of tin metal originating within that country shall, subject to furnishing such evidence as the Council may require to identify the metal or the concentrates for conversion into tin metal which is the subject of the special deposit, be permitted to export such metal or concentrates in addition to any permissible export amount that may have been allocated to that country under Article 34 and, subject to the compliance by the producing country with the requirements of Article 39, paragraphs (b) and (d) of Article 34 and paragraph (a) of Article 36 shall not apply to such exports.
- (c) Special deposits may be accepted by the Manager only at such place or places as may be convenient to him.
- (d) The Executive Chairman shall notify the participating countries of the receipt of any such special deposit, but not sooner than three months after the date of receipt.
- (e) A producing country which has made a special deposit of tin metal may withdraw the whole or part of that special deposit in order to fulfil the whole or part of its permissible export amount in any control period. In such a case the amount withdrawn from the special deposit shall be regarded as having been exported for the purposes of Article 33 in the control period in which the withdrawal was made.
- (f) In any quarter which has not been declared a control period any special deposit shall be at the disposal of the country which has made

the deposit, subject only to the provisions of paragraph (h) of Article 39.

- (g) All charges incurred in connexion with any special deposit shall be borne by the country making the deposit and no charges shall be borne by the Council.

*Article 39*

*STOCKS IN PRODUCING COUNTRIES*

- (a) (i) The stocks of tin within any producing country which have not been exported within the definition for that country contained in Annex C shall not at any time during a control period exceed the tonnage shown against that country in Annex D;
- (ii) Such stocks shall not include tin in the course of transport between the mine and the point of export as defined in Annex C;
- (iii) The Council may revise Annex D, but, if in doing so it has increased the tonnage listed in Annex D against any country, it may impose conditions, including conditions as to period and subsequent export, in relation to any such addition.
- (b) Any increase in the proportion approved under paragraph (a) of Article 36 of the Fourth Agreement and still operative at the termination of that Agreement and any conditions imposed in connexion therewith shall be deemed to have been approved or imposed under this Agreement unless the Council otherwise decides within six months after the entry into force of this Agreement.
- (c) Any special deposit made under Article 38 shall be deducted from the amount of stocks permitted under this Article to be held during a control period within the producing country concerned.
- (d) (i) Where in a producing country mentioned in Annex E tin ore is unavoidably extracted from its natural occurrence in the mining of the other minerals mentioned in that Annex and for that reason the limitation of stocks prescribed in paragraph (a) of this Article would unreasonably restrict the mining of those other minerals, additional stocks of tin-in-concentrates may be held within that country to the extent that these are certified

by the Government of that country as having been won exclusively in association with those other minerals and actually retained in that country, provided that the proportion which such additional stocks bear to the total amount of the other minerals mined shall not at any time exceed the proportion stated in Annex E;

- (ii) Except with the consent of the Council, the export of such additional stocks shall not commence until after the liquidation of all the tin metal in the buffer stock and the rate of export thereafter shall not exceed one-fortieth of the whole or 250 tonnes, whichever is the greater, in each quarter.
- (e) Countries listed in Annex D or Annex E shall, in consultation with the Council, make regulations governing the maintenance, protection and control of such additional stocks as may be approved in accordance with this Article.
- (f) The Council may, with the consent of the producing country concerned, revise Annex D and Annex E.
- (g) Each producing country shall forward to the Council at such intervals as the Council may require statements as to the stocks of tin within its territory which have not been exported in accordance with the definition for that country in Annex C. Such statements shall not include tin in course of transport between the mine and the point of export as defined in Annex C. These statements shall show separately the stocks held under paragraph (d) of this Article.
- (h) A country which holds special deposits under Article 38 or is permitted to increase tonnages in accordance with the provisions of paragraph (a) of this Article shall, not later than 12 months before the termination of this Agreement, inform the Council of its plans for the disposal of such special deposits and the export of all or part of such increased tonnages, but not including additional stocks whose export is governed by paragraph (d) of this Article, and shall consult with the Council as to the best means of making such export without avoidable disruption of the tin market and in harmony with the provisions for the liquidation of the buffer stock under Article 26. The producing country concerned shall give due consideration to the recommendations of the Council.

## Chapter XV

### TIN SHORTAGE

#### *Article 40*

#### *ACTION IN THE EVENT OF A TIN SHORTAGE*

- (a) If at any time, when the price is in or above the upper sector, the Council concludes that a serious shortage of supplies of tin has developed is or likely to develop, the Council:
- (i) may, in accordance with paragraph (a) of Article 32 and paragraph (d) of Article 33, terminate any export control which might be in operation and recommend the level of stocks which should not be exceeded; and
  - (ii) shall recommend to the participating countries that they take all possible steps to ensure as rapid an increase as possible in the amount of tin which they are able to make available.
- (b) The Council shall determine the period of time during which measures provided for in this Article shall remain in effect; such period shall be reckoned in quarters, it being understood that when these measures are applied for the first time under this Agreement or are applied again after an interval when there was no recognized shortage, the Council may declare as a period of applicability of these measures any period not longer than five months or shorter than one month and ending on 31 March, 30 June, 30 September or 31 December.
- (c) The Council may cancel any measures taken on the basis of this Article before their entry into force or terminate them while in progress or extend them from quarter to quarter.
- (d) In the light of the Council's estimates of production and consumption made under paragraph (a) of Article 9, and taking into account the amount of tin metal and cash held in the buffer stock and all other relevant factors, in particular, the utilization of production capacity, the availability of other tin stocks and the trend in current prices, the Council shall carry out any studies necessary to enable it to estimate total tin demand and availability for the declared period and such subsequent periods as it may determine.

- (e) The Council may by a two-thirds distributed majority invite the participating countries to enter into such arrangements with it as may assure consuming countries an equitable distribution of the available supplies of tin.
- (f) The Council may make recommendations to producing countries on appropriate measures, not inconsistent with other international agreement on trade, to ensure that, in the event of a shortage, preference as regards the supply of tin available shall be given to consuming countries which participate in this Agreement.
- (g) The Council shall, at each session held while this Article is in effect, review the results of measures taken under this Article since the preceding session.

## OTHER PROVISIONS

### Chapter XVI

#### MISCELLANEOUS

##### *Article 41*

#### *GENERAL OBLIGATIONS OF MEMBERS*

- (a) Participating countries shall during the currency of this Agreement use their best endeavours and cooperate to promote the attainment of its objectives.
- (b) The participating countries shall accept as binding all decisions of the Council under this Agreement.
- (c) Without prejudice to the general scope of paragraph (a) of this Article, participating countries shall in particular observe the following:
  - (i) they shall not, so long as sufficient quantities of tin are available to meet their full requirements, prohibit or limit the use of tin for specified end-uses except in circumstances in which such prohibition or limitation would not be inconsistent with other international agreements on trade;

- (ii) they shall create conditions which would promote the transfer of tin production from less efficient to more efficient enterprises; and
- (iii) they shall encourage the conservation of the natural resources of tin by preventing the premature abandonment of deposits.

*Article 42*

*FAIR LABOUR STANDARDS*

The participating countries declare that, in order to avoid the depression of living standards and the introduction of unfair competitive conditions in world trade, they will seek to ensure fair labour standards in the tin industry.

*Article 43*

*DISPOSAL OF TIN FROM NON-COMMERCIAL STOCKPILES*

- (a) A participating country desiring to dispose of tin from non-commercial stockpiles shall, at adequate notice, consult with the Council concerning its disposal plans.
- (b) At the time when a participating country gives notice of a plan to dispose of tin from non-commercial stockpiles, the Council shall promptly enter into official consultations on the plan with that country for the purpose of assuring adequate fulfilment of the provisions of paragraph (d) of this Article.
- (c) The Council shall from time to time review the progress of such disposals and may make recommendations to the disposing participating country. Any participating country so concerned shall give due consideration to the recommendations of the Council.
- (d) Disposals from non-commercial stockpiles shall be made with due regard to the protection of tin producers, processors and consumers against avoidable disruption of their usual markets and against adverse consequences of such disposals on the investment of capital in exploration and development of new supplies and the health and

growth of tin mining in the producing countries. The disposals shall be in such amounts and over such periods of time as will not interfere unduly with production and employment in the tin industry in the producing countries and as will avoid creating hardships to the economies of the participating producing countries.

*Article 44*

*NATIONAL SECURITY*

- (a) Nothing in this Agreement shall be construed:
- (i) to require a participating country to furnish any information the disclosure of which it considers contrary to its essential security interests;
  - (ii) to prevent a participating country from taking, either singly or with other countries, any action which it considers necessary for the protection of its essential security interests where such action relates to traffic in arms, ammunition or implements of war, or to traffic in other goods and materials carried on directly or indirectly for the purpose of supplying a military establishment of any country, or which is taken in time of war or other emergency in international relations;
  - (iii) to prevent a participating country from entering into or carrying out any intergovernmental agreement, or other agreement on behalf of a country for the purpose specified in this paragraph, made by or for a military establishment for the purpose of meeting essential requirements of the national security of one or more of the countries participating in such agreements; or
  - (iv) to prevent a participating country from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.
- (b) Participating countries shall notify the Executive Chairman as soon as possible of any action they take respecting tin in consequence of subparagraph (ii) or (iv) of paragraph (a) of this Article and the Executive Chairman shall so notify other participating countries.

- (c) Any participating country which considers its economic interests under this Agreement seriously injured by action taken by any other participating country or countries, other than action taken in time of war, under the provisions of paragraph (a) of this Article, may complain to the Council.
- (d) On receipt of such a complaint the Council shall review the facts of the situation and shall by a majority of the total votes held by all consuming countries and a majority of the total votes held by all producing countries decide whether the complainant country is justified in its complaint and shall, if it so decides, permit the complainant country to withdraw from this Agreement.

## Chapter XVII

### COMPLAINTS AND DISPUTES

#### *Article 45*

#### *COMPLAINTS*

- (a) Any complaint that any participating country has committed a breach of this Agreement for which a remedy is not provided elsewhere in this Agreement shall, at the request of the country making the complaint, be referred to the Council for a decision.
- (b) Save where otherwise provided in this Agreement, no participating country shall be found to have committed a breach of this Agreement unless a resolution to that effect is passed. Any such finding shall specify the nature and extent of the breach.
- (c) If the Council finds under this Article that a participating country has committed a breach of this Agreement, the Council may, unless some other penalty is provided elsewhere in this Agreement, deprive the country concerned of its voting and other rights until it has remedied the breach or has otherwise fulfilled its obligations.



- (d) For the purposes of this Article, the expression 'breach of this Agreement' shall be deemed to include the breach of any condition imposed by the Council or failure to fulfil any obligation laid upon a participating country in accordance with this Agreement.

*Article 46*

*DISPUTES*

- (a) Any dispute concerning the interpretation or application of this Agreement which is not settled by negotiation shall, at the request of any participating country, be referred to the Council for decision.
- (b) Where a dispute has been referred to the Council in accordance with this Article a majority of participating countries or any participating countries holding not less than one-third of the votes in the Council may require the Council, after full discussion, to seek the opinion of the advisory panel referred to in paragraph (c) of this Article, on the issues in dispute before giving its decision.
- (c) (i) Unless the Council, by a unanimous decision of votes cast, agrees otherwise, the panel shall consist of:  
two persons, one having wide experience in matters of the kind in dispute and the other having legal standing and experience, nominated by the producing countries;  
two such persons nominated by the consuming countries; and  
a chairman selected unanimously by the four persons nominated above, or, if they fail to agree, by the Executive Chairman;
- (ii) Persons appointed to the advisory panel shall act in their personal capacity and without instructions from any Government;
- (iii) The expenses of the advisory panel shall be paid by the Council.
- (d) The opinion of the advisory panel and the reasons therefor shall be submitted to the Council which, after considering all the relevant information, shall decide the dispute.

## Chapter XVIII

### FINAL PROVISIONS

#### *Article 47*

#### *SIGNATURE*

This Agreement shall be open for signature at United Nations Headquarters from 1 July 1975 to 30 April 1976 inclusive, by parties to the Fourth Agreement and by Governments invited to the United Nations Tin Conference, 1975.

#### *Article 48*

#### *RATIFICATION, APPROVAL, ACCEPTANCE*

This Agreement shall be subject to ratification, approval or acceptance by the signatory Governments in accordance with their respective constitutional procedures. A signatory Government which intends to ratify, approve or accept this Agreement may give notification of intention to do so. Instruments of ratification, approval or acceptance, or notifications of intention to ratify, approve or accept, shall be deposited with the Secretary-General of the United Nations.

#### *Article 49*

#### *DEFINITIVE ENTRY INTO FORCE*

- (a) This Agreement shall, for the Governments which have deposited instruments of ratification, approval, acceptance or accession, enter into force definitively as soon after 30 June 1976 as such instruments have been deposited by Governments representing at least six producing countries holding together at least 950 votes as set out in Annex A and at least nine consuming countries holding together at least 300 votes as set out in Annex B.
- (b) For any Government which has deposited an instrument of ratification, approval, acceptance or accession after the definitive entry

into force of this Agreement, this Agreement shall enter into force definitively on the date of the deposit of such instrument.

- (c) If this Agreement has entered into force provisionally under paragraph (a) of Article 50, then as soon as instruments of ratification, approval, acceptance or accession have been deposited by Governments representing countries satisfying the conditions laid down in paragraph (a) of this Article, it shall enter into force definitively for those Governments.

### *Article 50*

#### *PROVISIONAL ENTRY INTO FORCE*

- (a) (i) If this Agreement has not entered into force definitively by 1 July 1976 or, if the Fourth Agreement is extended, by the day following the termination of that Agreement, this Agreement shall then enter into force provisionally for Governments which have deposited instruments of ratification, approval, acceptance or accession, or notifications of intention to do so, if such instruments or notifications have been deposited by Governments representing at least six producing countries holding together at least 950 votes as set out in Annex A, and at least nine consuming countries holding together at least 300 votes as set out in Annex B;
- (ii) For each Government which has deposited an instrument of ratification, approval or acceptance of, or accession to, or has given notification of intention to ratify, approve, accept or accede to, this Agreement while it is provisionally in force, this Agreement shall enter into force provisionally on the date of the deposit of such instrument or notification.
- (b) If, within six months after the termination of the Fourth Agreement, this Agreement has entered into force provisionally but not definitively as laid down in Article 49, the Executive Chairman shall as soon as possible convene a session or sessions of the Council to consider the position. If, however, the entry into force remains provisional, this Agreement shall be terminated not later than one year after the provisional entry into force.

## *Article 51*

### *EXPIRY OF NOTIFICATIONS OF INTENTION*

If this Agreement has entered into force definitively under paragraph (a) or paragraph (c) of Article 49, and if any Government which has given a notification of intention to ratify, approve, accept or accede has failed to deposit an instrument of ratification, approval, acceptance or accession within a period of 90 days from the date of definitive entry into force, that Government shall cease to participate in this Agreement, provided that:

- (i) the Council may extend the period aforesaid if so requested by that Government; and
- (ii) that Government may cease to participate in this Agreement before the expiry of the period aforesaid or any extension thereof by giving to the Secretary-General of the United Nations at least 30 days' notice.

## *Article 52*

### *ACCESSION*

- (a) Any Government invited to the United Nations Tin Conference, 1975, or any party to the Fourth Agreement shall have the right to accede to this Agreement upon conditions to be determined by the Council. Instruments of accession from such Governments shall state that they accept all those conditions.
- (b) The conditions laid down by the Council shall be equitable, in respect of voting rights and financial obligations, as between the Governments seeking to accede and other Governments already participating in this Agreement.
- (c) Upon the accession of a producing country to this Agreement the Council:
  - (i) shall fix, with the consent of that country, the tonnages and proportions to be shown against that country in Annexes D and E where appropriate; and

- (ii) shall also fix the circumstances for the purpose of export control to be shown against the name of that country in Annex C. The tonnage, proportion or description so fixed shall have effect as though it were included in such Annexes.
- (d) Any Government referred to in paragraph (a) of this Article which intends to accede to this Agreement may give notification of intention to do so.
- (e) The Council of the Fourth Agreement may, pending the entry into force of this Agreement, determine the conditions referred to in paragraph (a) of this Article, subject to confirmation by the Council of this Agreement and the Government or Governments concerned.
- (f) Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### *Article 53*

#### *SEPARATE PARTICIPATION*

A Government may, at the time of depositing its instrument of ratification, approval, acceptance or accession, or giving notification of intention to ratify, approve, accept or accede, or at any time thereafter, propose the separate participation as a producing or as a consuming country, as may be appropriate, of any territory or territories, interested in the production or consumption of tin, for whose international relations the Government is responsible and to which this Agreement applies or will apply when this Agreement enters into force. Such separate participation shall be subject to the consent of the Council and to the conditions which the Council may determine.

#### *Article 54*

#### *INTERGOVERNMENTAL ORGANIZATIONS*

- (a) Any reference to a Government in Articles 47, 48, 49, 50, 51 and 52 shall be construed as including a reference to an intergovernmental organization having responsibilities in respect of the negotiation,

conclusion and application of international agreements, in particular commodity agreements.

- (b) Such an organization shall not itself hold any votes, but in the case of votes on matters within its competence, it shall be entitled to cast the votes of its Member States and shall cast them collectively. In such cases, the Member States of the organization in question shall not be entitled to exercise their individual voting rights.

#### *Article 55*

#### *AMENDMENT*

- (a) The Council may, by a two-thirds majority of the total votes held by all producing countries and a two-thirds majority of the total votes held by all consuming countries, recommend to participating countries amendments to this Agreement. The Council shall, in its recommendation, fix the time limit within which each participating country shall notify the Secretary-General of the United Nations whether or not it ratifies, approves or accepts the amendment.
- (b) The Council may extend the time fixed by it under paragraph (a) of this Article for notification of ratification, approval or acceptance.
- (c) If, within the time fixed under paragraph (a) of this Article or extended under paragraph (b) of this Article, an amendment is ratified, approved or accepted by all participating countries it shall take effect immediately on the receipt by the Secretary-General of the United Nations of the last ratification, approval or acceptance.
- (d) If, within the time fixed under paragraph (a) of this Article or extended under paragraph (b) of this Article, an amendment is not ratified, approved or accepted by participating countries holding all of the votes of producing countries and by participating countries holding two-thirds of the total votes of all consuming countries, it shall not take effect.

- (e) If, by the end of the time fixed under paragraph (a) of this Article or extended under paragraph (b) of this Article, an amendment is ratified, approved or accepted by participating countries holding all of the votes of producing countries and by participating countries holding two-thirds of the total votes of all consuming countries:
- (i) the amendment shall, for the participating countries by which ratification, approval or acceptance has been signified, take effect at the end of three months next following the receipt by the Secretary-General of the United Nations of the last ratification, approval or acceptance necessary to comprise all of the votes of producing countries and two-thirds of the total votes of all consuming countries; and
  - ii) any participating country which does not ratify, approve or accept an amendment by the date of its coming into effect shall as of that date cease to participate in the Agreement, unless any such participating country satisfies the Council at its first session following the effective date of the amendment that its ratification, approval or acceptance could not be secured in time by reason of constitutional difficulties, and the Council decides to extend for such participating country the period fixed for ratification, approval or acceptance until these difficulties have been overcome.
- (f) If a consuming country considers that its interests will be adversely affected by an amendment it may, before the date of its coming into effect, give notice to the Secretary-General of the United Nations of withdrawal from this Agreement. Withdrawal shall become effective on the effective date of the amendment. The Council may, at any time, on such terms and conditions as it considers equitable, permit such country to withdraw its notice of withdrawal.
- (g) Any amendment to this Article shall take effect only if it is ratified, approved or accepted by all participating countries.
- (h) The provisions of this Article shall not affect any power under this Agreement to revise any Annex to this Agreement or the operation of any other Article of this Agreement which provides for a specific procedure relating to the modification of this Agreement.

*Article 56*

*WITHDRAWAL*

A participating country which withdraws from this Agreement during its currency, except:

- (i) In accordance with the provisions of paragraph (d) of Article 44 or paragraph (f) of Article 55; or
- (ii) Upon at least 12 months' notice being given to the Secretary-General of the United Nations not earlier than one year after the entry into force of this Agreement,

shall not be entitled to any share of the proceeds of the liquidation of the buffer stock under the terms of Article 25 nor shall it be entitled to a share of the other assets of the Council under the terms of Article 57 on the termination of this Agreement.

*Article 57*

*DURATION, EXTENSION AND TERMINATION*

- (a) The duration of this Agreement shall, except as otherwise provided in this Article or in paragraph (b) of Article 50, be five years from the date of entry into force.
- (b) The Council may by a two-thirds majority of the total votes held by all producing countries and a two-thirds majority of the total votes held by all consuming countries extend the duration of this Agreement by a period or periods not exceeding 12 months in all.
- (c) The Council, in a recommendation to the participating countries, not later than four years after the entry into force of this Agreement, shall inform them whether it is necessary and appropriate that this Agreement should be renewed and, if so, in what form; it shall at the same time consider what the relationship between the supply of and demand for tin is likely to be at the expiration of this Agreement.
- (d) (i) A participating country may at any time give notice in writing to the Executive Chairman that it intends to propose at the next session of the Council the termination of this Agreement;



- (ii) If the Council, by a two-thirds majority of the total votes held by all producing countries and by all consuming countries, adopts the proposal to terminate, it shall recommend to the participating countries that this Agreement shall terminate;
- (iii) If participating countries holding two-thirds of the total votes of all producing countries and two-thirds of the total votes of all consuming countries notify the Council that they accept that recommendation, this Agreement shall terminate on the date the Council shall decide, being a date not later than six months after the receipt by the Council of the last of the notifications from those participating countries.

*Article 58*

**PROCEDURE ON TERMINATION**

- (a) The Council shall remain in being for as long as may be necessary for the carrying out of paragraph (b) of this Article, for the supervision of the liquidation of the buffer stock and any stocks held in producing countries in accordance with Article 39 and for the supervision of the due performance of conditions imposed under this Agreement by the Council or under the Fourth Agreement; the Council shall have such of the powers and functions conferred on it by this Agreement as may be necessary for the purpose.
- (b) On termination of this Agreement:
  - (i) the buffer stock shall be liquidated in accordance with the provisions of Article 25;
  - (ii) the Council shall assess the obligations into which it has entered in respect of its staff and shall, if necessary, take steps to ensure that, by means of a supplementary estimate to the Administrative Account raised in accordance with Article 19, sufficient funds are made available to meet such obligations;
  - (iii) after all liabilities incurred by the Council, other than those relating to the Buffer Stock Account, have been met, the remaining assets shall be disposed of in the manner laid down in this Article;
  - (iv) if the Council is continued, it shall retain its archives, statistical material and all other documents;

- (v) if the Council is not continued but a body is created to succeed the Council, the Council shall transfer its archives, statistical material and all other documents to such successor body and may by a two-thirds distributed majority either transfer all or any of its remaining assets to such successor body, or otherwise dispose of them as the Council may direct;
- (vi) if the Council is not continued and no successor body is created the Council shall transfer its archives, statistical material and any other documents to the Secretary-General of the United Nations or to any international organization nominated by him or, failing such nomination as the Council may determine, and the remaining non-monetary assets of the Council shall be sold or otherwise realized in such manner as the Council may direct;
- (vii) the proceeds of realization of non-monetary assets and any remaining monetary assets shall then be distributed in such a manner that each participating country shall receive a share proportionate to the total of the contributions which it has made to the Administrative Account established under Article 19.

*Article 59*

*AUTHENTIC TEXTS OF THE AGREEMENT*

The texts of this Agreement in the Chinese, English, French, Russian and Spanish languages are all equally authentic, the originals being deposited with the Secretary-General of the United Nations.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Agreement on the dates appearing opposite their signatures.

*ANNEX A***Percentages and votes of producing countries**

Country	Percentage	Votes		
		Initial	Additional	Total
Australia	4.37	5	42	47
Bolivia	18.06	5	174	179
Indonesia	13.71	5	133	138
Malaysia	43.60	5	421	426
Nigeria, Federal Republic of	4.17	5	40	45
Thailand	12.55	5	121	126
Zaire, Republic of	3.54	5	34	39
Total	100.00	35	965	1 000

*Note*

The countries, percentages and votes listed in this Annex are those arrived at during the United Nations Tin Conference, 1975, at which the Fifth International Tin Agreement was drawn up. The list of countries and the figures are subject to revision from time to time in accordance with the operation of the provisions of this Agreement.

*ANNEX B*

**Percentages and votes of consuming countries**

Country	Percentage	Votes		
		Initial	Additional	Total
Austria	0.31	5	3	8
Belgium/Luxembourg	1.95	5	17	22
Bulgaria	0.48	5	4	9
Canada	2.91	5	25	30
Cuba	0.05	5	1	6
Czechoslovakia	1.91	5	16	21
Denmark	0.30	5	3	8
Dominican Republic	0.03	5	0	5
France	6.09	5	52	57
German Democratic Republic	0.53	5	5	10
Germany, Federal Republic of	8.16	5	70	75
Hungary	0.68	5	6	11
India	1.88	5	16	21
Ireland	0.04	5	1	6
Italy	4.37	5	38	43
Japan	18.55	5	160	165
Korea, Republic of	0.38	5	3	8
Netherlands	2.50	5	21	26
Nicaragua	0.03	5	0	5
Poland	2.39	5	20	25
Romania	1.62	5	14	19
Spain	1.99	5	17	22
Switzerland	0.41	5	3	8
Turkey	0.72	5	6	11
United Kingdom of Great Britain and Northern Ireland	8.10	5	70	75
United States of America	29.56	5	254	259
Union of Soviet Socialist Republics	3.21	5	28	33
Yugoslavia	0.85	5	7	12
<b>Total</b>	<b>100.00</b>	<b>140</b>	<b>860</b>	<b>1 000</b>

### *Note*

The countries, percentages and votes listed in this Annex are those arrived at during the United Nations Tin Conference, 1975, at which the Fifth International Tin Agreement was drawn up. The list of countries and the figures are subject to revision from time to time in accordance with the operation of the provisions of this Agreement.

## ANNEX C

### Part I

#### **Circumstances in which tin shall be deemed to have been exported for the purpose of export control**

- Australia* Tin shall be deemed to be exported on the date of the Restricted Goods Export Permit issued under the Customs (Prohibited Exports) Regulations.
- Bolivia* Tin shall be deemed to have been exported when it has passed the control of the Customs Authorities of Bolivia for payment of export duty.
- Indonesia* Tin shall be deemed to have been exported from Indonesia when the tin has been cleared through customs and/or when tin concentrates have been delivered to and weighed by the smelter under customs' supervision and the customs officials have issued a customs certificate for such tin. Such tin shall not include tin subsequently imported into Indonesia for domestic consumption.
- Malaysia* Tin shall be deemed to have been exported from Malaysia at the time at which the Royal Customs and Excise Department of Malaysia has weighed the concentrates or, where the concentrates have been smelted before the payment of export duty, has weighed the metal for the payment of such export duty.
- Nigeria,  
Federal  
Republic of* Tin shall be deemed to have been exported when the concentrates have been delivered to the smelter, weighed and passed for payment of royalty: Provided that tin not delivered to the smelter shall be deemed to have been

exported when a waybill has been delivered by the Nigerian Railway Corporation acknowledging the delivery for export of concentrates to the Corporation.

*Thailand*

Tin shall be deemed to have been exported from Thailand when the Department of Mineral Resources has officially certified that the concentrates have been delivered to and weighed by a smelting company in Thailand, provided that tin for export not delivered to a smelting company shall be deemed to have been exported from Thailand when the Department of Mineral Resources has issued an export permit in respect of such tin.

*Zaire,  
Republic of*

Tin shall be deemed to have been exported when a through bill of lading has been delivered by a carrier affiliated to the Comité intérieur des Transporteurs de la République du Zaïre acknowledging the delivery of the tin to that carrier.

If, for any reason, no such document has been delivered for a particular consignment, the tonnage of tin in that consignment shall be deemed to have been exported for the purpose of this Agreement when export documents have been delivered by the Customs Administration of the Republic of Zaïre.

*General  
proviso*

Any tin transported from a producing country during a control period shall be deemed to have been exported and treated as part of the permissible export tonnage of that country for that control period, except:

- (a) as stated in this Annex in respect of Australia; or
- (b) as may be determined by the Council in accordance with subparagraph (ii) (a) of Article 35, unless the formalities set out in this Annex opposite the name of that producing country have been completed in respect of that tin before the beginning of the control period.

## *Part II*

### **Imports into producing countries**

For the purpose of determining net exports of tin under Article 35, imports deductible from exports during a control period shall be the amount imported into the producing country concerned during the quarter immediately preceding the declaration of the control period in question, provided that tin imported for smelting and exported shall not be taken into account.



*ANNEX D***Stocks in producing countries under Article 39**

Country	Tonnes
Australia	3 000
Bolivia	8 000
Indonesia	6 200
Malaysia	17 050
Nigeria, Federal Republic of	1 500
Thailand	5 300
Zaire, Republic of	2 000

*ANNEX E***Additional stocks won unavoidably**

Country	Other mineral	Tin content of concentrates permitted to be stocked additionally for each ton of other mineral mined: tonnes
Australia	Tantalo-columbite	1.5
Nigeria, Federal Republic of	Columbite	1.5
Thailand	Wolframite-scheelite	1.5
Zaire, Republic of	Tantalo-columbite	1.5

## *ANNEX F*

### **Rules for the re-determination of the percentages of the producing countries**

#### *Rule 1*

The first re-determination of the percentages of the producing countries shall be made at the first ordinary session of the Council under this Agreement.

Notwithstanding the provisions of Rule 2, this re-determination shall be made on the basis of the last four quarters immediately preceding the introduction of any export control period for which figures of the production of tin in each of the producing countries are available. New percentages for the producing countries shall be determined in direct proportion to the production of tin in each of them during those four quarters.

Subsequent re-determination of the percentages shall be made at yearly intervals following the first re-determination, provided that no period after the quarters referred to in this Rule shall have been declared to be a control period.

In such subsequent re-determination, made under this Rule, the new percentages shall be calculated as follows:

- (i) the percentages in the second re-determination shall be in direct proportion to the production of tin in each of the producing countries in the latest 24 consecutive calendar months for which figures are available; and
- (ii) the percentages in the third re-determination, and all later re-determinations, shall be in direct proportion to the production of tin in each of the producing countries in the latest 36 consecutive calendar months for which figures are available.

#### *Rule 2*

Should any period be declared to be a control period, no re-determination of the percentages shall be made until four consecutive quarters have not been declared to be control periods. The next re-determination shall then be made as soon as figures for the production of tin in each of the producing countries in such four consecutive quarters are available, and re-determination shall be made at yearly intervals thereafter for as long as no period is declared to be a control period.

In any re-determination made under this Rule the new percentages shall be calculated as follows:

- (i) the percentages in the first re-determination following a period of export control shall be in direct proportion to the sum of the production of tin in each of the producing countries in the latest 12 consecutive calendar months for which figures are available and in the four quarters immediately preceding that control period;
- (ii) the percentages in the second re-determination, provided that no further control period shall have been declared, shall be in direct proportion to the production of tin in each of the producing countries in the latest 24 consecutive calendar months for which figures are available;
- (iii) the percentages in each subsequent re-determination, provided that no further control period shall have been declared, shall be in direct proportion to the production of tin in each of the producing countries in the latest 36 consecutive calendar months for which figures are available.

#### *Rule 3*

For the purpose of these Rules, re-determinations shall be deemed to have been made at yearly intervals if they are made in the same quarter of the calendar year as were the preceding re-determinations.

#### *Rule 4*

For the purpose of these Rules, all producing countries shall make available to the Council their latest 12 months' production figures within three months after the date of the latest calendar month. If a country has failed to make such figures available, the production of that country for a period of 12 months shall be calculated by multiplying by 12 the average monthly rate of production figures available for such period.

#### *Rule 5*

Figures of the production of tin in any producing country for any period earlier than 42 months before the date of any re-determination shall not be employed in that re-determination nor shall account be taken of figures of the production of tin in control periods.

#### *Rule 6*

The Council may reduce the percentage of any producing country which has failed to export the whole of its permissible export tonnage as

determined under paragraph (a) of Article 34, or of any greater amount accepted by it under paragraph (b) of that Article. In considering its decision, the Council shall regard as mitigating circumstances that the producing country concerned surrendered under paragraph (b) of Article 34 a part of its permissible export tonnage in time for effective steps to be taken by the other producing countries to make good the deficit or that the producing country concerned which has failed to export the amount determined under paragraph (d) of Article 34 has exported the whole of its permissible export amount as determined under paragraph (a) or (b) of Article 34.

#### *Rule 7*

If a reduction in the percentage of any producing country is made in accordance with Rule 6, the percentage so made available shall be distributed among the other producing countries in proportion to their percentages current at the date of the decision to make the reduction.

#### *Rule 8*

If, by the application of the foregoing Rules, the percentage of a producing country is reduced to less than the minimum figure permitted by the operation of the proviso to paragraph (g) (i) of Article 13, then the percentage of that country shall be restored to such minimum figure and the percentages of the other producing countries shall be proportionately reduced so that the total of the percentages is restored to 100.

#### *Rule 9*

For the purposes of subparagraph (ii) of paragraph (g) of Article 13, and paragraph (a) of Article 34 the following circumstances *inter alia* may be regarded as exceptional: a national disaster, a major strike which has paralysed the tin mining industry for a substantial period, a major breakdown of power supplies or of the main line of transport to the coast or to the point of export as defined in Annex C.

#### *Rule 10*

For the purposes of these Rules, the calculation for producing countries which are substantial consumers of tin derived from their domestic mine production shall be based on their exports of tin and not on mine production of tin.

*Rule 11*

In this Annex the expression 'the production of tin' shall be deemed to refer exclusively to mine production, and smelter production shall accordingly be ignored.



## DECLARATIONS OR RESERVATIONS (1)

### CZECHOSLOVAKIA

The International Tin Agreement, 1975, is being signed with the reservation of approval by the Government of the Czechoslovak Socialist Republic.

The Czechoslovak Socialist Republic signs the abovementioned Agreement as a consumer country.

The Government of the Czechoslovak Socialist Republic considers the provisions of the Article 53 of the International Tin Agreement, 1975, to be contradictory to the United Nations Declaration on the granting of independence to colonial countries and peoples (Resolution 1514/XV of 14 December 1960).

### HUNGARY

(a) The Hungarian People's Republic wishes to become party to the Agreement as an importing country in accordance with Article 5, paragraph (c), thereof.

(b) The Government of the Hungarian People's Republic calls attention to the fact that the provisions of Article 52, paragraphs (a) and (b), of the Agreement are contrary to the basic principles of international law. It is a postulate of the generally recognized principles of the sovereign equality of States that the Agreement should be open for participation by all States without any discrimination and restriction.

(c) The Government of the Hungarian People's Republic calls attention to the fact that Article 53 of the Agreement is at variance with the Declaration on the granting of independence to colonial countries and people's adopted by the United Nations General Assembly on 14 December, 1960 (Resolution 1514/XV).

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(1) Extract from the depositary's letter to the Contracting Parties.

## ROMANIA

In signing the Fifth International Tin Agreement adopted at Geneva on 21 June 1975 and in reaffirming its position as stated at the United Nations Tin Conference, the Socialist Republic of Romania:

(a) Considers that the provisions of Article 52 of the Agreement are not in accordance with the principle whereby international multilateral treaties, the subject and purpose of which are of concern to the whole international community, must be open to universal participation;

(b) Declares that the maintenance in a state of dependence of certain territories, referred to in Article 53 of the Agreement, is not in accordance with the Charter of the United Nations and the instruments adopted by the United Nations concerning the granting of independence to colonial countries and peoples, including the Declaration on principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations, adopted unanimously in 1970 in General Assembly Resolution 2625/XXV, which solemnly proclaims the obligation of States to promote the realization of the principle of equal rights and self-determination of peoples with a view to bringing a speedy end to colonialism.

## USSR

(a) The provisions of Articles 47 and 52 of the Agreement which restrict the opportunity for some States to participate in it contradict the generally recognized principle of the sovereign equality of States;

(b) The provisions of Articles 2, 4 and 53 of the Agreement concerning the extension of its operation by participating Governments to territories for whose international relations they are responsible are outdated and contradict the Declaration of the United Nations General Assembly on the granting of independence to colonial countries and peoples (General Assembly Resolution 1514/XV of 14 December 1960), which proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;



(c) The reference in Annex B of the Agreement to the so-called Republic of Korea is illegal, since the South Korean authorities can in no circumstances act on behalf of Korea.

### **UNITED KINGDOM**

Her Majesty's Government intend that the United Kingdom should make a financial contribution to the buffer stock of the International Tin Council under the Fifth International Tin Agreement. The basis of this contribution has still to be decided.

## INFORMATION CONCERNING

the Fifth International Tin AGREEMENT <sup>(1)</sup>

Open for signature: 1 July 1975 to 30 April 1976 in New York (United States of America)

Depositary: Secretary-General of the UNO – New York (United States of America)

Date of provisional entry into force: 1 July 1976 <sup>(2)</sup>

Duration: 5 years

Contracting Parties	Date of signature	Date of declaration of intention to ratify, approve or accept the Agreement	Date of deposit of instruments		Date of entry into force <sup>(4)</sup>	Declarations or reservations <sup>(5)</sup>
			of ratification, approval or acceptance, etc.	of accession		
<i>Producer countries</i>						
AUSTRALIA	28. 4.1976	23. 6.1976	8.11.1976		8.11.1976	
BOLIVIA	30. 4.1976	30. 6.1976				
INDONESIA	29. 4.1976	29. 6.1976	3. 8.1976		3. 8.1976	
MALAYSIA	18. 3.1976		18. 3.1976			
NIGERIA	22. 4.1976	28. 6.1976	6. 7.1976		6. 7.1976	
THAILAND	10. 2.1976		24. 5.1976			
ZAIRE	30. 4.1976					
<i>Consumer countries</i>						
EEC	29. 4.1976	30. 6.1976				
BELGIUM/LUXEMBOURG <sup>(3)</sup>	26. 4.1976	30. 6.1976				
DENMARK	11. 3.1976	30. 6.1976	12. 8.1976		12. 8.1976	

FRANCE	23. 2.1976	23. 6.1976				
GERMANY (Fed. Rep.)	12. 3.1976	29. 6.1976	29. 9.1976		29. 9.1976	
IRELAND	28. 4.1976	29. 6.1976				
ITALY	30. 4.1976					
NETHERLANDS	26. 4.1976	28. 6.1976				
UNITED KINGDOM	17.11.1975		28. 6.1976			Yes
AUSTRIA	20. 4.1976					
BULGARIA		29. 6.1976				
CANADA	29. 4.1976		30. 6.1976			
CZECHOSLOVAKIA	27. 4.1976	29. 6.1976	29. 6.1976			Yes
HUNGARY	30. 4.1976		8. 6.1976			Yes
INDIA	30. 4.1976		9. 7.1976		9. 7.1976	
JAPAN	16. 3.1976		17. 6.1976			
SPAIN	29. 4.1976		9.12.1976		9.12.1976	
POLAND	29. 4.1976	24. 6.1976				
ROMANIA	29. 4.1976		3. 9.1976		3. 9.1976	Yes
TURKEY		8. 6.1976				
UNION OF SOVIET SOCIALIST REPUBLICS	23. 4.1976		11. 6.1976			Yes
UNITED STATES	11. 3.1976	29. 6.1976	28.10.1976		28.10.1976	
YUGOSLAVIA	27. 4.1976	22. 6.1976	29.12.1976		29.12.1976	

(1) OJ No L 222, 14.8.1976.

(2) OJ No L 288, 28.10.1976. See Article 49 (a) of the Agreement. The Agreement did not enter into force definitively until 31.12.1976.

(3) In signing and ratifying this Agreement Belgium acted also for the Grand Duchy of Luxembourg.

(4) This date is given only where it falls after the date on which the Agreement entered into force.

(5) The texts of these declarations or reservations will be found on pp. 1327 to 1329 of this Volume.



## The International Cocoa Agreement 1975



# INTERNATIONAL COCOA AGREEMENT 1975 (1)

## COUNCIL DECISION

of 28 September 1976

on the notification of the provisional application by the European Economic Community of the International Cocoa Agreement 1975

(76/870/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Community is participating in the International Cocoa Agreement 1972;

Whereas, in accordance with the Council Decision of 20 July 1976, the Community signed the International Cocoa Agreement 1975, on 27 July 1976, subject to the conclusion thereof;

Whereas the Community should give notification that it will apply the Agreement provisionally pending completion of the internal procedures necessary for the conclusion thereof,

HAS DECIDED AS FOLLOWS:

### *Article 1*

In accordance with Article 68 of the International Cocoa Agreement 1975, the Community will deposit with the Secretary-General of the United Nations Organization before 30 September 1976 the notification

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(1) OJ No L 321, 20.11.1976.

annexed to this Decision stating that it will apply the Agreement provisionally, as an importing member, when the Agreement enters into force in accordance with Article 69.

The text of the Agreement is annexed to this Decision.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to deposit this notification.

Done at Brussels, 28 September 1976.

*For the Council*  
*The President*  
M. van der STOEL



## *ANNEX I*

### **Notification of provisional application of the International Cocoa Agreement 1975**

In accordance with Article 68 of the International Cocoa Agreement 1975, the European Economic Community hereby deposits this notification of the provisional application thereof. In giving this notification the Community will consider itself provisionally an importing member of the said Agreement, with all the rights and obligations arising therefrom, when the Agreement enters into force in accordance with Article 69 and until the date on which the Decision concluding the Agreement is deposited by the Council of the European Communities.

## *ANNEX II*

### **INTERNATIONAL COCOA AGREEMENT 1975**

#### **Chapter I**

#### **OBJECTIVES**

##### *Article 1*

#### **OBJECTIVES**

The objectives of this Agreement take into account the recommendations as contained in the Final Act of the first session of the United Nations Conference on Trade and Development and are:

- (a) To alleviate serious economic difficulties which would persist if adjustment between the production and consumption of cocoa cannot be effected by normal market forces alone as rapidly as circumstances require;
- (b) To prevent excessive fluctuations in the price of cocoa which affect adversely the long-term interests of both producers and consumers;
- (c) To make arrangements which will help stabilize and increase the earnings from the exports of cocoa of producing member countries thereby helping to provide the necessary incentive for a dynamic and rising rate of production and provide such countries with resources for accelerated economic growth and social development, while at the same time taking into account the interests of consumers in importing member countries, in particular the need to increase consumption;
- (d) To assure adequate supplies at reasonable prices, equitable to producers and consumers; and
- (e) To facilitate expansion of consumption and, if necessary and in so far as possible, an adjustment of production, so as to secure an equilibrium in the long term between supply and demand.

## Chapter II

### DEFINITIONS

#### *Article 2*

#### *DEFINITIONS*

For the purposes of this Agreement:

- (a) *Cocoa* means cocoa beans and cocoa products;
- (b) *Cocoa products* means products made exclusively from cocoa beans, such as cocoa paste, cocoa butter, unsweetened cocoa powder, cocoa cake and cocoa nibs as well as such other products containing cocoa as the Council may determine if necessary;
- (c) *Fine or flavour cocoa* means cocoa produced in the countries listed in Annex C to the extent specified therein;
- (d) *Tonne* means the metric ton of 1 000 kilograms or 2204.6 pounds; and pound means 453.597 grams;
- (e) *Crop year* means the period of 12 months from 1 October to 30 September inclusive;
- (f) *Quota year* means the period of 12 months from 1 October to 30 September inclusive;
- (g) *Basic quota* means the quota determined in accordance with Article 30;
- (h) *Annual export quota* means the quota of each exporting member as determined under Article 31;
- (i) *Export quota in effect* means the quota of each exporting member, at any given time, as determined under Article 31, or as adjusted under Article 34, or as reduced under paragraphs 4, 5 and 6 of Article 35, or as may be affected under the provisions of Article 36;
- (j) *Export of cocoa* means any cocoa which leaves the customs territory of any country; and *import of cocoa* means any cocoa which enters the customs territory of any country; provided that, for the purposes of these definitions customs territory shall, in the case of a member which comprises more than one customs territory, be deemed to refer to the combined customs territories of that member;
- (k) *Organization* means the International Cocoa Organization referred to in Article 5;

- (l) *Council* means the international Cocoa Council referred to in Article 6;
- (m) *Member* means a contracting party to this Agreement, including a contracting party as referred to in Article 3 (2), or a territory or a group of territories in respect of which a notification has been made in accordance with Article 71 (2), or an intergovernmental organization as provided for in Article 4;
- (n) *Exporting country* or *exporting member* means a country or a member respectively whose exports of cocoa expressed in terms of beans exceed its imports;
- (o) *Importing country* or *importing member* means a country or a member respectively whose imports of cocoa expressed in terms of beans exceed its exports;
- (p) *Producing country* or *producing member* means a country or member respectively which grows cocoa in commercially significant quantities;
- (q) *Simple distributed majority vote* means a majority of the votes cast by exporting members and a majority of the votes cast by importing members, counted separately;
- (r) *Special vote* means two-thirds of the votes cast by exporting members and two-thirds of the votes cast by importing members, counted separately, on condition that the number of votes thus expressed represents at least half the present and voting members;
- (s) *Entry into force* means, except when qualified, the date on which this Agreement first enters into force, whether provisionally or definitively.

### Chapter III

## MEMBERSHIP

### *Article 3*

#### *MEMBERSHIP IN THE ORGANIZATION*

1. Each contracting party shall constitute a single member of the Organization, except as otherwise provided in paragraph 2.

2. If any contracting party, including the territories for whose international relations it is for the time being ultimately responsible and to which this Agreement is extended in accordance with paragraph 1 of Article 71, consists of one or more units that would individually constitute an exporting member and of one or more units that would individually constitute an importing member, there may be either a joint membership for the contracting party together with these territories or, where the contracting party has made a notification to that effect under Article 71 (2), separate membership, singly, all together or in groups, for the territories that would individually constitute an exporting member, and separate membership, singly, all together or in groups, for the territories that would individually constitute an importing member.

3. A member may change its category of membership on such conditions as the Council may establish.

#### *Article 4*

#### *MEMBERSHIP BY INTERGOVERNMENTAL ORGANIZATIONS*

1. Any reference in this Agreement to a 'Government' shall be construed as including a reference to any intergovernmental organization having responsibilities in respect of the negotiation, conclusion and application of international agreements, in particular commodity agreements. Accordingly, any reference in this Agreement to signature or to deposit of instruments of ratification, acceptance or approval or to notification of provisional application or to accession by a Government shall, in the case of such intergovernmental organizations, be construed as including a reference to signature, or to deposit of instruments of ratification, acceptance or approval, or to notification of provisional application, or to accession, by such intergovernmental organizations.

2. Such intergovernmental organizations shall not themselves have any votes, but in the case of a vote on matters within their competence, they shall be entitled to cast the votes of their member States and shall cast them collectively. In such cases, the member States of such intergovernmental organizations shall not be entitled to exercise their individual voting rights.

3. The provisions of Article 15 (1) shall not apply to such intergovernmental organizations; but they may participate in the discussions of the Executive Committee on matters within their competence. In the case of a vote on matters within their competence, the votes that their member States are entitled to cast in the Executive Committee shall be cast collectively by any one of those member States.

## Chapter IV

### ORGANIZATION AND ADMINISTRATION

#### *Article 5*

#### *ESTABLISHMENT, HEADQUARTERS AND STRUCTURE OF THE INTERNATIONAL COCOA ORGANIZATION*

1. The International Cocoa Organization established by the International Cocoa Agreement 1972 shall continue in being to administer the provisions and supervise the operation of this Agreement.
2. The Organization shall function through:
  - (a) the International Cocoa Council and the Executive Committee;
  - (b) the Executive Director and the staff.
3. The headquarters of the Organization shall be in London unless the Council by special vote decides otherwise.

#### *Article 6*

#### *COMPOSITION OF THE INTERNATIONAL COCOA COUNCIL*

1. The highest authority of the Organization shall be the International Cocoa Council, which shall consist of all the members of the Organization.
2. Each member shall be represented on the Council by a representative and, if it so desires, by one or more alternates. Each member may also appoint one or more advisers to its representative or alternates.

## *Article 7*

### *POWERS AND FUNCTIONS OF THE COUNCIL*

1. The Council shall exercise all such powers and perform or arrange for the performance of all such functions as are necessary to carry out the express provisions of this Agreement.
2. The Council shall adopt by special vote such rules and regulations as are necessary to carry out the provisions of this Agreement and are consistent therewith, including its rules of procedure and those of its committees, the financial and staff regulations of the Organization and rules for the administration and operation of the buffer stock. The Council may, in its rules of procedure, provide for a procedure whereby it may, without meeting, decide specific questions.
3. The Council shall keep such records as are required to perform its functions under this Agreement, and such other records as it considers appropriate.
4. The Council shall publish an annual report. This report shall cover the annual review for which provision is made in Article 59. The Council shall also publish such other information as it considers appropriate.

## *Article 8*

### *CHAIRMAN AND VICE-CHAIRMEN OF THE COUNCIL*

1. The Council shall elect a chairman and a first and a second vice-chairman for each quota year, who shall not be paid by the Organization.
2. Both the chairman and the first vice-chairman shall be elected from among the representatives of the exporting members or from among the representatives of the importing members and the second vice-chairman from among the representatives of the other category. These offices shall alternate each quota year between the two categories of members.
3. In the temporary absence of both the chairman and the two vice-chairmen or the permanent absence of one or more of them, the Council may elect new officers from among the representatives of the exporting members or from among the representatives of the importing members, as appropriate, on a temporary or permanent basis as may be required.

4. Neither the chairman nor any other officer presiding at meetings of the Council shall vote. His alternate may exercise the voting rights of the member which he represents.

#### *Article 9*

#### *SESSIONS OF THE COUNCIL*

1. As a general rule, the Council shall hold one regular session in each half of the quota year.
2. The Council, in addition to meeting in the other circumstances specifically provided for in this Agreement, shall also meet in special session whenever it so decides or at the request of:
  - (a) any five members; or
  - (b) a member or members having at least 200 votes; or
  - (c) the Executive Committee.
3. Notice of sessions shall be given at least 30 days in advance, except in case of emergency or where the provisions of this Agreement require otherwise.
4. Sessions shall be held at the headquarters of the Organization unless by special vote the Council decides otherwise. If on the invitation of any member the Council meets elsewhere than at the headquarters of the Organization, that member shall pay the additional costs involved.

#### *Article 10*

#### *VOTES*

1. The exporting members shall together hold 1 000 votes and the importing members shall together hold 1 000 votes, distributed within each category of members — that is, exporting and importing members, respectively — in accordance with the following paragraphs of this Article.
2. The votes of exporting members shall be distributed as follows: 100 shall be divided equally among all exporting members to the nearest whole vote for each member; the remaining votes shall be distributed in proportion to their basic quotas.



3. The votes of importing members shall be distributed as follows: 100 shall be divided equally among all importing members to the nearest whole vote for each member; the remaining votes shall be distributed in proportion to their imports as set out in Annex D.
4. No member shall have more than 300 votes. Any votes above this figure arising from the calculations in paragraphs 2 and 3 shall be redistributed among the other members on the basis of paragraphs 2 and 3 respectively.
5. When the membership in the Organization changes or when the voting rights of a member are suspended or restored under any provision of this Agreement, the Council shall provide for the redistribution of votes in accordance with this Article.
6. There shall be no fractional votes.

#### *Article 11*

#### *VOTING PROCEDURE OF THE COUNCIL*

1. Each member shall be entitled to cast the number of votes it holds and no member shall be entitled to divide its votes. A member may, however, cast differently from such votes any votes which it is authorized to cast under paragraph 2.
2. By written notification to the Chairman of the Council, any exporting member may authorize any other exporting member, and any importing member may authorize any other importing member, to represent its interests and to cast its votes at any meeting of the Council. In this case the limitation provided for in Article 10 (4) shall not apply.
3. Exporting members producing exclusively fine or flavour cocoa shall not take part in voting on matters relating to the establishment and adjustment of quotas and the administration and operation of the buffer stock.

#### *Article 12*

#### *DECISIONS OF THE COUNCIL*

1. All decisions of the Council shall be taken, and all recommendations shall be made, by a simple distributed majority vote unless this Agreement provides for a special vote.

2. In arriving at the number of votes necessary for any of the decisions or recommendations of the Council, votes of members abstaining shall not be reckoned.
3. The following procedure shall apply with respect to any action by the Council which under this Agreement requires a special vote:
  - (a) if the required majority is not obtained because of the negative vote of three or less exporting or three or less importing members, the proposal shall, if the Council so decides by a simple distributed majority vote, be put to a vote again within 48 hours;
  - (b) if the required majority is again not obtained because of the negative vote of two or less exporting or two or less importing members, the proposal shall, if the Council so decides by a simple distributed majority vote, be put to a vote again within 24 hours;
  - (c) if the required majority is not obtained in the third vote because of the negative vote cast by one exporting or one importing member, the proposal shall be considered adopted;
  - (d) if the Council fails to put a proposal to a further vote, it shall be considered rejected.
4. Members undertake to accept as binding all decisions of the Council under the provisions of this Agreement.

### *Article 13*

#### *COOPERATION WITH OTHER ORGANIZATIONS*

1. The Council shall make whatever arrangements are appropriate for consultation or cooperation with the United Nations and its organs, in particular the United Nations Conference on Trade and Development, and with the Food and Agriculture Organization and such other specialized agencies of the United Nations and intergovernmental organizations as may be appropriate.
2. The Council, bearing in mind the particular role of the United Nations Conference on Trade and Development in international

commodity trade, shall, as appropriate, keep that organization informed of its activities and programmes of work.

3. The Council may also make whatever arrangements are appropriate for maintaining effective contact with international organizations of cocoa producers, traders and manufacturers.

#### *Article 14*

#### *ADMISSION OF OBSERVERS*

1. The Council may invite any non-member that is a member of the United Nations, its specialized agencies or the International Atomic Energy Agency to attend any of its meetings as an observer.

2. The Council may also invite any of the organizations referred to in Article 13 to attend any of its meetings as an observer.

#### *Article 15*

#### *COMPOSITION OF THE EXECUTIVE COMMITTEE*

1. The Executive Committee shall consist of eight exporting members and eight importing members, provided that if either the number of exporting members or the number of importing members in the organization is 10 or less the Council may, while maintaining parity between the two categories of members, decide by special vote the total number on the Executive Committee. Members of the Executive Committee shall be elected for each quota year in accordance with Article 16 and may be re-elected.

2. Each elected member shall be represented on the Executive Committee by a representative and, if it so desires, by one or more alternates. Each such member may also appoint one or more advisers to its representative or alternates.

3. The chairman and vice-chairman of the Executive Committee, elected for each quota year by the Council, shall both be chosen from among the delegations of the exporting members or from among the delegations of the importing members. These offices shall alternate each quota year between the two categories of members. In the temporary or

permanent absence of the chairman and the vice-chairman, the Executive Committee may elect new officers from among the representatives of the exporting members or from among the representatives of the importing members, as appropriate, on a temporary or permanent basis as may be required. Neither the chairman nor any other officer presiding at meetings of the Executive Committee may vote. His alternate may exercise the voting rights of the member which he represents.

4. The Executive Committee shall meet at the headquarters of the Organization unless by special vote it decides otherwise. If on the invitation of any member the Executive Committee meets elsewhere than at the headquarters of the Organization, that member shall pay the additional costs involved.

#### *Article 16*

##### *ELECTION OF THE EXECUTIVE COMMITTEE*

1. The exporting and importing members of the Executive Committee shall be elected in the Council by the exporting and importing members of the Organization respectively. The election within each category shall be held in accordance with the following paragraphs of this Article.

2. Each member shall cast all the votes to which it is entitled under Article 10 for a single candidate. A member may cast for another candidate any votes which it is authorized to cast under paragraph 2 of Article 11.

3. The candidates receiving the largest number of votes shall be elected.

#### *Article 17*

##### *COMPETENCE OF THE EXECUTIVE COMMITTEE*

1. The Executive Committee shall be responsible to, and work under the general direction of, the Council.

2. The Executive Committee shall keep the market under continuous review and recommend to the Council such measures as it may consider advisable.

3. Without prejudice to the right of the Council to exercise any of its powers, the Council may, by a simple distributed majority vote or a

special vote depending on whether a decision by the Council on the subject requires a simple distributed majority vote or a special vote, delegate to the Executive Committee the exercise of any of its powers, except the following:

- (a) redistribution of votes under Article 10;
  - (b) approval of the administrative budget and assessment of contributions under Article 23;
  - (c) revision of the minimum and maximum prices under paragraph 2 or 3 of Article 29;
  - (d) revision of Annex C under Article 33 (3);
  - (e) determination of annual export quotas under Article 31 and quarterly quotas under Article 35 (8);
  - (f) restriction or suspension of purchases by the buffer stock under Article 40 (10) (b);
  - (g) action relating to diversion of cocoa to non-traditional uses under Article 46;
  - (h) relief from obligations under Article 60;
  - (i) decision of disputes under Article 62;
  - (j) suspension of rights under Article 63 (3);
  - (k) establishment of conditions for accession under Article 67;
  - (l) exclusion of a member under Article 73;
  - (m) extension or termination of this Agreement under Article 75;
  - (n) recommendation of amendments to members under Article 76.
4. The Council may at any time, by a simple distributed majority vote, revoke any delegation of powers to the Executive Committee.

#### *Article 18*

### ***VOTING PROCEDURE AND DECISIONS OF THE EXECUTIVE COMMITTEE***

1. Each member of the Executive Committee shall be entitled to cast the number of votes received by it under the provisions of Article 16, and

no member of the Executive Committee shall be entitled to divide its votes.

2. Without prejudice to the provisions of paragraph 1 and by written notification to the chairman, any exporting or importing member which is not a member of the Executive Committee and which has not cast its votes under Article 16 (2) for any of the members elected may authorize any exporting or importing member of the Executive Committee, as appropriate, to represent its interests and to cast its votes in the Executive Committee.

3. In the course of any quota year a member may, after consultation with the member of the Executive Committee for which it voted under Article 16, withdraw its votes from that member. The votes thus withdrawn may be reassigned to another member of the Executive Committee but may not be withdrawn from that member for the remainder of that quota year. The member of the Executive Committee from which the votes have been withdrawn shall nevertheless retain its seat on the Executive Committee for the remainder of that quota year. Any action taken pursuant to the provisions of this paragraph shall become effective after the chairman has been informed in writing thereof.

4. Any decision taken by the Executive Committee shall require the same majority as that decision would require if taken by the Council.

5. Any member shall have the right of appeal to the Council, under such conditions as the Council shall prescribe in its rules of procedure, against any decision of the Executive Committee.

#### *Article 19*

#### *QUORUM FOR THE COUNCIL AND THE EXECUTIVE COMMITTEE*

1. The quorum for the opening meeting of any session of the Council shall be constituted by the presence of a majority of exporting members and a majority of importing members, provided that such members together hold in each category at least two-thirds of the total votes of the members in that category.

2. If there is no quorum in accordance with paragraph 1 on the day appointed for the opening meeting of any session and on the following

day, the quorum on the third day and throughout the remainder of the session shall be constituted by the presence of a majority of exporting members and a majority of importing members, provided that such members together hold in each category a simple majority of the total votes of the members in that category.

3. The quorum for meetings subsequent to the opening meeting of any session pursuant to paragraph 1 shall be that prescribed in paragraph 2.

4. Representation in accordance with Article 11 (2) shall be considered as presence.

5. The quorum for any meeting of the Executive Committee shall be prescribed by the Council in the rules of procedure of the Executive Committee.

#### *Article 20*

#### *THE STAFF OF THE ORGANIZATION*

1. The Council, after consulting the Executive Committee, shall appoint the Executive Director by special vote. The terms of appointment of the Executive Director shall be fixed by the Council in the light of those applying to corresponding officials of similar intergovernmental organizations.

2. The Executive Director shall be the chief administrative officer of the Organization and shall be responsible to the Council for the administration and operation of this Agreement in accordance with the decisions of the Council.

3. The Council, after consulting the Executive Committee, shall appoint the Buffer Stock Manager by special vote. The terms of appointment of the Manager shall be fixed by the Council.

4. The Manager shall be responsible to the Council for the functions conferred upon him by this Agreement as well as for such additional functions as the Council may determine. The responsibility for these functions shall be exercised in consultation with the Executive Director.

5. Without prejudice to the provisions of paragraph 4, the staff of the Organization shall be responsible to the Executive Director, who in turn shall be responsible to the Council.

6. The Executive Director shall appoint the staff in accordance with regulations established by the Council. In drawing up such regulations the Council shall have regard to those applying to officials of similar intergovernmental organizations. Staff appointments shall be made in so far as is practicable from nationals of exporting and importing members.

7. Neither the Executive Director nor the Manager, nor any other member of the staff, shall have any financial interest in the cocoa industry, the cocoa trade, cocoa transportation or cocoa publicity.

8. In the performance of their duties, the Executive Director, the Manager and the other members of the staff shall not seek or receive instructions from any member or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization. Each member undertakes to respect the exclusively international character of the responsibilities of the Executive Director, the Manager and the staff and not to seek to influence them in the discharge of their responsibilities.

## Chapter V

### PRIVILEGES AND IMMUNITIES

#### *Article 21*

### *PRIVILEGES AND IMMUNITIES*

1. The Organization shall have legal personality. It shall in particular have the capacity to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings.

2. The status, privileges and immunities of the Organization, of its Executive Director, its staff and experts and of representatives of members whilst in the territory of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the host Government) for the purpose of exercising their functions, shall continue to be governed by the Headquarters Agreement concluded between the Government of the United Kingdom of Great Britain and Northern



Ireland and the International Cocoa Organization in London on 26 March 1975.

3. The Headquarters Agreement referred to in paragraph 2 shall be independent of this Agreement. It shall, however, terminate:

- (a) by agreement between the host Government and the Organization, or
- (b) in the event of the headquarters of the Organization being moved from the territory of the host Government, or
- (c) in the event of the Organization ceasing to exist.

4. The Organization may conclude with one or more other members agreements to be approved by the Council relating to such privileges and immunities as may be necessary for the proper functioning of this Agreement.

## Chapter VI

### FINANCE

#### *Article 22*

### *FINANCE*

1. There shall be kept two accounts — the Administrative Account and the Buffer Stock Account — for the administration and operation of this Agreement.

2. The expenses necessary for the administration and operation of this Agreement, excluding those attributable to the operation and maintenance of the buffer stock instituted under Article 37, shall be brought into the Administrative Account and shall be met by annual contributions from members assessed in accordance with Article 23. If, however, a member requests special services, the Council may require that member to pay for them.

3. Any expenditure which is attributable to the operation and maintenance of the buffer stock under Article 37 (6) shall be brought into the Buffer Stock Account. The liability of the Buffer Stock Account for any expenditure other than that specified in Article 37 (6) shall be decided by the Council.

4. The financial year of the Organization shall be the same as the quota year.

5. The expenses of delegations to the Council, to the Executive Committee and to any of the committees of the Council or of the Executive Committee shall be met by the members concerned.

#### *Article 23*

#### *APPROVAL OF THE ADMINISTRATIVE BUDGET AND ASSESSMENT OF CONTRIBUTIONS*

1. During the second half of each financial year, the Council shall approve the administrative budget of the Organization for the following financial year, and shall assess the contribution of each member to that budget.

2. The contribution of each member to the administrative budget for each financial year shall be in the proportion which the number of its votes at the time the administrative budget for that financial year is approved bears to the total votes of all the members. In assessing contributions, the votes of each member shall be calculated without regard to the suspension of any member's voting rights or any redistribution of votes resulting therefrom.

3. The initial contribution of any member joining the Organization after the entry into force of this Agreement shall be assessed by the Council on the basis of the number of votes to be held by it and the period remaining in the current financial year, but the assessment made upon other members for the current financial year shall not be altered.

#### *Article 24*

#### *PAYMENT OF CONTRIBUTIONS TO THE ADMINISTRATIVE BUDGET*

1. Contributions to the administrative budget for each financial year shall be payable in freely convertible currencies, shall be exempt from foreign exchange restrictions and shall become due on the first day of that financial year.

2. If at the end of five months after the beginning of the financial year a member has not paid its full contribution to the administrative budget,

the Executive Director shall request the member to make payment as quickly as possible. If at the expiration of two months after the request of the Executive Director the member has still not paid its contribution, the voting rights of that member in the Council and the Executive Committee shall be suspended until such time as it has made full payment of the contribution.

3. A member whose voting rights have been suspended under paragraph 2 shall not be deprived of any of its other rights or relieved of any of its obligations under this Agreement unless the Council so decides by special vote. It shall remain liable to pay its contribution and to meet any other financial obligations under this Agreement.

#### *Article 25*

#### *AUDIT AND PUBLICATIONS OF ACCOUNTS*

1. As soon as possible, but not later than six months after the close of each financial year, the statement of the Organization's accounts for that financial year and the balance sheet at the close of that financial year under each of the accounts referred to in paragraph 1 of Article 22 shall be audited. The audit shall be carried out by an independent auditor of recognized standing in cooperation with two qualified auditors from member Governments, one from exporting members and one from importing members, to be elected by the Council for each financial year. The auditors from member Governments shall not be paid by the Organization.

2. The terms of appointment of the independent auditor of recognized standing, as well as the intentions and objectives of the audit, shall be laid down in the financial regulations of the Organization. The audited statement of the Organization's accounts and the audited balance sheet shall be presented to the Council at its next regular session for approval.

3. A summary of the audited accounts and balance sheet shall be published.

## Chapter VII

### PRICE, QUOTAS, BUFFER STOCK AND DIVERSION TO NON-TRADITIONAL USES

#### *Article 26*

#### *OPERATION OF THIS AGREEMENT*

1. In furthering the objectives of this Agreement, members shall adopt measures for maintaining the price of cocoa beans between agreed prices, and for that purpose and under the control of the Council an export quota system shall be established, a buffer stock arrangement shall be instituted and arrangements shall be made for the diversion to non-traditional uses, under strict regulation, of cocoa surplus to quotas and of cocoa beans surplus to the buffer stock.
2. Members shall conduct their trade policies so that the objectives of this Agreement may be attained.

#### *Article 27*

#### *CONSULTATION AND COOPERATION WITH THE COCOA INDUSTRY*

1. The Council shall encourage members to seek the views of experts in cocoa matters.
2. In fulfilling their obligations under this Agreement, members shall conduct their activities in a manner consonant with the established channels of trade and shall take due account of the legitimate interests of the cocoa industry.
3. Members shall not interfere with the arbitration of commercial disputes between cocoa buyers and sellers if contracts cannot be fulfilled because of regulations established in order to implement this Agreement, nor place impediments in the way of the conclusion of arbitration proceedings. The requirement that members comply with the provisions of this Agreement shall not be accepted as grounds for non-fulfilment of contract or as a defence in such cases.

## *Article 28*

### *DAILY PRICE AND INDICATOR PRICE*

1. For the purposes of this Agreement, the price of cocoa beans shall be determined by reference to a daily price and an indicator price.
2. The daily price shall, subject to paragraph 4, be the average taken daily of the quotations for cocoa beans of the nearest three active future trading months on the New York Cocoa Exchange at noon and on the London Cocoa Terminal Market at closing time. The London prices shall be converted to United States cents per pound by using the current six months forward rate of exchange published in London at closing time. The Council shall decide the method of calculation to be used when the quotations on only one of these two cocoa markets are available or when the London Exchange Market is closed. The time for shift to the next three months' period is the 15th of the month immediately preceding the nearest active maturing month.
3. The indicator price shall be the average of the daily prices over a period of 15 consecutive market days or, for the purposes of Article 34, (2) (c), over a period of 22 consecutive market days. Any reference in this Agreement to the indicator price being at, below or above any figure means that the average of the daily prices over the required period of consecutive market days has been at, below or above that figure. The Council shall adopt rules to implement the provisions of this paragraph.
4. The Council may, by special vote, decide on any other methods of determining the daily price and the indicator price if it considers such methods to be more satisfactory than those set out in paragraphs 2 and 3.

## *Article 29*

### *PRICES*

1. For the purpose of this Agreement, a minimum price of cocoa beans shall be established at 39 US cents per pound and a maximum price at 55 US cents per pound.
2. Before the end of the first quota year, and again if it decided to extend this Agreement for a further period of two years under Article 75,

before the end of the third quota year, the Council shall review the minimum price and the maximum price and may, by special vote, revise them.

3. In exceptional circumstances resulting from upheavals in the international economic or monetary situation, the Council shall review the minimum price and maximum price and may, by special vote, revise them.

4. In conducting the review of prices referred to in paragraphs 2 and 3 the Council shall take into consideration the trend of cocoa prices, consumption, production, stocks, the influence on cocoa prices of changes in the world economic situation or monetary system and any other factors which might affect the achievement of the objectives set out in this Agreement. The Executive Director shall supply data necessary for the appropriate consideration of the foregoing elements.

5. The provisions of Article 76 shall not be applicable to the revision of prices under this Article.

#### *Article 30*

#### *BASIC QUOTAS*

1. For each quota year, the basic quota allocated to each exporting member listed in Annex A shall be the percentage which the average of its annual production in the preceding five crop years for which final figures are available in the Organization represents in the total of the averages for all the exporting members listed in Annex A.

2. There shall be no basic quotas for the exporting members listed in Annex B producing less than 10 000 tonnes of bulk cocoa.

3. The Council shall revise the lists in Annexes A and B if the development of production of an exporting member so requires.

#### *Article 31*

#### *ANNUAL EXPORT QUOTAS*

1. At least 40 days before the beginning of each quota year, the Council shall adopt an estimate of the world net import demand for cocoa. In so

doing the Council shall take into account all relevant factors affecting the demand for and the supply of cocoa, which shall include, *inter alia*, the past trends of grindings, prospective stock variations and current and anticipated price trends. In the light of this estimate, and taking account of the expected volume of exports not subject to quotas, and imports from non-members, the Council shall forthwith determine annual export quotas by special vote at a level such as would be required to maintain the prices within the range specified in Article 29.

2. If, at least 35 days before the beginning of the quota year, the Council is unable to reach agreement on annual export quotas, the Executive Director shall submit to the Council his own proposal on the total of annual export quotas. The Council shall immediately proceed to a decision by special vote on the proposal. The Council shall, in any event, determine the annual export quotas at least 30 days before the beginning of the quota year.

3. The estimate adopted under paragraph 1, together with the annual export quotas determined on that basis, shall be reviewed and, if necessary, revised by the Council by special vote at its regular session in the first half of the quota year concerned, in the light of such updated statistical information as it may have collected under Article 57.

4. The annual export quota for each exporting member shall be proportionate to the basic quota determined in accordance with Article 30.

5. On the presentation of such evidence as it considers satisfactory, the Council shall authorize an exporting member producing less than 10 000 tonnes in any quota year to export during that year a quantity not greater than its effective production available for exports.

#### *Article 32*

#### *SCOPE OF EXPORT QUOTAS*

1. Annual export quotas cover:
  - (a) exports of cocoa from exporting members; and
  - (b) cocoa from the current crop year registered for export within the limit of the export quota in effect at the end of the quota year but

shipped after the quota year, provided that such exports shall be made not later than the end of the first quarter of the succeeding quota year and shall be subject to conditions to be established by the Council.

2. For the purpose of determining the beans equivalent of the exports of cocoa products from exporting members and exporting non-members, the following shall be the conversion factors: cocoa butter 1·33; cocoa cake and powder 1·18; cocoa paste and nibs 1·25. The Council may determine if necessary that other products containing cocoa are cocoa products. The conversion factors for cocoa products other than those for which conversion factors are set out in this paragraph shall be fixed by the Council.

3. The Council shall, on the basis of any document referred to in Article 49, keep the exports of cocoa products by exporting members and imports of cocoa products from exporting non-members under continuous observation. If the Council finds that, during the quota year, the difference between exports of cocoa cake and/or cocoa powder by an exporting country and its exports of cocoa butter has considerably increased at the expense of cocoa cake and/or cocoa powder because, for example, of increased extraction-method processing, the conversion factors to be used for the purpose of determining the beans equivalent of its exports of cocoa products during that quota year, and/or, if the Council so decides, in a subsequent quota year, will be as follows: cocoa butter 2·15; cocoa paste and nibs 1·25; cocoa cake and powder 0·30; with consequential adjustment in the contribution remaining to be collected in accordance with Article 39. However, this provision shall not apply if the decrease in exports of products other than cocoa butter is due to increased domestic human consumption or to other reasons — to be provided by the exporting country — considered as satisfactory and acceptable to the Council.

4. Deliveries to the Buffer Stock Manager by exporting members under Article 40 (2) and under Article 46 (1), as well as diversion of cocoa under Article 46 (2), shall not be counted against the export quotas of those members.

5. If the Council is satisfied that cocoa has been exported by exporting members for humanitarian or other non-commercial purposes, such cocoa shall not be counted against the export quotas of those members.



*Article 33*

*FINE OR FLAVOUR COCOA*

1. Notwithstanding Articles 31 and 39, the provisions of this Agreement concerning export quotas and contributions for financing the buffer stock shall not apply to fine or flavour cocoa from any exporting member listed in paragraph 1 of Annex C whose production is exclusively of fine or flavour cocoa.
2. Paragraph 1 shall also apply in the case of any exporting member listed in paragraph 2 of Annex C, part of whose production consists of fine or flavour cocoa, to the extent of the proportion of their production stated in paragraph 2 of Annex C. With regard to the remaining proportion, the provisions of this Agreement concerning export quotas and contributions for financing the buffer stock and other limitations of this Agreement shall apply.
3. The Council may, by special vote, revise Annex C.
4. If the Council finds that the production of, or export from, countries listed in Annex C has risen sharply, it shall take appropriate steps to ensure that no abuse or evasion of this Agreement is taking place.
5. Each exporting member listed in Annex C undertakes to require the presentation of an authorized Council control document before permitting the export of fine or flavour cocoa from its territory. Each importing member undertakes to require the presentation of an authorized Council control document before permitting the import of fine or flavour cocoa into its territory.

*Article 34*

*OPERATION AND ADJUSTMENT OF ANNUAL EXPORT QUOTAS*

1. The Council shall keep the market situation under review and shall meet whenever circumstances so require.
2. The following quotas shall have effect unless the Council decides by special vote to increase or reduce them:

- (a) when the indicator price is above the minimum price + 6 US cents per pound, and at or below the minimum price + 8 US cents per pound, the export quotas in effect shall be 100% of the initial annual export quotas;
  - (b) when the indicator price is above the minimum price + 3 US cents per pound and at or below the minimum price + 6 US cents per pound, the export quotas in effect shall be 97% of the initial annual export quotas;
  - (c) when the indicator price is above the minimum price + 8 US cents per pound the export quotas in effect shall be suspended.
3. When the indicator price is above the minimum price and at or below the minimum price + 3 US cents per pound, the manager shall purchase cocoa beans up to 4% of the initial annual export quotas under the terms provided for by Article 40 (3) and (6).
4. When the indicator price is below the minimum price, the manager shall purchase cocoa beans under the terms provided for by Article 40 (4) and (6).
5. When the indicator price is above the minimum price + 14 US cents per pound and at or below the maximum price, sales from the buffer stock shall take place up to 7% of the initial annual export quotas under the terms provided for by Article 41 (1).
6. When the indicator price is above the maximum price, sales from the buffer stock shall take place under the terms provided for by Article 41 (1).

### *Article 35*

#### *COMPLIANCE WITH EXPORT QUOTAS*

1. Members shall adopt the measures required to ensure full compliance with the obligations undertaken by them in this Agreement in respect of export quotas. The Council may call upon members to adopt additional measures, if necessary, for the effective implementation of the export quota system, including the making of regulations by exporting members

providing for the registration of all their cocoa to be exported within the limit of the export quota in effect.

2. Exporting members undertake to regulate their sales in such a manner as to make for orderly marketing and to be in a position to comply at all times with their export quotas in effect. In any case, no exporting member shall export more than 85% and 90% of its annual export quota determined under Article 31 during the first two and the first three quarters respectively.

3. Each exporting member undertakes that the volume of its exports of cocoa shall not exceed its export quota in effect.

4. If an exporting member exceeds its export quota in effect by less than 1% of its annual export quota, this shall not be considered a breach of paragraph 3. However, any such excess shall be deducted from the export quota in effect of the member concerned in the following quota year.

5. If an exporting member exceeds for the first time its export quota in effect beyond the margin of tolerance referred to in paragraph 4, that member shall sell to the buffer stock, unless the Council decides otherwise, an amount equal to the excess within three months of this excess being discovered by the Council. This amount shall be automatically deducted from its export quota in effect for the quota year immediately following the one in which the breach took place. Sales to the buffer stock under this paragraph shall be made in accordance with Article 40 (6) and (7).

6. If an exporting member exceeds for a second or subsequent time its export quota in effect beyond the margin of tolerance referred to in paragraph 4, that member shall sell to the buffer stock, unless the Council decides otherwise, an amount equal to twice the excess within three months of this excess being discovered by the Council. This amount shall be automatically deducted from its export quota in effect for the quota year immediately following the one in which the breach took place. Sales to the buffer stock under this paragraph shall be made in accordance with Article 40 (6) and (7).

7. Any action taken under paragraphs 5 and 6 shall be without prejudice to the provisions of Chapter XV.

8. When the Council determines annual export quotas under Article 31, it may decide by special vote to establish quarterly export quotas. It shall at the same time establish the rules for operating and removing such quarterly export quotas. In establishing such rules the Council shall take into account the production pattern of each exporting member.

9. In the event that an introduction or a reduction of export quotas cannot be fully respected during the current quota year because of the existence of *bona fide* contracts entered into when export quotas were suspended or within export quotas in effect at the time the contracts were made, the adjustment shall be made in the export quotas in effect for the succeeding quota year. The Council may require evidence of such contracts.

10. Members undertake to transmit immediately to the Council any information which they may obtain in relation to any breach of this Agreement or of any rules or regulations established by the Council.

#### *Article 36*

#### *REDISTRIBUTION OF SHORTFALLS*

1. Each exporting member shall, as soon as possible and in any case before the end of May in each quota year, notify the Council of the extent to which and the reasons why it expects either that it will not use all its quota in effect or that it will have a surplus over that quota. In the light of such notifications and explanations the Executive Director shall, unless the Council decides otherwise by special vote taking into account market conditions, redistribute shortfalls among exporting members in accordance with rules which the Council shall establish covering the conditions, timing and mode of such redistribution. Such rules shall include provisions regulating the manner in which reductions made under Article 35 (5) and (6) shall be dealt with.

2. For exporting members not in a position to notify the Council of their expected shortfalls or surpluses before the end of May because of the timing of the harvest of their main crop, the time limit for notification of shortfalls or surpluses shall be extended up to the middle of July. The exporting countries which qualify for this extension of time are listed in Annex E.

*Article 37*

***INSTITUTION AND FINANCING OF THE BUFFER STOCK***

1. A buffer stock arrangement is hereby instituted.
2. The buffer stock shall purchase and hold only cocoa beans and its maximum capacity shall be 250 000 tonnes.
3. The Buffer Stock Manager shall, in accordance with rules adopted by the Council, be responsible for the operation of the buffer stock and for buying cocoa beans, selling and maintaining in good condition stocks of cocoa beans and, without incurring market risks, replacing lots of cocoa beans in accordance with the relevant provisions of this Agreement. The Council shall examine the feasibility and desirability of the conversion into cocoa products of cocoa beans purchased by the buffer stock and, in the light of this examination, the Council may make recommendations to be taken into account at the re-negotiation of this Agreement under Article 75.
4. In order to finance its operations, the buffer stock shall, from the start of the first quota year after the entry into force of this Agreement, receive regular income in the form of contributions charged on cocoa in accordance with the provisions of Article 39. If, however, the Council has other sources of finance it may decide another date on which to implement the contribution.
5. Should the income of the buffer stock through contributions at any time seem likely to be insufficient to finance its operations, the Council may by special vote borrow funds in freely convertible currency from appropriate sources, including the Governments of member countries. Any such loans shall be repaid out of the proceeds of contributions, of the sale of cocoa beans by the buffer stock and of miscellaneous income of the buffer stock, if any. Individual members of the Organization shall not be responsible for the repayment of such loans.
6. The cost of operating and maintaining the buffer stock including:

- (a) the remuneration of the manager and the members of the staff who operate and maintain the buffer stock, the cost to the Organization of administering and controlling the collection of contributions and interest or capital charges due on sums borrowed by the Council, and
- (b) other costs such as the cost of transportation and insurance from the fob point into the buffer stock storage point, storage including fumigation, handling charges, insurance, management and inspection and any expenditure incurred in replacing lots of cocoa beans to maintain their condition and value,

shall be met out of the regular source of income from contributions or loans under paragraph 5 or the proceeds of resale under paragraph 6 of Article 40.

#### *Article 38*

#### *INVESTMENT OF SURPLUS BUFFER STOCK FUNDS*

1. Part of the funds of the buffer stock as are temporarily surplus to that required to finance its operations may be suitably deposited in importing and exporting member countries in accordance with rules to be established by the Council.
2. These rules shall, among other things, take into account the liquidity necessary for the full operation of the buffer stock and the desirability of maintaining the real value of the funds.

#### *Article 39*

#### *CONTRIBUTIONS FOR FINANCING THE BUFFER STOCK*

1. The contribution charged on cocoa either on first export by a member or on first import by a member shall be 1 US cent per pound of cocoa beans and proportionately on cocoa products in accordance with Article 32 (2) and (3). In any case the contribution shall only be charged once. For this purpose, imports of cocoa by a member from a non-member country shall be deemed to have originated from that non-member unless satisfactory evidence is given that such cocoa originated from a member. The Council shall review annually the buffer stock contribution and, notwithstanding the provisions of the first sentence of this paragraph may, by a special vote, determine a lower rate of contribution or decide to suspend the contribution in the light of the

financial resources and obligations of the Organization in relation to the buffer stock.

2. Certificates of contribution shall be issued by the Council in accordance with the rules which it shall establish. Such rules shall take into account the interests of the cocoa trade and shall cover, *inter alia*, the possible use of agents, the issuance of documents against contributions, and the payment of contributions within a given time limit.
3. Contributions under this Article shall be payable in freely convertible currencies and shall be exempt from foreign exchange restrictions.
4. Nothing contained in this Article shall affect the right of any buyer or seller to regulate the terms of payment for supplies of cocoa by agreement between them.

#### *Article 40*

##### *PURCHASES BY THE BUFFER STOCK*

1. For the purposes of this Article, the maximum capacity of the buffer stock shall be divided into individual entitlements for each exporting member in the same proportion as its basic quota determined in accordance with Article 30.
2. If annual export quotas are reduced under Article 34, each exporting member shall forthwith offer to sell to the Buffer Stock Manager, and the manager shall, within 10 days of the quota reduction, enter into a contract to buy from each exporting member, an amount of cocoa beans equal to the reduction in its quota.
3. When the manager makes purchases under Article 34 (3), he shall continue to purchase cocoa beans up to 4% of the initial annual export quotas, or until the indicator price rises above the minimum price + 3 US cents per pound, whichever is earlier.
4. When the manager makes purchases under Article 34 (4), he shall continue to purchase cocoa beans until the indicator price rises above the minimum price or the maximum capacity of the buffer stock is reached, whichever is earlier.

5. The Manager shall purchase only cocoa beans of recognized standard marketable grades and in quantities of not less than 100 tonnes. Such beans shall be the property of the Organization and under its control.

6. In purchasing cocoa beans under the provisions of Article 34 (3) and (4) and paragraph 2 of this Article, the manager shall make:

(a) payment at current market prices in accordance with rules to be determined by the Council; or

(b) at the request of the exporting member concerned,

(i) an initial payment of 25 US cents per pound fob on delivery of the cocoa beans; provided that at any time after the end of the first quota year the Council, on the recommendation of the manager, may decide, by special vote, in the light of the current and prospective financial position of the buffer stock, to increase the initial payment.

(ii) a complementary payment on the sale of the cocoa beans by the buffer stock representing the proceeds of the sale less the payment made under (i) and the cost of transportation and insurance from the fob point into the buffer stock storage point, storage and handling charges, and costs, if any, of replacing lots of cocoa beans as necessary to maintain the condition and value of such lots.

7. Where a member has already sold to the manager a quantity of cocoa beans equal to its individual entitlement as defined in paragraph 1, the manager shall for subsequent purchases pay at the time of delivery only such a price as would be realized by the disposal of the cocoa beans for non-traditional uses. If cocoa beans bought under the provisions of this paragraph are subsequently resold under the provisions of Article 41, the manager shall make a complementary payment to the exporting member concerned representing the proceeds of the re-sale less the payment already made under this paragraph and the cost of transportation and insurance from the fob point into the buffer stock storage point, storage and handling charges, and costs, if any, of replacing lots of cocoa beans as necessary to maintain the condition and value of such lots.

8. Where cocoa beans are sold to the manager under paragraph 2, the contract shall contain a clause allowing the exporting member to cancel all or part of the contract before the cocoa beans are delivered:



- (a) if subsequently in the same quota year the reduction in quota which gave rise to the sale is restored under the provisions of Article 34; or
  - (b) to the extent that, after making such sales, production in the same quota year proves to be insufficient to satisfy the member's export quota in effect.
9. Purchase contracts under this Article shall provide for delivery within a period to be stipulated in the contract but at the latest within two months after the end of the quota year.
10. (a) The manager shall keep the Council informed of the financial position of the buffer stock. If he considers that funds will not be sufficient to pay for the cocoa beans which he believes will be offered to him during the current quota year, he shall request the Executive Director to convene a special session of the Council.
- (b) If the Council is unable to find any other practicable solution, it may by special vote suspend or restrict purchases under paragraphs 2, 3, 4 and 7, until such time as it is able to resolve the financial situation.
11. The manager shall maintain appropriate records to enable him to fulfil his functions under this Agreement.

#### *Article 41*

#### ***BUFFER STOCK SALES IN DEFENCE OF THE MAXIMUM PRICE***

1. The Buffer Stock Manager shall make sales from the buffer stock pursuant to Article 34 (5) and (6) in accordance with the provisions of this Article:
- (a) sales shall be at current market prices.
  - (b) when sales from the buffer stock commence pursuant to Article 34 (5), the manager shall continue to offer to sell until:
    - (i) the indicator price falls to the minimum price + 14 US cents per pound; or
    - (ii) he has exhausted all the supplies at his disposal; or

- (iii) he has sold up to 7% of the initial export quotas; whichever is earliest.
- (c) when the indicator price is above the maximum price, the manager shall continue to offer to sell until the indicator price falls to the maximum price or until he has exhausted all the supplies at his disposal, whichever is earlier.

2. In making sales in accordance with paragraph 1, the manager shall, in accordance with rules approved by the Council, sell through normal channels to firms and organizations in member countries, but mainly in importing member countries, engaged in the trade in or processing of cocoa for the purpose of future processing.

3. In making sales in accordance with paragraph 1, the manager shall, subject to the acceptability of the price bid, give first refusal to purchasers in member countries before accepting bids from purchasers in non-member countries.

4. The buffer stock shall be stored in such locations as will facilitate immediate ex-store delivery to buyers referred to in paragraph 2.

#### *Article 42*

#### ***WITHDRAWAL OF COCOA BEANS FROM THE BUFFER STOCK***

1. Notwithstanding the provisions of Article 41, an exporting member which is unable to fulfil its quota during a quota year owing to a shortfall in its crop may apply to the Council for approval to withdraw all or part of its cocoa beans purchased by the Buffer Stock Manager during the preceding quota year and still held in stock unsold, to the extent of the amount by which its export quota in effect exceeds production for the quota year. The exporting member concerned shall pay to the manager, on release of the cocoa beans, the costs incurred in respect of the cocoa beans covering the initial payment, the cost of transportation and insurance from the fob point into the buffer stock storage point, and storage and handling charges.

2. The Council shall establish the rules for the withdrawal of cocoa beans from the buffer stock under paragraph 1.

#### *Article 43*

### *CHANGES IN THE EXCHANGE RATES OF CURRENCIES*

1. A special session of the Council shall be called by the Executive Director either on his own initiative or at the request of members in accordance with Article 9 (2), if conditions on the foreign exchange markets are such as to have important implications for the price provisions of this Agreement. Special sessions of the Council under this paragraph shall be convened within not more than four working days.
2. After calling such special session and pending its outcome, the Executive Director and the Buffer Stock Manager may take such minimum interim measures as they consider necessary to avoid serious disruption of the effective functioning of this Agreement on account of conditions on the foreign exchange markets. In particular they may, after consultation with the Chairman of the Council, temporarily restrict or suspend operations of the buffer stock.
3. After consideration of the circumstances, including a review of the interim measures that may have been taken by the Executive Director and the manager and the potential effect that conditions on the foreign exchange markets mentioned above may have on the effective operation of this Agreement, the Council may, by special vote, take any necessary corrective measures.

#### *Article 44*

### *LIQUIDATION OF THE BUFFER STOCK*

1. If this Agreement is to be replaced by a new agreement which includes provisions relating to the buffer stock, the Council shall make such arrangements as it considers appropriate regarding the continued functioning of the buffer stock.
2. If this Agreement terminates without being replaced by a new agreement which includes provisions relating to the buffer stock, the following provisions shall apply:
  - (a) No further contracts shall be made for the purchase of cocoa beans for the buffer stock. The Buffer Stock Manager shall, in the light of

current market conditions, dispose of the buffer stock in accordance with the rules laid down by the Council by special vote on the entry into force of this Agreement, unless, prior to the termination of this Agreement, the Council revises these rules by special vote. The manager shall retain the right to sell cocoa beans at any time during liquidation to meet the costs thereof.

- (b) The proceeds of sales and monies standing to the account of the buffer stock shall be used to pay, in the following order:
  - (i) the costs of liquidation,
  - (ii) any outstanding balance of, plus interest on, any loan incurred by or on behalf of the Organization in respect of the buffer stock,
  - (iii) any outstanding complementary payments under Article 40.
- (c) Any monies remaining after payments have been made under (b) shall be paid to the exporting members concerned in proportion to the contribution-paid exports of each such exporting member.

#### *Article 45*

### *ASSURANCE OF SUPPLIES*

1. Exporting members undertake to pursue sales and export policies in accordance with the provisions of this Agreement which will not artificially restrict offer for sale of available cocoa and which will ensure the regular supply of cocoa to importers in importing member countries.
2. In offering cocoa for sale when the price is above the maximum price, exporting members shall give preference to importers in importing member countries as against importers in non-member countries. When the indicator price is above the maximum price, exporting members shall, where possible, endeavour to place a limitation on their exports to non-member countries.

#### *Article 46*

### *DIVERSION TO NON-TRADITIONAL USES*

1. If the quantity of cocoa beans held in store by the Buffer Stock Manager under Article 40 exceeds the maximum capacity of the buffer

stock, the manager shall, under terms and conditions laid down by the Council, dispose of such excess cocoa beans for diversion to non-traditional uses. Such terms and conditions shall *inter alia*, be designed to ensure that the cocoa does not re-enter the normal cocoa market. Each member shall cooperate with the Council in this respect to the fullest extent possible.

2. Instead of selling cocoa beans to the manager when the maximum capacity of the buffer stock has been reached, an exporting member may, under the control of the Council, divert internally its surplus cocoa to non-traditional uses.

3. Whenever any case of diversion inconsistent with this Agreement is brought to the attention of the Council, including any case of re-entry into the market of cocoa diverted to non-traditional uses, the Council shall decide at the earliest opportunity what measures should be taken to remedy the situation.

## Chapter VIII

### REPORTING OF IMPORTS AND EXPORTS, RECORDS OF QUOTA PERFORMANCE AND CONTROL MEASURES

#### *Article 47*

#### *REPORTING OF EXPORTS AND RECORD OF QUOTA PERFORMANCE*

1. In accordance with rules to be established by the Council, the Executive Director shall maintain a record of the annual export quota and its adjustments in the case of each exporting member. Against the quota shall be recorded the exports for quota purposes which are made by that member so that the quota position of each exporting member is kept up to date.

2. For this purpose, each exporting member shall report to the Executive Director at such intervals as the Council may determine the total quantity of exports registered, together with such other data as the Council may prescribe. This information shall be published at the end of each month.

3. Exports for non-quota purposes shall be recorded separately.

## *Article 48*

### *REPORTING OF IMPORTS AND EXPORTS*

1. In accordance with rules to be established by the Council, the Executive Director shall maintain a record of members' imports and of exports from importing members.
2. For this purpose, each member shall report to the Executive Director the total quantities of its imports, and each importing member shall report to the Executive Director the total quantities of its exports, at such intervals as the Council may determine, together with such other data as the Council may prescribe. This information shall be published at the end of each month.
3. Imports which, under this Agreement, do not count against export quotas shall be recorded separately.

## *Article 49*

### *CONTROL MEASURES*

1. Each member exporting cocoa shall require the presentation of a valid certificate of contribution or other authorized Council control document before permitting the shipment of cocoa from its customs territory. Each member importing cocoa shall require the presentation of a valid certificate of contribution or other authorized Council control document before permitting the import of any cocoa into its customs territory whether from a member or a non-member.
2. Certificates of contribution will not be required for cocoa exported under the provisions of Article 32 (4) and (5). The Council shall arrange to issue appropriate control documents to cover such shipments.
3. Certificates of contribution or other authorized Council control documents shall not be issued to cover shipments, in any period, of cocoa in excess of authorized exports for that period.
4. The Council shall by special vote adopt such rules as it considers necessary in respect of certificates of contribution and other authorized Council control documents.
5. For fine or flavour cocoa the Council shall make such rules as it considers necessary in respect of the simplification of the procedure for authorized Council control documents, taking into account all relevant factors.

## Chapter IX

### PRODUCTION AND STOCKS

#### *Article 50*

#### *PRODUCTION AND STOCKS*

1. Members recognize the necessity of keeping production in reasonable balance with consumption, and shall cooperate with the Council in the attainment of this objective.
2. Each producing member may develop a programme to adjust its production, in order that the objective set forth in paragraph 1 may be attained. Each producing member concerned shall be responsible for the policies and procedures it applies to attain this objective.
3. The Council shall review annually the level of stocks held throughout the world and make any necessary recommendations based on this review.
4. At its first session, the Council shall take measures to develop a programme for the collection of information needed to establish, on a scientific basis, the world's current and potential productive capacity, as well as the world's current and potential consumption. Members shall facilitate the carrying out of this programme.

## Chapter X

### EXPANSION OF CONSUMPTION

#### *Article 51*

#### *OBSTACLES TO THE EXPANSION OF CONSUMPTION*

1. Members recognize the importance of ensuring the greatest possible expansion of the cocoa economy and therefore of facilitating the expansion of cocoa consumption in relation to production so as to secure the best equilibrium in the long term between supply and demand, and in

this connection also recognize that it is important to bring about the gradual removal of all possible obstacles to such expansion.

2. The Council shall identify the specific problems related to the obstacles to the expansion of the trade in and consumption of cocoa referred to in paragraph 1, and shall seek mutually acceptable practical measures designed to remove progressively such obstacles.

3. In view of the objectives stated above and the provisions of paragraph 2, members shall endeavour to apply measures to reduce progressively the obstacles to the expansion of consumption and as far as possible eliminate them, or to diminish substantially their impact.

4. The Council may, in order to further the purposes of this Article, make any recommendations to members and shall examine periodically, beginning at its first regular session in the second quota year, the results achieved.

5. Members shall inform the Council of all measures adopted with a view to implementing the provisions of this article.

#### *Article 52*

### *PROMOTION OF CONSUMPTION*

1. The Council may establish a committee whose aim shall be to stimulate the expansion of consumption of cocoa in both exporting and importing countries. The Council shall periodically review the work of the committee.

2. The cost of the promotion programme shall be met by contributions from exporting members. Importing members may also contribute financially. Membership of the committee shall be limited to members contributing to the promotion programme.

3. The Committee shall seek the approval of a member before conducting a campaign in the territory of that member.

#### *Article 53*

### *COCOA SUBSTITUTES*

1. Members recognize that the use of substitutes may prejudice the expansion of cocoa consumption. In this regard they agree to establish



regulations on cocoa products and chocolate or to adapt existing regulations, if necessary, so that the said regulations shall prohibit materials of non-cocoa origin from being used in place of cocoa to mislead the consumer.

2. In preparing or reviewing regulations based on the principles in paragraph 1, members shall take fully into account the recommendations and decisions of competent international bodies such as the Council and the Codex Committee on Cocoa Products and Chocolate.

3. The Council may recommend to a member that it take any measures which the Council considers advisable for assuring the observance of the provisions of this Article.

4. The Executive Director shall present an annual report to the Council on the manner in which the provisions of this Article are being observed.

## Chapter XI

### PROCESSED COCOA

#### *Article 54*

### *PROCESSED COCOA*

1. The needs of developing countries to broaden the base of their economies through, *inter alia*, industrialization and the export of manufactured products — including cocoa processing and the export of cocoa products and chocolate — are recognized. In this connection, the need to avoid serious injury to the cocoa economy of importing and exporting members is also recognized.

2. If any member considers that there is a danger of injury to its interest in any of the above respects, that member may consult with the other member concerned with a view to reaching an understanding satisfactory to the parties concerned, failing which the member may report to the Council, which shall use its good offices in the matter to reach such understanding.

## Chapter XII

### RELATIONS BETWEEN MEMBERS AND NON-MEMBERS

#### *Article 55*

##### *LIMITATIONS OF IMPORTS FROM NON-MEMBERS*

1. Each member shall limit its annual imports of cocoa produced in non-member countries, other than imports of fine or flavour cocoa from exporting countries listed in Annex C, in accordance with the provisions of this Article.
2. Each member undertakes for each quota year:
  - (a) not to permit the import of a total quantity of cocoa produced in non-member countries as a group which is in excess of the average quantity imported from them as a group in the three calendar years 1970, 1971 and 1972;
  - (b) to reduce by half the quantity specified in (a) when the indicator price falls below the minimum price, and to maintain this reduction until the level of quotas in effect reaches that provided for in Article 34 (2) (a).
3. The Council may by special vote suspend in whole or in part the limitations under paragraph 2. The limitations in paragraph 2 (a) shall not in any event apply when the indicator price of cocoa is above the maximum price.
4. The limitations under paragraph 2 (a) shall not apply to cocoa purchased under *bona fide* contracts concluded when the indicator price was above the maximum price, nor those in 2 (b) to cocoa purchased under *bona fide* contracts concluded before the indicator price fell below the minimum price. In such cases the reductions shall, subject to the provisions of paragraph 2 (b), be applied in the following quota year unless the Council decides to waive the reductions or to apply them in a subsequent quota year.
5. Members shall inform the Council regularly of the quantities of cocoa imported by them from non-members or exported by them to non-members.
6. Any imports by a member from non-members in excess of the quantity which it is permitted to import under this Article shall be

deducted from the quantity which such member would otherwise be permitted to import in the next quota year, unless the Council decides otherwise.

7. If a member on more than one occasion fails to comply with the provisions of this Article, the Council may by special vote suspend both its voting rights in the Council and its right to vote or to have its votes cast in the Executive Committee.

8. The obligations set out in this Article shall not prejudice conflicting bilateral or multilateral obligations assumed by members with respect to non-members before the entry into force of this Agreement, provided that any member which has assumed such conflicting obligations shall fulfil them in such a way as to attenuate as much as possible the conflict between those obligations and the obligations set out in this Article, that it shall take steps as promptly as possible to reconcile those obligations and the provisions of this Article, and that it shall describe to the Council in detail the nature of those obligations and the steps it has taken to attenuate or eliminate the conflict.

#### *Article 56*

#### *COMMERCIAL TRANSACTIONS WITH NON-MEMBERS*

1. Exporting members undertake not to sell cocoa to non-members on terms commercially more favourable than those which they are prepared to offer at the same time to importing members, taking into account normal trade practices.

2. Importing members undertake not to buy cocoa from non-members on terms commercially more favourable than those which they are prepared to accept at the same time from exporting members, taking into account normal trade practices.

3. The Council shall periodically review the operation of paragraphs 1 and 2 and may require members to supply appropriate information in accordance with Article 57.

4. Without prejudice to the provisions of Article 55 (8), any member which has reason to believe that another member has not fulfilled the obligation under paragraph 1 or 2 may so inform the Executive Director and call for consultations under Article 61, or refer the matter to the Council under Article 63.

## Chapter XIII

### INFORMATION AND STUDIES

#### *Article 57*

#### *INFORMATION*

1. The Organization shall act as a centre for the collection, exchange and publication of:
  - (a) statistical information on world production, sales, prices, exports and imports, consumption and stocks of cocoa; and
  - (b) in so far as is considered appropriate, technical information on the cultivation, processing and utilization of cocoa.
2. In addition to information which members are required to furnish under other Articles of this Agreement, the Council may require members to furnish such information as it considers necessary for its operation, including regular reports on policies for production and consumption, sales, prices, exports and imports, stocks and taxation.
3. If a member fails to supply, or finds difficulty in supplying, within a reasonable time, statistical and other information required by the Council for the proper functioning of the Organization, the Council may require the member concerned to explain the reasons therefor. If it is found that technical assistance is needed in the matter, the Council may take any necessary measures.
4. The Council shall at appropriate times but not less than twice a year publish estimates of production of cocoa beans and grindings for the current quota year.

#### *Article 58*

#### *STUDIES*

The Council shall, to the extent it considers necessary, promote studies of the economics of cocoa production and distribution, including trends and projections, the impact of governmental measures in exporting and importing countries on the production and consumption of cocoa, the

opportunities for expansion of cocoa consumption for traditional and possible new uses, and the effects of the operation of this Agreement on exporters and importers of cocoa, including their terms of trade, and may submit recommendations to members on the subjects of these studies. The Council may also decide to promote scientific research in specific areas of production, manufacture and consumption. In the promotion of these studies and research, the Council may cooperate with international organizations and research institutions in member countries.

*Article 59*

*ANNUAL REVIEW*

The Council shall, as soon as practicable after the end of each quota year, review the operation of this Agreement and the performance of members in conforming to the principles and promoting the objectives thereof. It may then make recommendations to members regarding ways and means of improving the functioning of this Agreement.

Chapter XIV

RELIEF FROM OBLIGATIONS IN EXCEPTIONAL CIRCUMSTANCES

*Article 60*

*RELIEF FROM OBLIGATIONS IN EXCEPTIONAL CIRCUMSTANCES*

1. The Council may, by special vote, relieve a member of an obligation on account of exceptional or emergency circumstances, *force majeure*, or international obligations under the Charter of the United Nations for territories administered under the trusteeship system.

2. The Council, in granting relief to a member under paragraph 1, shall state explicitly the terms and conditions on which and the period for which the member is relieved of the obligation.

3. Notwithstanding the foregoing provisions of this Article, the Council shall not grant relief to a member in respect of:

- (a) the obligation under Article 24 to pay contributions, or the consequences of a failure to pay them;
- (b) any export quota or other limitation on exports, if the quota or other limitation has already been exceeded;
- (c) the obligation to require payment of any contribution charged under Article 39.

## Chapter XV

### CONSULTATIONS, DISPUTES AND COMPLAINTS

#### *Article 61*

#### *CONSULTATIONS*

Each member shall accord sympathetic consideration to any representations made to it by another member concerning the interpretation or application of this Agreement and shall afford adequate opportunity for consultations. In the course of such consultations, on the request of either party and with the consent of the other, the Executive Director shall establish an appropriate conciliation procedure. The costs of such procedure shall not be chargeable to the Organization. If such procedure leads to a solution, this shall be reported to the Executive Director. If no solution is reached, the matter may, at the request of either party, be referred to the Council in accordance with Article 62.

#### *Article 62*

#### *DISPUTES*

1. Any dispute concerning the interpretation or application of this Agreement which is not settled by the parties to the dispute shall, at the

request of either party to the dispute, be referred to the Council for decision.

2. When a dispute has been referred to the Council under paragraph 1, and has been discussed, a majority of members, or members holding not less than one-third of the total votes, may require the Council, before giving its decision, to seek the opinion on the issues in dispute of an *ad hoc* advisory panel to be constituted as described in paragraph 3.

3. (a) Unless the Council unanimously decides otherwise, the *ad hoc* advisory panel shall consist of:

- (i) two persons, one having wide experience in matters of the kind in dispute and the other having legal standing and experience, nominated by the exporting members,
- (ii) two such persons nominated by the importing members, and
- (iii) a chairman selected unanimously by the four persons nominated under (i) and (ii) or, if they fail to agree, by the Chairman of the Council.

(b) Nationals of members shall not be ineligible to serve on the *ad hoc* advisory panel.

(c) Persons appointed to the *ad hoc* advisory panel shall act in their personal capacities and without instructions from any Government.

(d) The costs of the *ad hoc* advisory panel shall be paid by the Organization.

4. The opinion of the *ad hoc* advisory panel and the reasons therefor shall be submitted to the Council which, after considering all the relevant information, shall decide the dispute.

### *Article 63*

#### **COMPLAINTS AND ACTION BY THE COUNCIL**

1. Any complaint that any member has failed to fulfil its obligations under this Agreement shall, at the request of the member making the

complaint, be referred to the Council, which shall consider it and make a decision on the matter.

2. Any finding by the Council that a member is in breach of its obligations under this Agreement shall be made by a simple distributed majority vote and shall specify the nature of the breach.

3. Whenever the Council, whether as a result of a complaint or otherwise, finds that a member is in breach of its obligations under this Agreement it may, without prejudice to such other measures as are specifically provided for in other Articles of this Agreement, including Article 73, by special vote:

- (a) suspend that member's voting rights in the Council and in the Executive Committee; and
- (b) if it considers necessary, suspend additional rights of such member, including that of being eligible for, or of holding, office in the Council or in any of its committees until it has fulfilled its obligations.

4. A member whose voting rights are suspended under paragraph 3 shall remain liable for its financial and other obligations under this Agreement.

## Chapter XVI

### FAIR LABOUR STANDARDS

#### *Article 64*

#### *FAIR LABOUR STANDARDS*

Members declare that, in order to raise the levels of living standards of populations and provide full employment, they will endeavour to maintain fair labour standards and working conditions in the various branches of cocoa production in the countries concerned, consistent with their stage of development, as regards both agricultural and industrial workers employed therein.



## Chapter XVII

### FINAL PROVISIONS

#### *Article 65*

#### *SIGNATURE*

This Agreement shall be open for signature at United Nations Headquarters from 10 November 1975 until and including 31 August 1976 by parties to the International Cocoa Agreement 1972 and Governments invited to the United Nations Cocoa Conference 1975.

#### *Article 66*

#### *RATIFICATION, ACCEPTANCE, APPROVAL*

1. This Agreement shall be subject to ratification, acceptance or approval by the signatory Governments in accordance with their respective constitutional procedures.
2. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations not later than 30 September 1976; provided, however, that the Council may grant extensions of time to signatory Governments which are unable to deposit their instruments by that date.
3. Each Government depositing an instrument of ratification, acceptance or approval shall, at the time of such deposit, indicate whether it is an exporting member or an importing member.

#### *Article 67*

#### *ACCESSION*

1. This Agreement shall be open to accession by the Governments of all States <sup>(1)</sup> upon conditions established by the Council.

(1) At its seventh plenary meeting on 20 October 1975, the United Nations Cocoa Conference 1975 adopted the following understanding recommended by its Administrative and Legal Committee:  
In accordance with its terms, this Agreement will be open to accession by the Governments of all States, and the Secretary-General of the United Nations will act as depositary. It is the understanding of the Conference that the Secretary-General, in discharging his functions as depositary of an agreement with an 'All-States' clause, will follow the practice of the General Assembly of the United Nations in implementing such a clause and, whenever advisable, will request the opinion of the General Assembly before receiving an instrument of accession.

2. The Council of the International Cocoa Agreement 1972 may, pending the entry into force of this Agreement, establish the conditions referred to in paragraph 1, subject to confirmation by the Council of this Agreement and the Government concerned.

3. If the Government is the Government of an exporting country which is not listed in Annex A or Annex C, the Council shall, as appropriate, determine in accordance with Article 30 a basic quota for that country, which country shall be deemed to be listed in Annex A.

4. Accession shall be affected by deposit of an instrument of accession with the Secretary-General of the United Nations.

#### *Article 68*

#### *NOTIFICATION OF PROVISIONAL APPLICATION*

1. A signatory Government which intends to ratify, accept or approve this Agreement or a Government for which the Council has established conditions for accession, but which has not yet been able to deposit its instrument may, at any time, notify the Secretary-General of the United Nations that it will apply this Agreement provisionally either when it enters into force in accordance with Article 69 or, if it is already in force, at a specified date. Each Government giving such notification shall at that time state whether it will be an exporting member or an importing member.

2. A Government which has notified under paragraph 1 that it will apply this Agreement either when it enters into force or at a specified date shall, from that time, be a provisional member. It shall remain a provisional member until the date of deposit of its instrument of ratification, acceptance, approval or accession.

#### *Article 69*

#### *ENTRY INTO FORCE*

1. This Agreement shall enter definitively into force on 1 October 1976, if by that date Governments representing at least five exporting countries having at least 80% of the basic quotas as set out in Annex F and Governments representing importing countries having at least 70% of

total imports as set out in Annex D have deposited their instruments of ratification, acceptance, approval or accession with the Secretary-General of the United Nations. If this Agreement has not definitively entered into force in accordance with the preceding sentence, it shall do so whenever these percentage requirements are satisfied by the deposit of instruments of ratification, acceptance, approval or accession.

2. If this Agreement has not entered into force definitively on 1 October 1976 in accordance with paragraph 1 it shall enter into force provisionally on 1 October 1976, if by that date Governments representing at least five exporting countries having at least 80% of the basic quotas as set out in Annex F and Governments representing importing countries having at least 70% of total imports as set out in Annex D have deposited their instruments of ratification, acceptance, approval or accession, or have notified the Secretary-General of the United Nations that they will apply this Agreement provisionally when it enters into force.

3. If the requirements for entry into force under paragraph 1 or 2 have not been met on 1 October 1976, the Secretary-General of the United Nations shall invite, at the earliest time he considers practicable after that date, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or have notified him that they will apply this Agreement provisionally, to meet to decide whether to put this Agreement provisionally or definitively into force among themselves in whole or in part. If no decision is reached at this meeting, the Secretary-General may convene such further meetings as he considers appropriate.

4. During any period in which this Agreement is in force provisionally under paragraph 2 or 3, Governments that have deposited instruments of ratification, acceptance, approval or accession, as well as those Governments that have notified the Secretary-General of the United Nations that they will apply this Agreement provisionally, shall be provisional members.

5. While this Agreement is in force provisionally, the Governments participating shall make the necessary arrangements to review the situation and decide whether this Agreement shall definitively enter into force among themselves, continue provisionally in force, or terminate.

*Article 70*

*RESERVATIONS*

Reservations may not be made with respect to any of the provisions of this Agreement.

*Article 71*

*TERRITORIAL APPLICATION*

1. A Government may at the time of signature or deposit of an instrument of ratification, acceptance, approval or accession, or at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Agreement shall extend to any of the territories for whose international relations it is for the time being ultimately responsible, and this Agreement shall extend to the territories named therein from the date of such notification, or from the date on which this Agreement enters into force for that Government, whichever is the later.

2. Any contracting party which desires to exercise its rights under Article 3 in respect of any of the territories for whose international relations it is for the time being ultimately responsible may do so by making a notification to that effect to the Secretary-General of the United Nations, either at the time of the deposit of its instrument of ratification, acceptance, approval or accession, or at any later time. If the territory which becomes a separate member is an exporting member and is not listed in Annex A or Annex C the Council shall, as appropriate, establish a basic quota for that territory, which territory shall be deemed to be listed in Annex A.

3. Any contracting party which has made a declaration under paragraph 1 may at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Agreement shall cease to extend to the territory named in the notification, and this Agreement shall cease to extend to such territory from the date of such notification.

4. When a territory to which this Agreement has been extended under paragraph 1 subsequently attains independence, the Government of that territory may, within 90 days after the attainment of independence,

declare by notification to the Secretary-General of the United Nations that it has assumed the rights and obligations of a contracting party to this Agreement. If such party is an exporting member and is not listed in Annex A or Annex C the Council shall, as appropriate, establish a basic quota for that party, which party shall be deemed to be listed in Annex A.

5. The Government of a new State which intends to make a notification under paragraph 4 but which has not yet been able to complete the procedure necessary to enable it to do so may notify the Secretary-General of the United Nations that it will apply this Agreement provisionally. Such a Government shall be a provisional member until it makes its notification under the preceding paragraph or until the expiry of the 90-day period referred to therein, whichever is earlier.

#### *Article 72*

#### *VOLUNTARY WITHDRAWAL*

At any time after the entry into force of this Agreement, any member may withdraw from this Agreement by giving written notice of withdrawal to the Secretary-General of the United Nations. Withdrawal shall become effective 90 days after the notice is received by the Secretary-General of the United Nations.

#### *Article 73*

#### *EXCLUSION*

If the Council finds, under Article 63 (3), that any member is in breach of its obligations under this Agreement and decides further that such breach significantly impairs the operation of this Agreement, it may by special vote exclude such member from the Organization. The Council shall immediately notify the Secretary-General of the United Nations of any such exclusion. Ninety days after the date of the Council's decision, that member shall cease to be a member of the Organization and, if such member is a contracting party, a party to this Agreement.

#### *Article 74*

### *SETTLEMENT OF ACCOUNTS WITH WITHDRAWING OR EXCLUDED MEMBERS*

1. The Council shall determine any settlement of accounts with a withdrawing or excluded member. The Organization shall retain any amounts already paid by a withdrawing or excluded member, and such member shall remain bound to pay any amounts due from it to the Organization at the time the withdrawal or the exclusion becomes effective; provided, however, that in the case of a contracting party which is unable to accept an amendment and consequently ceases to participate in this Agreement under the provisions of Article 76 (2), the Council may determine any settlement of accounts which it finds equitable.

2. A member which has withdrawn or been excluded from, or has otherwise ceased to participate in, this Agreement shall not be entitled to any share of the proceeds of liquidation or the other assets of the Organization; nor shall it be burdened with any part of the deficit, if any, of the Organization upon termination of this Agreement.

#### *Article 75*

### *DURATION AND TERMINATION*

1. This Agreement shall remain in force until the end of the third full quota year after its entry into force, unless extended under paragraph 2, 4 or 5 or terminated earlier under paragraph 6.

2. Before the end of the third quota year referred to in paragraph 1, the Council may by special vote decide that this Agreement be renegotiated or be extended for two further quota years.

3. If, in accordance with paragraph 2, this Agreement has been extended for two further quota years, the Council, before the end of the fifth quota year, may by special vote, decide that this Agreement be renegotiated.

4. If, before the end of the third quota year referred to in paragraph 1, negotiations for a new Agreement to replace this Agreement have not yet been concluded, the Council may, by special vote, extend this Agreement

for a further period not exceeding two quota years. The Council shall notify the Secretary-General of the United Nations of any such extension.

5. If, before the end of the third quota year referred to in paragraph 1, a new Agreement to replace this Agreement has been negotiated, and has been signed by sufficient governments to bring it into force after ratification, acceptance or approval, but the new Agreement has not provisionally or definitively entered into force, this Agreement shall be extended until the provisional or definitive entry into force of the new Agreement, provided that this extension shall not exceed two quota years. The Council shall notify the Secretary-General of the United Nations of any such extension.

6. The Council may at any time, by special vote, decide to terminate this Agreement. Such termination shall take effect on such date as the Council shall decide, provided that the obligations of members under Article 39 shall continue until the financial liabilities relating to the buffer stock have been discharged or until the end of the third quota year after the entry into force of this Agreement, whichever is the earlier. The Council shall notify the Secretary-General of the United Nations of any such decision.

7. Notwithstanding termination of this Agreement, the Council shall remain in being for as long as necessary to carry out the liquidation of the Organization, settlement of its accounts, and disposal of its assets, and shall have during that period such powers and functions as may be necessary for these purposes.

#### *Article 76*

#### *AMENDMENTS*

1. The Council may by special vote recommend an amendment of this Agreement to the contracting parties. The Council may fix a time after which each contracting party shall notify the Secretary-General of the United Nations of its acceptance of the amendment. The amendment shall become effective 100 days after the Secretary-General of the United Nations has received notifications of acceptance from contracting parties representing at least 75% of the exporting members holding at

least 85% of the votes of the exporting members, and from contracting parties representing at least 75% of the importing members holding at least 85% of the votes of the importing members, or on such later date as the Council by special vote may have determined. The Council may fix a time within which each contracting party shall notify the Secretary-General of the United Nations of its acceptance of the amendment, and, if the amendment has not become effective by such time, it shall be considered withdrawn. The Council shall provide the Secretary-General with the information necessary to determine whether the notifications of acceptance received are sufficient to make the amendment effective.

2. Any member on behalf of which notification of acceptance of an amendment has not been made by the date on which such amendment becomes effective shall as of that date cease to participate in this Agreement, unless any such member satisfies the Council at its first meeting following the effective date of the amendment that acceptance could not be secured in time owing to difficulties in completing its constitutional procedures, and the Council decides to extend for such member the period fixed for acceptance until these difficulties have been overcome. Such member shall not be bound by the amendment before it has notified its acceptance thereof.

#### *Article 77*

#### *SUPPLEMENTARY AND TRANSITIONAL PROVISIONS*

1. This Agreement shall be considered as a continuation of the International Cocoa Agreement 1972.
2. In order to facilitate the uninterrupted continuation of the International Cocoa Agreement 1972:
  - (a) all acts by or on behalf of the Organization or any of its organs under the International Cocoa Agreement 1972 which are in effect on 30 September 1976 and the terms of which do not provide for expiry on that date shall remain in effect unless changed under the provisions of this Agreement.



- (b) All decisions required to be taken by the Council of the International Cocoa Agreement 1972 during the 1975/76 quota year for application in the 1976/77 quota year shall be taken during the last regular session of that Council in the 1975/76 quota year and applied on a provisional basis as if this Agreement had already entered into force, provided that if any member requests review of any such decision, that decision must be confirmed by the Council, by special or simple distributed majority vote in accordance with this Agreement, within 90 days after the entry into force of this Agreement.

*Article 78*

*AUTHENTIC TEXTS OF THIS AGREEMENT*

The texts of this Agreement in the English, French, Russian and Spanish languages shall be equally authentic. The originals shall be deposited in the archives of the United Nations.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Agreement on the dates appearing opposite their signatures.

*ANNEX A*

**Countries subject to basic quotas under Article 30 (1)**

Brazil  
 Dominican Republic  
 Equatorial Guinea  
 Ghana  
 Ivory Coast  
 Mexico  
 Nigeria  
 Togo  
 United Republic of Cameroon

*ANNEX B*

**Countries producing less than 10 000 tonnes of bulk cocoa annually**

Country	Production in thousands of tonnes	
	1972/73	1973/74
Malaysia	7.0	10.0
Sierra Leone	6.6	7.7
Zaire	5.0	5.0
Gabon	5.0	5.0
Philippines	3.5	4.0
Haiti	3.5	3.5
Liberia	3.0	3.1
Congo	2.1	2.1
Cuba	2.0	2.0
Peru	2.0	2.0
Bolivia	1.4	1.4
New Hebrides	0.8	0.7
Angola	0.6	0.7
Guatemala	0.6	0.7
Nicaragua	0.6	0.6
United Republic of Tanzania	0.6	0.6
Uganda	0.5	0.5
Honduras	0.3	0.3
	45.1	49.9

*Source: Quarterly Bulletin of Cocoa Statistics (Vol. I, No 4).*

## ANNEX C

### Fine or flavour cocoa producers

1. *Exporting countries producing exclusively fine or flavour cocoa*

Dominica  
Ecuador  
Grenada  
Indonesia  
Jamaica  
Madagascar  
Panama  
Sri Lanka  
St. Lucia  
St. Vincent  
Surinam  
Trinidad and Tobago  
Venezuela  
Western Samoa

2. *Exporting countries producing fine or flavour cocoa, but not exclusively*

Country	Production in thousands of tonnes	
	1972/73	1973/74
Costa Rica (25%)	5.0	6.0
Sao Tome and Principe (50%)	11.3	10.4
Papua New Guinea (75%)	23.1	30.0
	39.4	46.4

Source: *Quarterly Bulletin of Cocoa Statistics* (Vol. I, No 4).

## ANNEX D

## Imports of cocoa calculated for the purposes of Article 10 (1)

Country	1972	1973	1974	Average	Percentage
	(in thousands of tonnes)				
United States of America	399.8	357.3	315.7	357.6	22.89
Federal Republic of Germany	179.5	188.4	186.6	184.8	11.83
United Kingdom of Great Britain and Northern Ireland	161.5	145.4	158.0	155.0	9.92
Kingdom of the Netherlands	151.9	144.9	144.7	147.2	9.42
Union of Soviet Socialist Republics	143.7	130.1	162.8	145.5	9.31
France	77.6	78.4	81.9	79.3	5.08
Japan	55.4	59.7	38.3	51.1	3.27
Italy	44.3	47.0	45.0	45.4	2.91
Belgium/Luxembourg	36.8	36.4	37.3	36.8	2.36
Spain	38.7	35.8	34.9	36.5	2.34
Canada	39.1	34.9	30.0	34.7	2.22
Poland	32.1	30.6	31.9	31.5	2.02
Switzerland	28.8	31.7	27.7	29.4	1.88
Australia	24.7	19.8	28.0	24.2	1.55
German Democratic Republic	24.4	21.1	22.2	22.6	1.45
Czechoslovakia	20.8	19.3	21.2	20.4	1.31
Austria	17.1	16.7	15.0	16.3	1.04
Ireland	14.3	16.3	16.0	15.5	0.99
Yugoslavia	14.5	12.1	19.1	15.2	0.97
Hungary	14.2	12.1	14.6	13.6	0.87
Sweden	13.8	11.5	11.9	12.4	0.79
Argentina	11.2	11.1	13.3	11.9	0.76
Bulgaria	11.8	8.4	8.5	9.6	0.61
South Africa	9.7	8.2	8.5	8.8	0.56
Romania	7.8	7.5	8.4	7.9	0.51
Norway	9.4	7.6	6.8	7.9	0.51
Denmark	8.7	7.3	6.1	7.4	0.47
Colombia	7.7	6.0	6.2	6.6	0.42
New Zealand	6.2	4.8	7.4	6.1	0.39
Finland	6.0	5.8	6.5	6.1	0.39
Portugal	3.7	3.7	2.9	3.4	0.22
Philippines	4.9	2.8	2.6	3.4	0.22
Chile	2.9	2.7	2.3	2.6	0.17
Peru	3.6	2.4	1.3	2.4	0.15
Algeria	1.1	1.1	1.1	1.1	0.07
India	0.7	0.7	0.8	0.7	0.05
Tunisia	0.8	0.4	0.7	0.6	0.04
Uruguay	0.6	0.5	0.5	0.5	0.03
Honduras	0.1	0.1	0.1	0.1	0.01
<b>TOTAL</b>	<b>1 629.9</b>	<b>1 530.6</b>	<b>1 526.8</b>	<b>1 562.1</b>	<b>100.00</b>

Source: *Quarterly Bulletin of Cocoa Statistics* (Vol. I, No 4).

(1) Three-year average 1972 to 1974, of net imports of cocoa beans plus gross imports of cocoa products, converted to beans equivalent by using the conversion factors in Article 32 (2).

## ANNEX E

### Exporting countries to which Article 36 (2) applies

Brazil  
Dominican Republic  
Mexico

## ANNEX F

### Basic quotas calculated for the purposes of Article 69 (1) and (2) <sup>(1)</sup>

Exporting countries	Production (in thousands of tonnes)	Basic quotas (percentages)
Ghana	409.8	32.5
Nigeria	247.7	19.6
Ivory Coast	196.3	15.5
Brazil	189.7	15.0
United Republic of Cameroon	112.0	8.9
Dominican Republic	37.1	2.9
Mexico	27.3	2.2
Togo	23.1	1.8
Equatorial Guinea	19.6	1.6
	1 262.6	100.0

Source: *Quarterly Bulletin of Cocoa Statistics*, Vol. I, No 4 (with the exception of the figure for 1973/74 for Dominican Republic which was provided by the delegation of that country to the United Nations Cocoa Conference 1975).

(<sup>1</sup>) Calculated on the basis of the average of production in the years 1969/1970 to 1973/1974.



## DECLARATIONS OR RESERVATIONS (1)

### CZECHOSLOVAKIA

The Government of the Czechoslovak Socialist Republic considers the provisions of Articles 3 and 71 of the International Cocoa Agreement, 1975, to be contradictory to the United Nations Declarations on the granting of independence to colonial countries and peoples (General Assembly Resolution 1514/XV of 14 December 1960).

### HUNGARY

The Government of the Hungarian's People's Republic, on signing the International Cocoa Agreement, 1975 deems it necessary to declare that the provisions of Article 71 of the International Cocoa Agreement, 1975 are at variance with the Declaration of the General Assembly of the United Nations on the granting of independence to colonial countries and peoples (Resolution 1514/XV of 14 December 1960), which proclaimed the need for a speedy and unconditional elimination of all forms and manifestations of colonialism.

### USSR

The Government of the Union of Soviet Socialist Republics deems it necessary to declare that the provisions of Articles 2, 3 and 71 of the Agreement concerning the extension by the Contracting Parties of its application to territories for whose international relations they are responsible are outmoded and at variance with the United Nations General Assembly's Declaration on the granting of independence to

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(1) Extracts from the depositary's letter of 28.10.1976 to the Contracting Parties.

colonial countries and peoples (General Assembly Resolution 1514/XV of 14 December 1960), which proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its form and manifestations.

### **BULGARIA**

The People's Republic of Bulgaria considers the provisions of Articles 3 (2) and 71 (1) of the International Cocoa Agreement as inconsistent with the spirit and letter of the United Nations Declaration on the granting of independence to colonial countries and peoples (Resolution 1514/XV of 14 December 1960).





## INFORMATION CONCERNING

the International Cocoa AGREEMENT, 1975 <sup>(1)</sup>

Open for signature: 10 November 1975 to 31 August 1976 in New York (United States of America)

Depositary: Secretary-General of the UN, New York (United States of America)

Date of provisional entry into force: 1 October 1976 <sup>(2)</sup>

Duration: 3 years

Contracting Parties	Date of signature	Date of notification of provisional application	Date of deposit of instruments		Date of entry into force <sup>(5)</sup>	Declarations or reservations <sup>(6)</sup>
			of ratification, approval or acceptance, etc.	of accession		
<i>Exporting Members</i>						
BRAZIL	9. 6.1976	14. 9.1976				
CAMEROON	31. 8.1976	30. 9.1976				
ECUADOR	30. 6.1976		28. 9.1976			
GABON				6.12.1976	6.12.1976	
GHANA	15. 3.1976		28. 9.1976			
GRENADA				6.12.1976	6.12.1976	
GUATEMALA	7. 4.1976	22. 9.1976				
IVORY COAST	—			27. 9.1976		
JAMAICA	30. 3.1976		30. 9.1976			
MEXICO	31. 8.1976	29. 9.1976				
NIGERIA	—			30. 9.1976		
PAPUA NEW GUINEA	12. 8.1976		27. 9.1976			
SAMOA				6.12.1976	6.12.1976	
SAO TOME AND PRINCIPE	—	30. 9.1976				
TOGO	12. 5.1976	24. 9.1976				
TRINIDAD AND TOBAGO	9. 6.1976		2. 7.1976			
VENEZUELA	31. 8.1976	18.10.1976			18.10.1976	
ZAIRE	30. 7.1976	30. 9.1976				

<i>Importing members</i>					
EEC	27. 7.1976	29. 9.1976			
BELGIUM/LUXEMBOURG (3)	23. 8.1976	30. 9.1976			
DENMARK	30. 6.1976		30. 9.1976		
GERMANY (Fed. Rep.)	14. 7.1976	29. 9.1976			
FRANCE	5. 4.1976	24. 9.1976			
IRELAND	26. 7.1976	28. 9.1976			
ITALY	23. 8.1976	29. 9.1976			
NETHERLANDS	5. 8.1976	16. 9.1976			
UNITED KINGDOM (4)	31. 3.1976		19. 8.1976		
AUSTRALIA	30. 8.1976		29. 9.1976		
AUSTRIA	28. 6.1976				
BULGARIA	31. 8.1976	30. 9.1976	7.10.1976	7.10.1976	Yes
CANADA	30. 7.1976		17. 9.1976		
COLOMBIA	—	27. 9.1976			
CZECHOSLOVAKIA	16. 8.1976		30. 9.1976		Yes
FINLAND	27. 8.1976	24. 9.1976			
GERMANY (Dem. Rep.)	24. 5.1976	30. 9.1976	30.11.1976	30.11.1976	
HUNGARY	27. 8.1976		28. 9.1976		Yes
JAPAN	26. 4.1976		16. 7.1976		
NEW ZEALAND	28. 7.1976		27. 9.1976		
NORWAY	26. 4.1976		1. 7.1976		
PERU	—	28. 9.1976			
PORTUGAL	31. 8.1976	21. 9.1976			
SPAIN	13. 7.1976	30. 9.1976	9.12.1976	9.12.1976	
SWEDEN	22. 6.1976		7. 7.1976		
SWITZERLAND	5. 4.1976		27. 9.1976		
UNION OF SOVIET SOCIALIST REPUBLICS	23. 8.1976		16. 9.1976		Yes
YUGOSLAVIA	10. 5.1976		30. 9.1976		

(1) OJ No L 321, 20.11.1976.

(2) See Article 69 (1) of the Agreement. The Agreement had not yet entered into force definitively as at 31.12.1976. OJ No L 321, 20.11.1976.

(3) In signing and ratifying this Agreement, Belgium was also acting on behalf of the Grand Duchy of Luxembourg.

(4) In accordance with Article 71 the United Kingdom extended application of the Agreement to St. Lucia, Dominica and St. Vincent.

(5) This date is only given where it falls after the date of entry into force of the Agreement.

(6) The texts of these declarations or reservations will be found on pp. 1399 to 1400 of this Volume.



The 1972 International Cocoa Agreement  
Updating supplement



INFORMATION CONCERNING  
the 1972 International AGREEMENT on Cocoa <sup>(1)</sup> — updating supplement

Contracting Parties	Date of signature	Date of the declaration of provisional application	Date of deposit of instruments		Date of entry into force	Declarations or reservations
			of ratification, acceptance, approval or conclusion	of accession		
PERU PORTUGAL <sup>(2)</sup>	26.2.1976			1.4.1976	1.4.1976 26.2.1976	

(1) The text of the Agreement is given on page 673 of Volume 5.

(2) Change of category: importing member with effect from 26.2.1976.





# **The International Coffee Agreement 1976**



# INTERNATIONAL COFFEE AGREEMENT 1976 (1)

## COUNCIL DECISION

of 20 September 1976

on the notification of the provisional application by the European Economic Community of the International Coffee Agreement 1976

(76/845/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas, in accordance with the Council Decision of 20 July 1976, the Community signed the International Coffee Agreement 1976, on 27 July 1976, subject to the conclusion thereof;

Whereas the Community should give notification that it will apply the Agreement provisionally pending completion of the internal procedures necessary for the conclusion thereof,

HAS DECIDED AS FOLLOWS:

### *Article 1*

In accordance with Article 61 of the International Coffee Agreement 1976, the Community will deposit with the Secretary-General of the United Nations Organization before 30 September 1976 the notification annexed to this Decision stating that it will apply the Agreement provisionally, as an importing member, when the Agreement enters into force in accordance with the said Article.

The text of the Agreement is annexed to this Decision.

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(1) OJ No L 309, 10.11.1976.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to deposit this notification.

Done at Brussels, 20 September 1976.

*For the Council*  
*The President*  
M. van der STOEL

## *ANNEX I*

### **Notification of provisional application of the International Coffee Agreement 1976**

In accordance with Article 61 of the International Coffee Agreement 1976, the European Economic Community hereby deposits this notification of the provisional application thereof. In giving this notification the Community will consider itself provisionally an importing member of the said Agreement, with all the rights and obligations arising therefrom, when the Agreement enters into force in accordance with the said Article and until the date on which the Decision concluding the Agreement is deposited by the Council of the European Communities.

*ANNEX II*

**INTERNATIONAL COFFEE AGREEMENT 1976**

**PREAMBLE**

**THE GOVERNMENTS PARTY TO THIS AGREEMENT,**

Recognizing the exceptional importance of coffee to the economies of many countries which are largely dependent upon this commodity for their export earnings and thus for the continuation of their development programmes in the social and economic fields;

Considering that close international cooperation on trade in coffee will foster the economic diversification and development of coffee-producing countries, will improve the political and economic relations between producers and consumers and will provide for increasing consumption of coffee;

Recognizing the desirability of avoiding disequilibrium between production and consumption which can give rise to pronounced fluctuations in prices harmful both to producers and to consumers;

Believing that international measures can assist in correcting the effects of such disequilibrium, as well as help to ensure an adequate level of earnings to producers through remunerative prices;

Noting the advantages derived from the international cooperation which resulted from the operation of the International Coffee Agreement 1962 and 1968.

**HAVE AGREED AS FOLLOWS:**

**Chapter I**

**OBJECTIVES**

*Article 1*

**OBJECTIVES**

The objectives of this Agreement are:

1. to achieve a reasonable balance between world supply and demand on a basis which will assure adequate supplies of coffee at fair prices to consumers and markets for coffee at remunerative prices to producers and which will be conducive to long-term equilibrium between production and consumption;
2. to avoid excessive fluctuations in the levels of world supplies, stocks and prices which are harmful to both producers and consumers;
3. to contribute to the development of productive resources and to the promotion and maintenance of employment and income in member countries, thereby helping to bring about fair wages, higher living standards and better working conditions;
4. to increase the purchasing power of coffee-exporting countries by keeping prices in accordance with the provisions of paragraph 1 of this Article and by increasing consumption;
5. to promote and increase the consumption of coffee by every possible means; and
6. in general, in recognition of the relationship of the trade in coffee to the economic stability of markets for industrial products, to further international cooperation in connection with world coffee problems.

## *Article 2*

### *GENERAL UNDERTAKINGS BY MEMBERS*

1. Members undertake to conduct their trade policy in such a way that the objectives set out in Article 1 may be attained. They further undertake to achieve these objectives by strict observance of the obligations and provisions of this Agreement.
2. Members recognize the need to adopt policies which will maintain prices at levels which will ensure adequate remuneration to producers and seek to ensure that prices of coffee to consumers will not hamper a desirable increase in consumption.
3. Exporting members undertake not to adopt or maintain any governmental measures which would permit the sale of coffee to non members

on terms commercially more favourable than those which they are prepared to offer at the same time to importing members, taking into account normal trade practices.

4. The Council shall review periodically compliance with the provisions of paragraph 3 of this Article and may require members to supply appropriate information in accordance with the provisions of Article 53.

5. Members recognize that certificates of origin are a vital source of information on the trade in coffee. During periods when quotas are suspended, the responsibility for ensuring the proper use of certificates of origin rests with exporting members. However, importing members, while under no obligation to demand that certificates accompany consignments of coffee when quotas are not in effect, shall cooperate fully with the Organization in the collection and verification of certificates relating to shipments of coffee received from exporting member countries in order to ensure that the maximum information is available to all members.

## Chapter II

### DEFINITIONS

#### *Article 3*

### *DEFINITIONS*

For the purposes of this Agreement:

1. 'Coffee' means the beans and cherries of the coffee tree, whether parchment, green or roasted, and includes ground, decaffeinated, liquid and soluble coffee. These terms shall have the following meaning:
  - (a) 'green coffee' means all coffee in the naked bean form before roasting;
  - (b) 'dried coffee cherry' means the dried fruit of the coffee tree; to find the equivalent of dried coffee cherry to green coffee, multiply the net weight of the dried coffee cherry by 0.50;



- (c) 'parchment coffee' means the green coffee bean contained in the parchment skin; to find the equivalent of parchment coffee to green coffee, multiply the net weight of the parchment coffee by 0·80;
  - (d) 'roasted coffee' means green coffee roasted to any degree and includes ground coffee; to find the equivalent of roasted coffee to green coffee, multiply the net weight of roasted coffee by 1·19;
  - (e) 'decaffeinated coffee' means green, roasted or soluble coffee from which caffeine has been extracted; to find the equivalent of decaffeinated coffee to green coffee, multiply the net weight of the decaffeinated coffee in green, roasted or soluble form by 1·00, 1·19 or 3·00 <sup>(1)</sup> respectively;
  - (f) 'liquid coffee' means the water-soluble solids derived from roasted coffee and put into liquid form; to find the equivalent of liquid to green coffee, multiply the net weight of the dried coffee solids contained in the liquid coffee by 3·00 <sup>(1)</sup>;
  - (g) 'soluble coffee' means the dried water-soluble solids derived from roasted coffee; to find the equivalent of soluble coffee to green coffee, multiply the net weight of the soluble coffee by 3·00 <sup>(1)</sup>.
2. 'Bag' means 60 kilograms or 132·276 pounds of green coffee; 'tonne' means a metric ton of 1 000 kilograms or 2 204·6 pounds; and 'pound' means 453·597 grams.
  3. 'Coffee year' means the period of one year, from 1 October to 30 September.
  4. 'Organization', 'Council' and 'Board' mean, respectively, the International Coffee Organization, the International Coffee Council, and the Executive Board.

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<sup>(1)</sup> The conversion factor of 3·00 shall be reviewed and may be revised by the Council in the light of decisions taken by recognized international authorities.

5. 'Member' means a contracting party including an intergovernmental organization referred to in Article 4 (3), a designated territory or territories in respect of which separate membership has been declared under the provisions of Article 5; or two or more contracting parties or designated territories, or both, which participate in the Organization as a member group under the provisions of Article 6 or 7.
6. 'Exporting member' or 'exporting country' means a member or country, respectively, which is a net exporter of coffee; that is, a member or country whose exports exceed its imports.
7. 'Importing member' or 'importing country' means a member or country, respectively, which is a net importer of coffee; that is, a member or country whose imports exceed its exports.
8. 'Producing member' or 'producing country' means a member or country, respectively, which grows coffee in commercially significant quantities.
9. 'Distributed simple majority vote' means a majority of the votes cast by exporting members present and voting and a majority of the votes cast by importing members present and voting, counted separately.
10. 'Distributed two-thirds majority vote' means a two-thirds majority of the votes cast by exporting members present and voting and a two-thirds majority of the votes cast by importing members present and voting, counted separately.
11. 'Entry into force' means, except as otherwise provided, the date on which this Agreement enters into force, whether provisionally or definitively.
12. 'Exportable production' means the total production of coffee of an exporting country in a given coffee or crop year, less the amount destined for domestic consumption in the same year.
13. 'Availability for export' means the exportable production of an exporting country in a given coffee year, plus accumulated stocks from previous years.

14. 'Export entitlement' means the total quantity of coffee which a member is authorized to export under the various provisions of this Agreement, but excluding exports which under the provisions of Article 44 are not charged to quotas.
15. 'Shortfall' means the difference between the annual export entitlement of an exporting member in a given coffee year and the amount of coffee which that member has exported to quota markets in that coffee year.

### Chapter III

## MEMBERSHIP

### *Article 4*

#### *MEMBERSHIP IN THE ORGANIZATION*

1. Each contracting party, together with those territories to which this Agreement is extended under the provisions of Article 64 (1), shall constitute a single member of the Organization, except as otherwise provided for under the provisions of Articles 5, 6 and 7.
2. A member may change its category of membership on such conditions as the Council may agree.
3. Any reference in this Agreement to a Government shall be construed as including a reference to the European Economic Community, or any intergovernmental organization having comparable responsibilities in respect of the negotiation, conclusion and application of international agreements, in particular commodity agreements.
4. Such intergovernmental organization shall not itself have any votes but in the case of a vote on matters within its competence it shall be entitled to cast collectively the votes of its Member States. In such cases, the Member States of such intergovernmental organization shall not be entitled to exercise their individual voting rights.
5. The provisions of paragraph 1 of Article 16 shall not apply to such intergovernmental organization but it may participate in the discussions

of the Executive Board on matters within its competence. In the case of a vote on matters within its competence, and notwithstanding the provisions of paragraph 1 of Article 19, the votes which its Member States are entitled to cast in the Executive Board may be cast collectively by any one of those Member States.

#### *Article 5*

### *SEPARATE MEMBERSHIP IN RESPECT OF DESIGNATED TERRITORIES*

Any contracting party which is a net importer of coffee may, at any time, by appropriate notification in accordance with the provisions of Article 64 (2) declare that it is participating in the Organization separately with respect to any of the territories for whose international relations it is responsible, which are net exporters of coffee and which it designates. In such case, the metropolitan territory and its non-designated territories will have a single membership, and its designated territories, either individually or collectively as the notification indicates, will have separate membership.

#### *Article 6*

### *GROUP MEMBERSHIP UPON JOINING THE ORGANIZATION*

1. Two or more contracting parties which are net exporters of coffee may, by appropriate notification to the Council and to the Secretary-General of the United Nations at the time of deposit of their respective instruments of approval, ratification, acceptance or accession, declare that they are joining the Organization as a member group. A territory to which this Agreement has been extended under the provisions of Article 64 (1) may constitute part of such member group if the Government of the State responsible for its international relations has given appropriate notification thereof under the provisions of Article 64 (2). Such contracting parties and designated territories must satisfy the following conditions:

- (a) they shall declare their willingness to accept responsibility for group obligations in an individual as well as a group capacity;

(b) they shall subsequently provide satisfactory evidence to the Council that:

- (i) the group has the organization necessary to implement a common coffee policy and that they have the means of complying, together with the other parties to the group, with their obligations under this Agreement; and that either
- (ii) they have been recognized as a group in a previous International Coffee Agreement; or
- (iii) they have a common or coordinated commercial and economic policy in relation to coffee and a coordinated monetary and financial policy, as well as the organs necessary to implement such policies, so that the Council is satisfied that the member group is able to comply with the group obligations involved.

2. The member group shall constitute a single member of the Organization, except that each party to the group shall be treated as if it were a single member in relation to matters arising under the following provisions:

- (a) Articles 11, 12 and 20 of Chapter IV;
- (b) Articles 50 and 51 of Chapter VIII; and
- (c) Article 67 of Chapter X.

3. The contracting parties and designated territories joining as a member group shall specify the Government or organization which will represent them in the Council on matters arising under this Agreement other than those specified in paragraph 2 of this Article.

4. The voting rights of the member group shall be as follows:

- (a) the member group shall have the same number of basic votes as a single member country joining the Organization in an individual capacity. These basic votes shall be attributed to and cast by the Government or organization representing the group; and
- (b) in the event of a vote on any matters arising under the provisions of paragraph 2 of this Article, the parties to the member group may cast separately the votes attributed to them under the provisions of

Article 13 (3) and (4) as if each were an individual member of the Organization, except for the basic votes, which shall remain attributable only to the Government or organization representing the group.

5. Any contracting party or designated territory which is a party to a member group may, by notification to the Council, withdraw from that group and become a separate member. Such withdrawal shall take effect upon receipt of the notification by the Council. If a party to a member group withdraws from that group or ceases to participate in the Organization, the remaining parties to the group may apply to the Council to maintain the group; the group shall continue to exist unless the Council disapproves the application. If the member group is dissolved, each former party to the group will become a separate member. A member which has ceased to be a party to a group may not, as long as this Agreement remains in force, again become a party to a group.

#### *Article 7*

### *SUBSEQUENT GROUP MEMBERSHIP*

Two or more exporting members may, at any time after this Agreement has entered into force, apply to the Council to form a member group. The Council shall approve the application if it finds that the members have made a declaration and have provided satisfactory evidence in accordance with the requirements of paragraph 1 of Article 6. Upon such approval, the member group shall be subject to the provisions of paragraphs 2, 3, 4 and 5 of that Article.

## Chapter IV

### ORGANIZATION AND ADMINISTRATION

#### *Article 8*

### *SEAT AND STRUCTURE OF THE INTERNATIONAL COFFEE ORGANIZATION*

1. The International Coffee Organization established under the 1962 Agreement shall continue in being to administer the provisions and supervise the operation of this Agreement.

2. The seat of the Organization shall be in London unless the Council by a distributed two-thirds majority vote decides otherwise.

3. The Organization shall function through the International Coffee Council, the Executive Board, the Executive Director and the staff.

#### *Article 9*

### *COMPOSITION OF THE INTERNATIONAL COFFEE COUNCIL*

1. The highest authority of the Organization shall be the International Coffee Council, which shall consist of all the members of the Organization.

2. Each member shall appoint one representative on the Council and, if it so desires, one or more alternates. A member may also designate one or more advisers to its representative or alternates.

#### *Article 10*

### *POWERS AND FUNCTIONS OF THE COUNCIL*

1. All powers specifically conferred by this Agreement shall be vested in the Council, which shall have the powers and perform the functions necessary to carry out the provisions of this Agreement.

2. The Council shall, by a distributed two-thirds majority vote, establish such rules and regulations, including its own rules of procedure and the financial and staff regulations of the Organization, as are necessary to carry out the provisions of this Agreement and are consistent therewith. The Council may, in its rules of procedure, provide the means whereby it may, without meeting, decide specific questions.

3. The Council shall also keep such records as are required to perform its functions under this Agreement and such other records as it considers desirable.

## *Article 11*

### *ELECTION OF THE CHAIRMAN AND VICE-CHAIRMEN OF THE COUNCIL*

1. The Council shall elect, for each coffee year, a chairman and a first, a second and a third vice-chairman.
2. As a general rule, the chairman and the first vice-chairman shall both be elected either from among the representatives of exporting members or from among the representatives of importing members and the second and the third vice-chairman shall be elected from among representatives of the other category of member. These offices shall alternate each coffee year between the two categories of member.
3. Neither the chairman nor any vice-chairman acting as chairman shall have the right to vote. His alternate will in such case exercise the voting rights of the member.

## *Article 12*

### *SESSIONS OF THE COUNCIL*

As a general rule, the Council shall hold regular sessions twice a year. It may hold special sessions should it so decide. Special sessions shall also be held at the request of the Executive Board, of any five members, or of a member or members having at least 200 votes. Notice of sessions shall be given at least thirty days in advance except in cases of emergency. Sessions shall be held at the seat of the Organization, unless the Council decides otherwise.

## *Article 13*

### *VOTES*

1. The exporting members shall together hold 1 000 votes and the importing members shall together hold 1 000 votes, distributed within each category of member — that is, exporting and importing members, respectively — as provided for in the following paragraphs of this Article.



2. Each member shall have five basic votes, provided that the total number of basic votes within each category of member does not exceed 150. Should there be more than 30 exporting members or more than 30 importing members, the number of basic votes for each member within that category of member shall be adjusted so as to keep the number of basic votes for each category of member within the maximum of 150.

3. Exporting members listed in Annex 1 as having an initial annual export quota of 100 000 bags of coffee or more but less than 400 000 bags shall, in addition to the basic votes, have the number of votes attributed to them in column 2 of Annex 1. If any exporting member referred to in this paragraph elects to have a basic quota under the provisions of paragraph 5 of Article 31, the provisions of this paragraph shall cease to apply to it.

4. Subject to the provisions of Article 32, the remaining votes of exporting members shall be divided among those members having a basic quota in proportion to the average volume of their respective exports of coffee to importing members in coffee years 1968/69 to 1971/72 inclusive. This will constitute the basis of voting for the exporting members concerned until 31 December 1977. With effect from 1 January 1978 the remaining votes of exporting members having a basic quota shall be calculated in proportion to the average volume of their respective exports of coffee to importing members as follows:

With effect from 1 January	Coffee years
1978	1969/70, 1970/71, 1971/72, 1976/77
1979	1970/71, 1971/72, 1976/77, 1977/78
1980	1971/72, 1976/77, 1977/78, 1978/79
1981	1976/77, 1977/78, 1978/79, 1979/80
1982	1977/78, 1978/79, 1979/80, 1980/81

5. The remaining votes of importing members shall be divided among those members in proportion to the average volume of their respective coffee imports in the preceding three calendar years.

6. The distribution of votes shall be determined by the Council in accordance with the provisions of this Article at the beginning of each coffee year and shall remain in effect during that year, except as provided for in paragraphs 4 and 7 of this Article.
7. The Council shall provide for the redistribution of votes in accordance with the provisions of this Article whenever there is a change in the membership of the Organization, or if the voting rights of a Member are suspended or regained under the provisions of Articles 26, 42, 45 or 58.
8. No member shall hold more than 400 votes.
9. There shall be no fractional votes.

#### *Article 14*

#### *VOTING PROCEDURE OF THE COUNCIL*

1. Each member shall be entitled to cast the number of votes it holds and shall not be entitled to divide its votes. However, a member may cast differently any votes which it holds under the provisions of paragraph 2 of this Article.
2. Any exporting member may authorize any other exporting member, and any importing member may authorize any other importing member, to represent its interests and to exercise its right to vote at any meeting or meetings of the Council. The limitation provided for in Article 13 (8) shall not apply in this case.

#### *Article 15*

#### *DECISIONS OF THE COUNCIL*

1. All decisions of the Council shall be taken, and all recommendations shall be made, by a distributed simple majority vote unless otherwise provided for in this Agreement.
2. The following procedure shall apply with respect to any decision by the Council which under the provisions of this Agreement requires a distributed two-thirds majority vote:
  - (a) if a distributed two-thirds majority vote is not obtained because of the negative vote of three or less exporting or three or less importing

members, the proposal shall, if the Council so decides by a majority of the members present and by a distributed simple majority vote, be put to a vote again within 48 hours;

- (b) if a distributed two-thirds majority vote is again not obtained because of the negative vote of two or less importing or two or less exporting members, the proposal shall, if the Council so decides by a majority of the members present and by a distributed simple majority vote, be put to a vote again within 24 hours;
  - (c) if a distributed two-thirds majority vote is not obtained in the third vote because of the negative vote of one exporting member or one importing member, the proposal shall be considered adopted; and
  - (d) if the Council fails to put a proposal to a further vote, it shall be considered rejected.
3. Members undertake to accept as binding all decisions of the Council under the provisions of this Agreement.

#### *Article 16*

### *COMPOSITION OF THE BOARD*

1. The Executive Board shall consist of eight exporting members and eight importing members elected for each coffee year in accordance with the provisions of Article 17. Members may be re-elected.
2. Each member of the Board shall appoint one representative and, if it so desires, one or more alternates. Each member may also designate one or more advisers to its representative or alternates.
3. The Executive Board shall have a chairman and vice-chairman who shall be elected by the Council for each coffee year and may be re-elected. Neither the chairman nor a vice-chairman acting as chairman shall have the right to vote. If a representative is elected chairman or if a vice-chairman is acting as chairman, his alternate will have the right to vote in his place. As a general rule, the chairman and the vice-chairman for each coffee year shall be elected from among the representatives of the same category of member.

4. The Board shall normally meet at the seat of the Organization but may meet elsewhere.

#### *Article 17*

#### *ELECTION OF THE BOARD*

1. The exporting and the importing members of the Board shall be elected in the Council by the exporting and the importing members of the Organization respectively. The election within each category shall be held in accordance with the provisions of the following paragraphs of this Article.

2. Each member shall cast for a single candidate all the votes to which it is entitled under the provisions of Article 13. A member may cast for another candidate any votes which it holds under the provisions of Article 14 (2).

3. The eight candidates receiving the largest number of votes shall be elected; however, no candidate shall be elected on the first ballot unless it receives at least 75 votes.

4. If, under the provisions of paragraph 3 of this Article, less than eight candidates are elected on the first ballot, further ballots shall be held in which only members which did not vote for any of the candidates elected shall have the right to vote. In each further ballot the minimum number of votes required for election shall be successively diminished by five until eight candidates are elected.

5. Any member which did not vote for any of the members elected shall assign its votes to one of them, subject to the provisions of paragraphs 6 and 7 of this Article.

6. A member shall be deemed to have received the number of votes cast for it when it was elected and, in addition, the number of votes assigned to it, provided that the total number of votes shall not exceed 499 for any member elected.

7. If the votes deemed received by an elected member exceed 499, members which voted for or assigned their votes to such elected member shall arrange among themselves for one or more of them to withdraw their votes from that member and assign or reassign them to another elected member so that the votes received by each elected member shall not exceed the limit of 499.

## *Article 18*

### *COMPETENCE OF THE BOARD*

1. The Board shall be responsible to and work under the general direction of the Council.
2. The Council may, by a distributed two-thirds majority vote, delegate to the Board the exercise of any or all of its powers other than the following:
  - (a) approval of the administrative budget and assessment of contributions under the provisions of Article 25;
  - (b) suspension of the voting rights of a member under the provisions of Article 45 or 58;
  - (c) waiver of the obligations of a member under the provisions of Article 56;
  - (d) decisions on disputes under the provisions of Article 58;
  - (e) establishment of conditions for accession under the provisions of Article 62;
  - (f) a decision to require the exclusion of a member under the provisions of Article 66;
  - (g) a decision concerning renegotiation, extension or termination of this Agreement under the provisions of Article 68; and
  - (h) recommendation of amendments to members under the provisions of Article 69.
3. The Council may, by a distributed simple majority vote, at any time revoke any powers which have been delegated to the Board.

## *Article 19*

### *VOTING PROCEDURE OF THE BOARD*

1. Each member of the Board shall be entitled to cast the number of votes received by it under the provisions of paragraphs 6 and 7 of Article 17. Voting by proxy shall not be allowed. A member of the Board shall not be entitled to divide its votes.

2. Any decision taken by the Board shall require the same majority as such decision would require if taken by the Council.

*Article 20*

***QUORUM FOR THE COUNCIL AND THE BOARD***

1. The quorum for any meeting of the Council shall be the presence of a majority of the members representing a distributed two-thirds majority of the total votes. If there is no quorum at the time appointed for the commencement of any Council meeting, the chairman of the Council may decide to postpone the opening time of the meeting for at least three hours. If there is no quorum at the new time set, the chairman may again defer the opening time of the Council meeting for at least a further three hours. This procedure may be repeated until a quorum is present at the appointed time. Representation in accordance with the provisions of paragraph 2 of Article 14 shall be considered as presence.

2. The quorum for any meeting of the Board shall be the presence of a majority of the members representing a distributed two-thirds majority of the total votes.

*Article 21*

***THE EXECUTIVE DIRECTOR AND THE STAFF***

1. The Council shall appoint the Executive Director on the recommendation of the Board. The terms of appointment of the Executive Director shall be established by the Council and shall be comparable to those applying to corresponding officials of similar intergovernmental organizations.

2. The Executive Director shall be the chief administrative officer of the Organization and shall be responsible for the performance of any duties devolving upon him in the administration of this Agreement.

3. The Executive Director shall appoint the staff in accordance with regulations established by the Council.

4. Neither the Executive Director nor any member of the staff shall have any financial interest in the coffee industry, coffee trade or the transportation of coffee.

5. In the performance of their duties, the Executive Director and the staff shall not seek or receive instructions from any member or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization. Each member undertakes to respect the exclusively international character of the responsibilities of the Executive Director and the staff and not to seek to influence them in the discharge of their responsibilities.

#### *Article 22*

### *COOPERATION WITH OTHER ORGANIZATIONS*

The Council may make whatever arrangements are desirable for consultation and cooperation with the United Nations and its specialized agencies and with other appropriate intergovernmental organizations. The Council may invite these organizations and any organizations concerned with coffee to send observers to its meetings.

#### Chapter V

### PRIVILEGES AND IMMUNITIES

#### *Article 23*

### *PRIVILEGES AND IMMUNITIES*

1. The Organization shall have legal personality. It shall in particular have the capacity to contract, acquire and dispose of movable and immovable property and to institute legal proceedings.
2. The status, privileges and immunities of the Organization, of its Executive Director, its staff and experts, and of representatives of

members while in the territory of the United Kingdom of Great Britain and Northern Ireland for the purpose of exercising their functions, shall continue to be governed by the Headquarters Agreement concluded between the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the host Government) and the Organization on 28 May 1969.

3. The Headquarters Agreement referred to in paragraph 2 of this Article shall be independent of this Agreement. It shall however terminate:

- (a) by agreement between the host Government and the Organization;
- (b) in the event of the headquarters of the Organization being moved from the territory of the host Government; or
- (c) in the event of the Organization ceasing to exist.

4. The Organization may conclude with one or more other members Agreements to be approved by the Council relating to such privileges and immunities as may be necessary for the proper functioning of this Agreement.

5. The Governments of member countries other than the host Government shall grant the Organization the same facilities in respect of currency or exchange restrictions, maintenance of bank accounts and transfer of monies, as are accorded to the specialized agencies of the United Nations.

## Chapter VI

### FINANCE

#### *Article 24*

### *FINANCE*

1. The expenses of delegations to the Council, representatives on the Board and representatives on any of the committees of the Council or the Board shall be met by their respective Governments.



2. The other expenses necessary for the administration of this Agreement shall be met by annual contributions from the members assessed in accordance with the provisions of Article 25. However, the Council may levy fees for specific services.
3. The financial year of the Organization shall be the same as the coffee year.

#### *Article 25*

### ***DETERMINATION OF THE BUDGET AND ASSESSMENT OF CONTRIBUTIONS***

1. During the second half of each financial year, the Council shall approve the administrative budget of the Organization for the following financial year and shall assess the contribution of each member to that budget.
2. The contribution of each member to the budget for each financial year shall be in the proportion which the number of its votes at the time the budget for that financial year is approved bears to the total votes of all the members. However, if there is any change in the distribution of votes among members in accordance with the provisions of Article 13 (6) at the beginning of the financial year for which contributions are assessed, such contributions shall be correspondingly adjusted for that year. In determining contributions, the votes of each member shall be calculated without regard to the suspension of the voting rights of any Member or any redistribution of votes resulting therefrom.
3. The initial contribution of any member joining the Organization after the entry into force of this Agreement shall be assessed by the Council on the basis of the number of votes to be held by it and the period remaining in the current financial year, but the assessments made upon other Members for the current financial year shall not be altered.

#### *Article 26*

### ***PAYMENT OF CONTRIBUTIONS***

1. Contributions to the administrative budget for each financial year shall be payable in freely convertible currency and shall become due on the first day of that financial year.

2. If any member fails to pay its full contribution to the administrative budget within six months of the date on which the contribution is due, both its voting rights in the Council and its right to have its votes cast in the Board shall be suspended until such contribution has been paid. However, unless the Council by a distributed two-thirds majority vote so decides, such member shall not be deprived of any of its other rights nor relieved of any of its obligations under this Agreement.

3. Any member whose voting rights have been suspended either under the provisions of paragraph 2 of this Article or under the provisions of Articles 42, 45 or 58 shall nevertheless remain responsible for the payment of its contribution.

#### *Article 27*

### *AUDIT AND PUBLICATION OF ACCOUNTS*

As soon as possible after the close of each financial year, an independently audited statement of the Organization's receipts and expenditures during that financial year shall be presented to the Council for approval and publication.

#### Chapter VII

### REGULATION OF EXPORTS AND IMPORTS

#### *Article 28*

### *GENERAL PROVISIONS*

1. All decisions of the Council under the provisions of this Chapter shall be adopted by a distributed two-thirds majority vote.

2. The word 'annual' in this Chapter shall mean any period of 12 months established by the Council. However, the Council may adopt procedures for applying the provisions of this Chapter for a period longer than 12 months.

*Article 29*

**MARKETS SUBJECT TO QUOTA**

For the purpose of this Agreement the world coffee market shall be divided into member quota and non-member non-quota markets.

*Article 30*

**BASIC QUOTAS**

1. Each exporting member shall, subject to the provisions of Articles 31 and 32, be entitled to a basic quota calculated in accordance with the provisions of this Article.

2. If, under the provisions of Article 33, quotas come into effect during coffee year 1976/77, the basic quota to be used for the distribution of the fixed part of the quotas shall be calculated on the basis of the average volume of the annual exports of each exporting member to importing members in coffee years 1968/69 to 1971/72. This distribution of the fixed part shall remain in effect until the quotas are suspended for the first time under the provisions of Article 33.

3. If quotas are not introduced in coffee year 1976/77 but come into effect during coffee year 1977/78, the basic quota to be used for the distribution of the fixed part of the quotas shall be calculated by selecting for each exporting member the higher of the following:

- (a) the volume of its exports to importing members during coffee year 1976/77 calculated on the basis of information obtained from certificates of origin; or
- (b) the figure resulting from the application of the procedure established in paragraph 2 of this Article.

This distribution of the fixed part shall remain in effect until the quotas are suspended for the first time under the provisions of Article 33.

4. If quotas come into effect for the first time or are reintroduced during coffee year 1978/79, or at any time thereafter, the basic quota to be used for the distribution of the fixed part of the quotas shall be calculated by selecting for each exporting member the higher of the following:

- (a) the average of the volume of its exports to importing members for coffee years 1976/77 and 1977/78 calculated on the basis of information obtained from certificates of origin; or
- (b) the figure resulting from the application of the procedure established in paragraph 2 of this Article.

5. If quotas are introduced under the provisions of paragraph 2 of this Article and subsequently suspended, their reintroduction during coffee year 1977/78 shall be governed by the provisions of paragraph 3 of this Article and paragraph 1 of Article 35. The reintroduction of quotas during coffee year 1978/79, or at any time thereafter, shall be governed by the provisions of paragraph 4 of this Article and Article 35 (1).

### *Article 31*

#### *EXPORTING MEMBERS EXEMPT FROM BASIC QUOTAS*

1. Subject to the provisions of paragraphs 4 and 5 of this Article, a basic quota shall not be allocated to the exporting members listed in Annex 1. Subject to the provisions of Article 33, in coffee year 1976/77 these members shall have the initial annual export quotas set out in column 1 of that Annex. Subject to the provisions of paragraph 2 of this Article and to those of Article 33, the quota of these members in each of the subsequent coffee years shall be increased by:

- (a) 10% of the initial annual export quota in the case of members whose initial annual export quota is less than 100 000 bags; and
- (b) 5% of the initial annual export quota in the case of members whose initial annual export quota is 100 000 bags or more but less than 400 000 bags.

These annual increments shall be deemed, for the purpose of setting the annual quotas of the members concerned whenever quotas are introduced or reintroduced under the provisions of Article 33, to have been effective from the entry into force of this Agreement.

2. Not later than 31 July of each year, each Member referred to in paragraph 1 of this Article shall notify the Council of the amount of coffee it is likely to have available for export during the next coffee year. The quota for the next coffee year shall be the amount thus indicated by the exporting Member, provided that such amount is within the permissible limit defined in paragraph 1 of this Article.

3. When the annual quota of an exporting member having an initial annual export quota of less than 100 000 bags reaches or exceeds the maximum of 100 000 bags referred to in paragraph 1 of this Article, the member shall thereafter be subject to the provisions applicable to exporting members whose initial annual export quotas are 100 000 bags or more but less than 400 000 bags.
4. When the annual quota of an exporting member having an initial annual export quota of less than 400 000 bags reaches the maximum of 400 000 bags referred to in paragraph 1 of this Article, the member shall thereafter be subject to the provisions of Article 35 and the Council shall set a basic quota for such Member.
5. Any exporting member listed in Annex 1 which exports 100 000 bags or more may at any time request the Council to establish a basic quota for it.
6. Members whose annual quotas are less than 100 000 bags shall not be subject to the provisions of Articles 36 and 37.

#### *Article 32*

#### *PROVISIONS FOR THE ADJUSTMENT OF BASIC QUOTAS*

1. If an importing country which was neither a member of the International Coffee Agreement 1968 nor of the International Coffee Agreement 1968 as Extended becomes a member of this Agreement, the Council shall adjust the basic quotas resulting from the application of the provisions of Article 30.
2. The adjustment referred to in paragraph 1 of this Article shall take into account either the average exports of individual exporting members to the importing country concerned during the period 1968 to 1972 or the proportionate share of individual exporting members in the average imports of that country during the same period.
3. The Council shall approve the data to be used as a basis for the calculations necessary for the adjustment of basic quotas, as well as the criteria to be followed for the purpose of applying the provisions of this Article.

*Article 33*

*PROVISIONS FOR THE INTRODUCTION, SUSPENSION AND REINTRODUCTION OF QUOTAS*

1. Unless the Council decides otherwise, quotas shall come into effect at any time during the life of this agreement if:
  - (a) the composite indicator price remains on average, for 20 consecutive market days, at or below the ceiling of the price range currently in effect established by the Council under the provisions of Article 38;
  - (b) in the absence of a decision by the Council to establish a price range:
    - (i) the average of the indicator prices for Other Mild and Robusta coffees remains on average, for 20 consecutive market days, at or below the average of these prices for calendar year 1975 as maintained by the Organization during the life of the International Coffee Agreement 1968 as extended; or
    - (ii) subject to the provisions of paragraph 2 of this Article, the composite indicator price calculated under the provisions of Article 38 remains on average, for 20 consecutive market days, 15% or more below the average composite indicator price for the preceding coffee year during which this Agreement was in force;

Notwithstanding the preceding provisions of this paragraph, quotas shall not come into effect on the entry into force of this Agreement unless the average of the indicator prices for Other Mild and Robusta coffees remains on average, for the 20 consecutive markets day immediately preceding that date, at or below the average of these prices for calendar year 1975.

2. Notwithstanding the provisions of subparagraph (b) (ii) of paragraph 1 of this Article, quotas shall not come into effect, unless the Council decides otherwise, if the average of the indicator prices for Other Mild and Robusta coffees remains on average, for 20 consecutive market days 22.5% or more above the average of these prices for calendar year 1975.

3. The prices specified in subparagraph (b) (i) of paragraph 1 and in paragraph 2 of this Article shall be reviewed and may be revised by the Council prior to 30 September 1978 and to 30 September, 1980.

4. Unless the Council decides otherwise, quotas shall be suspended:
- (a) if the composite indicator price remains on average, for 20 consecutive market days, 15% above the ceiling of the price range established by the Council and currently in force; or
  - (b) in the absence of a decision by the Council to establish a price range, if the composite indicator price remains on average, for 20 consecutive market days, 15% or more above the average composite indicator price recorded during the preceding calendar year.
5. Unless the Council decides otherwise, quotas shall be reintroduced, after suspension under the provisions of paragraph 4 of this Article, in accordance with the provisions of paragraphs 1, 2 and 6.
6. Whenever the relevant price conditions referred to in paragraph 1 of this Article are met, and subject to the provisions of paragraph 2 of this Article, quotas shall come into effect as soon as possible and in any event not later than the quarter following the fulfilment of the relevant price conditions. The quotas shall, except as otherwise provided for in this Agreement, be fixed for a period of four quarters. If the global annual and quarterly quotas have not previously been established by the Council, the Executive Director shall set a quota on the basis of the disappearance of coffee in quota markets, estimated in accordance with the criteria established in Article 34; such quota shall be allocated to exporting members in accordance with the provisions of Articles 31 and 35.
7. The Council shall be convened during the first quarter after quotas come into effect in order to establish price ranges and to review and, if necessary, revise quotas for such period as the Council deems advisable, provided that such period does not exceed 12 months from the date on which quotas came into effect.

#### *Article 34*

#### *SETTING OF THE GLOBAL ANNUAL QUOTA*

Subject to the provisions of Article 33, the Council shall, at its last regular session of the coffee year, set a global annual quota taking into account *inter alia*, the following:

- (a) estimated annual consumption of importing members;
- (b) estimated imports of members from other importing members and from non-member countries;
- (c) estimated changes in the level of inventories in importing member countries and in freeports;
- (d) compliance with the provisions of Article 40 concerning shortfalls and their redistribution; and
- (e) for the introduction or reintroduction of quotas under the provisions of Article 33 (1) and (5) exports of exporting members to importing members and to non-members during the 12-month period preceding the introduction of quotas.

*Article 35*

*ALLOCATION OF ANNUAL QUOTAS*

1. In the light of the decision taken under the provisions of Article 34 and after deducting the amount of coffee required to comply with the provisions of Article 31, annual quotas shall be allocated in fixed and variable parts to exporting members entitled to a basic quota. The fixed part shall correspond to 70 % of the global annual quota, as adjusted to comply with the provisions of Article 31, and shall be distributed among exporting members in accordance with the provisions of Article 30. The variable part shall correspond to 30 % of the global annual quota, as adjusted to comply with the provisions of Article 31. These proportions may be changed by the Council but the fixed part shall never be less than 70 %. Subject to the provisions of paragraph 2 of this Article, the variable part shall be distributed among exporting members in the proportion which the verified stocks of each exporting member bear to the total verified stocks of all exporting members having basic quotas, provided that, unless the Council establishes a different limit, no member shall receive a share of the variable part of the quota in excess of 40 % of the total volume of such variable part.

2. The stocks to be taken into account for the purposes of this Article shall be those verified, in accordance with the appropriate rules for the verification of stocks, at the end of the crop year of each exporting member immediately preceding the setting of quotas.



*Article 36*

**QUARTERLY QUOTAS**

1. Immediately following the allocation of annual quotas under the provisions of Article 35 (1), and subject to the provisions of Article 31, the Council shall allocate quarterly quotas to each exporting member for the purpose of assuring an orderly flow of coffee to world markets throughout the period for which quotas are set.

2. These quotas shall be, as nearly as possible, 25% of the annual quota of each Member. No member shall be allowed to export more than 30% in the first quarter, 60% in the first two quarters, and 80% in the first three quarters. If exports by any member in one quarter are less than its quota for that quarter, the outstanding balance shall be added to its quota for the following quarter.

3. The provisions of this Article shall also apply to the implementation of Article 33 (6).

4. If, on account of exceptional circumstances, an exporting member considers that the limitations provided in paragraph 2 of this Article would be likely to cause serious harm to its economy, the Council may, at the request of that member, take appropriate action under the provisions of Article 56. The member concerned must furnish evidence of harm and provide adequate guarantees concerning the maintenance of price stability. The Council shall not, however, in any event, authorize a member to export more than 35% of its annual quota in the first quarter, 65% in the first two quarters, and 85% in the first three quarters.

*Article 37*

**ADJUSTMENT OF ANNUAL AND QUARTERLY QUOTAS**

1. If market conditions so require, the Council may vary the annual and quarterly quotas allocated under the provisions of Articles 33, 35 and 36. Subject to the provisions of Article 35 (1) and except as provided for in Article 31 and Article 39 (3), the quotas of each exporting member shall be varied by the same percentage.

2. Notwithstanding the provisions of paragraph 1 of this Article, the Council may, if it finds the market situation so requires, make adjustments among the current and remaining quarterly quotas of exporting members without, however, altering the annual quotas.

#### *Article 38*

#### *PRICE MEASURES*

1. The Council shall establish a system of indicator prices which shall provide for a daily composite indicator price.
2. On the basis of such a system, the Council may establish price ranges and price differentials for the principal types and/or groups of coffee and a composite price range.
3. In establishing and adjusting any price range for the purposes of this Article, the Council shall take into consideration the prevailing level and trend of coffee prices including the influence thereon of:
  - the levels and trends of consumption and production as well as stocks in importing and exporting countries,
  - changes in the world monetary system,
  - the trend of world inflation or deflation, and
  - any other factors which might affect the achievement of the objectives set out in this Agreement.

The Executive Director shall supply the data necessary to permit the Council to give due consideration to the foregoing elements.

4. The Council shall make rules concerning the effect of the introduction of quotas or adjustments thereto on contracts entered into prior to such introduction or adjustment.

#### *Article 39*

#### *ADDITIONAL MEASURES FOR THE ADJUSTMENT OF QUOTAS*

1. If quotas are in effect, the Council shall be convened in order to establish a system for the *pro rata adjustment* of quotas in response to movements in the composite indicator price, as provided for in Article 38.

2. Such a system shall include provisions regarding price ranges, the number of market days over which counts shall be held and the number and size of adjustments.

3. The Council may also establish a system for increasing quotas in response to the movement of the prices of the principal types and/or groups of coffee.

#### *Article 40*

#### *SHORTFALLS*

1. Each exporting member shall declare any anticipated shortfall from its export entitlement in order to permit redistribution in the same coffee year among exporting members able and prepared to export the amount of shortfalls. 70% of the quantity declared in accordance with the provisions of this paragraph shall be offered for redistribution in the first instance among other members exporting the same type of coffee in proportion to their basic quotas and 30% in the first instance to members exporting the other type of coffee also in proportion to their basic quotas.

2. If a member declares a shortfall within the first six months of a coffee year, the annual quota of that member shall, in the following coffee year, be increased by an amount of 30% of the volume declared and not exported. This amount shall be charged to the annual export entitlements of those exporting members which have accepted the redistribution under the provisions of paragraph 1 of this Article, *pro rata* to their participation in that redistribution.

#### *Article 41*

#### *EXPORT ENTITLEMENT OF A MEMBER GROUP*

If two or more members form a member group in accordance with the provisions of Articles 6 and 7, the basic quotas or the export entitlements, as the case may be, of those members shall be added together and the combined total treated as a single basic quota or a single export entitlement for the purposes of this Chapter.

## *Article 42*

### *COMPLIANCE WITH QUOTAS*

1. Exporting members shall adopt the measures required to ensure full compliance with all provisions of this Agreement relating to quotas. In addition to any measures the member itself may take, the Council may require such member to adopt additional measures for the effective implementation of the quota system provided for in this Agreement.
2. Exporting members shall not exceed the annual and quarterly quotas allocated to them.
3. If an exporting member exceeds its quota for any quarter, the Council shall deduct from one or more of its subsequent quotas a quantity equal to 110% of that excess.
4. If an exporting member for the second time exceeds its quarterly quota, the Council shall make the same deduction as that provided for in paragraph 3 of this Article.
5. If an exporting member for a third or subsequent time exceeds its quarterly quota, the Council shall make the same deduction as provided for in paragraph 3 of this Article and the voting rights of the member shall be suspended until such time as the Council decides whether to exclude such member from the Organization under the provisions of Article 66.
6. The deductions provided for in paragraphs 3, 4 and 5 of this Article shall be deemed to be shortfalls for the purposes of Article 40 (1).
7. The Council shall apply the provisions of paragraphs 1 to 5 of this Article as soon as the necessary information is available.

## *Article 43*

### *CERTIFICATES OF ORIGIN AND RE-EXPORT*

1. Every export of coffee by a Member shall be covered by a valid certificate of origin. Certificates of origin shall be issued, in accordance

with rules established by the Council, by a qualified agency chosen by the member and approved by the Organization.

2. If quotas are in effect, every re-export of coffee by a member shall be covered by a valid certificate of re-export. Certificates of re-export shall be issued, in accordance with rules established by the Council, by a qualified agency chosen by the member and approved by the Organization, and shall certify that the coffee in question was imported in accordance with the provisions of this Agreement.

3. The rules referred to in this Article shall contain provisions which will permit their application to groups of importing members forming a customs union.

4. The Council may make rules governing the printing, validation, issuing and use of certificates and may adopt measures to issue coffee export stamps against payment of a fee to be determined by the Council. The affixing of such stamps to certificates of origin may be one of the means prescribed for the validation of such certificates. The Council may make similar arrangements for the validation of other forms of certificates and for the issuing of other forms of coffee stamps on conditions to be determined.

5. Each member shall notify the Organization of the government or non-government agency which is to perform the function specified in paragraphs 1 and 2 of this Article. The Organization shall specifically approve a non-government agency upon submission by the member of satisfactory evidence of the agency's ability and willingness to fulfil the Member's responsibilities in accordance with the rules and regulations established under the provisions of this Agreement. The Council may at any time, for cause, declare a particular non-government agency to be no longer acceptable to it. The Council shall, either directly or through an internationally recognized world-wide organization, take all necessary steps so that at any time it will be able to satisfy itself that all forms of certificate are being issued and used correctly and to ascertain the quantities of coffee which have been exported by each member.

6. A non-government agency approved as a certifying agency under the provisions of paragraph 5 of this Article shall keep records of the certificates issued and the basis for their issue, for a period of not less than

four years. In order to obtain approval as a certifying agency under the provisions of paragraph 5 of this Article, a non-government agency must previously agree to make such records available for examination by the Organization.

7. If quotas are in effect members shall, subject to the provisions of Article 44 and those of paragraphs 1 and 2 of Article 45, prohibit the import of any shipment of coffee which is not accompanied by a valid certificate in the appropriate form issued in accordance with rules established by the Council.

8. Small quantities of coffee in such forms as the Council may determine, or coffee for direct consumption on ships, aircraft and other international carriers, shall be exempt from the provisions of paragraphs 1 and 2 of this Article.

#### *Article 44*

#### *EXPORTS NOT CHARGED TO QUOTAS*

1. As provided for in Article 29, exports to countries not members of this Agreement shall not be charged to quotas. The Council may make rules governing, *inter alia*, the conduct and supervision of this trade, the treatment of, and the penalties for, diversions and re-exports from non-member to member countries and the documents required to cover exports to both member and non-member countries.

2. Exports of coffee beans as raw material for industrial processing for any purposes other than human consumption as a beverage or foodstuff shall not be charged to quotas, provided that the Council is satisfied from information supplied by the exporting member that the coffee beans are in fact used for such other purposes.

3. The Council may, at the request of an exporting member, decide that exports of coffee made by that member for humanitarian or other non-commercial purposes shall not be charged to its quota.

## *Article 45*

### *REGULATION OF IMPORTS*

1. To prevent non-member countries from increasing their exports at the expense of exporting members, each member shall, whenever quotas are in effect, limit its annual imports of coffee from non-member countries which were not members of the International Coffee Agreement 1968 to an amount equal to the annual average of its imports of coffee from non-member countries either from calendar year 1971 to calendar year 1974 inclusive, or from calendar year 1972 to calendar year 1974 inclusive.
2. Whenever quotas are in effect, members shall also limit their annual imports of coffee from each non-member which was a member of the International Coffee Agreement 1968 or the International Coffee Agreement 1968 as Extended to a quantity not greater than a percentage of the average annual imports from that non-member during coffee years 1968/69 to 1971/72. Such percentage shall correspond to the proportion which the fixed part bears to the global annual quota, under the provisions of Article 35 (1), at the time when quotas come into effect.
3. The Council may suspend or vary these quantitative limitations if it finds such action necessary for the purposes of this Agreement.
4. The obligations established in the preceding paragraphs of this Article shall not derogate from any conflicting bilateral or multilateral obligations which importing members have entered into with non-member countries prior to the entry into force of this Agreement, provided that any importing member which has such conflicting obligations shall carry them out in such a way as to minimize any conflict with the obligations established in the preceding paragraphs. Such member shall take steps as soon as possible to bring its obligations into harmony with the provisions of paragraphs 1 and 2 of this Article and shall inform the Council of the details of the conflicting obligations as well as of the steps taken to minimize or eliminate the conflict.
5. If an importing member fails to comply with the provisions of this Article the Council may suspend both its voting rights in the Council and its right to have its votes cast in the Board.

Chapter VIII  
OTHER ECONOMIC PROVISIONS

*Article 46*

*MEASURES RELATED TO PROCESSED COFFEE*

1. Members recognize the need of developing countries to broaden the base of their economies through, *inter alia*, industrialization and the export of manufactured products, including the processing of coffee and the export of processed coffee.
2. In this connection, members shall avoid the adoption of governmental measures which could cause disruption to the coffee sector of other members.
3. Should a member consider that the provisions of paragraph 2 of this Article are not being complied with, it should consult with the other members concerned, having due regard to the provisions of Article 57. The members concerned shall make every effort to reach amicable settlement on a bilateral basis. If these consultations do not lead to a mutually satisfactory solution, either party may bring the matter before the Council for consideration under the provisions of Article 58.
4. Nothing in this Agreement shall prejudice the right of any member to take measures to prevent or remedy disruption to its coffee sector by imports of processed coffee.

*Article 47*

*PROMOTION*

1. Members undertake to encourage the consumption of coffee by every possible means. To achieve this purpose, a Promotion Fund shall be established with the objectives of promoting consumption in importing countries by all appropriate means without regard to origin, type or brand of coffee, and of achieving and maintaining the highest quality and purity of the beverage.
2. The Promotion Fund shall be administered by a committee. The membership of the fund shall be limited to members which contribute financially to the fund.



3. The fund shall be financed during coffee years 1976/77 and 1977/78 by a compulsory levy on coffee export stamps or equivalent export authorizations, payable by exporting members with effect from 1 October 1976. Such levy shall be five US cents per bag for members listed in Annex 1 having initial annual export quotas of less than 100 000 bags; 10 US cents per bag for members listed in Annex 1 having initial annual export quotas of 100 000 bags or more but less than 400 000 bags, and 25 US cents per bag for all other exporting members. The fund may also be financed by voluntary contributions from other members on terms to be approved by the committee.

4. At any time, the committee may decide to collect a compulsory levy in the third and subsequent coffee years if additional resources are necessary to comply with commitments undertaken in accordance with paragraph 7 of this Article. It may further decide to receive contributions of other members on terms it shall approve.

5. The resources of the fund shall be used mainly to finance promotion campaigns in importing member countries.

6. The fund may sponsor research and studies related to the consumption of coffee.

7. Importing members, or trade associations in importing member countries acceptable to the committee, may present proposals for campaigns for the promotion of coffee. The fund may provide resources to finance up to 50% of the cost of such campaigns. Whenever a campaign is agreed upon, the percentage contribution of the committee to the campaign shall remain unaltered. The campaigns may be for a period of more than one year but not more than five years.

8. The payment referred to in paragraph 3 of this Article shall be made against the delivery of coffee export stamps or equivalent export authorizations. The rules for the application of a system of certificates of origin, under the provisions of Article 43, shall incorporate provisions for the payment of the levy referred to in paragraph 3 of this Article.

9. The levy referred to in paragraphs 3 and 4 of this Article shall be payable in US dollars to the Executive Director, who shall deposit the

funds derived therefrom in a special account to be designated the Promotion Fund Account.

10. The committee shall control all funds in the Promotion Fund. As soon as possible after the close of each financial year, an independently audited statement of the receipts and expenditures of the Promotion Fund during that financial year shall be presented to the committee for approval. The audited accounts as approved by the committee shall be forwarded to the Council for information only.

11. The Executive Director shall be the chairman of the committee and shall report periodically to the Council on the activities of the Committee.

12. The administrative expenses necessary to carry out the provisions of this Article and those relating to promotion activities shall be charged to the Promotion Fund.

13. The committee shall establish its own by-laws.

#### *Article 48*

##### *REMOVAL OF OBSTACLES TO CONSUMPTION*

1. Members recognize the utmost importance of achieving the greatest possible increase of coffee consumption as rapidly as possible, in particular through the progressive removal of any obstacles which may hinder such increase.

2. Members recognize that there are at present in effect measures which may to a greater or lesser extent hinder the increase in consumption of coffee, in particular:

- (a) import arrangements applicable to coffee, including preferential and other tariffs, quotas, operations of Government monopolies and official purchasing agencies, and other administrative rules and commercial practices;
- (b) export arrangements as regards direct or indirect subsidies and other administrative rules and commercial practices; and
- (c) internal trade conditions and domestic legal and administrative provisions which may affect consumption.

3. Having regard to the objectives stated above and to the provisions of paragraph 4 of this Article, members shall endeavour to pursue tariff reductions on coffee or to take other action to remove obstacles to increased consumption.
4. Taking into account their mutual interest, members undertake to seek ways and means by which the obstacles to increased trade and consumption referred to in paragraph 2 of this Article may be progressively reduced and eventually, wherever possible, eliminated, or by which the effects of such obstacles may be substantially diminished.
5. Taking into account any commitments undertaken under the provisions of paragraph 4 of this Article, members shall inform the Council annually of all measures adopted with a view to implementing the provisions of this Article.
6. The Executive Director shall prepare periodically a survey of the obstacles to consumption to be reviewed by the Council.
7. The Council may, in order to further the purposes of this Article, make recommendations to members which shall report as soon as possible to the Council on the measures adopted with a view to implementing such recommendations.

#### *Article 49*

#### *MIXTURES AND SUBSTITUTES*

1. Members shall not maintain any regulations requiring the mixing, processing or using of other products with coffee for commercial resale as coffee. Members shall endeavour to prohibit the sale and advertisement of products under the name of coffee if such products contain less than the equivalent of 90% green coffee as the basic raw material.
2. The Council may request any member to take the steps necessary to ensure observance of the provisions of this Article.
3. The Executive Director shall submit to the Council a periodic report on compliance with the provisions of this Article.

## *Article 50*

### *PRODUCTION POLICY*

1. To facilitate the achievement of the objective set out in Article 1(1), exporting Members undertake to use their best endeavours to adopt and to implement a production policy.
2. The Council may establish procedures for coordinating the production policies referred to in paragraph 1 of this Article. These procedures may include appropriate measures for, or encouragement of, diversification, together with the means whereby members may obtain both technical and financial assistance.
3. The Council may establish a contribution payable by exporting members which shall be used to permit the Organization to carry out appropriate technical studies for the purpose of assisting exporting members to adopt the measures necessary to pursue an adequate production policy. Such contribution shall not exceed two US cents per bag exported to importing member countries and shall be payable in convertible currency.

## *Article 51*

### *POLICY RELATIVE TO COFFEE STOCKS*

1. To complement the provisions of Chapter VII and of Article 50, the Council shall, by a distributed two-thirds majority vote, establish a policy relating to coffee stocks in producing member countries.
2. The Council shall adopt measures to ascertain annually the volume of coffee stocks in the hands of individual exporting members in accordance with the provisions of Article 35. The members concerned shall facilitate this annual survey.
3. Producing members shall ensure that adequate facilities exist in their respective countries for the proper storage of coffee stocks.
4. The Council shall undertake a study of the feasibility of supporting the objectives of this Agreement by an international stock arrangement.

*Article 52*

*CONSULTATION AND COOPERATION WITH THE TRADE*

1. The Organization shall maintain close liaison with appropriate non-governmental organizations concerned with international commerce in coffee, and with experts in coffee matters.
2. Members shall conduct their activities within the framework of this Agreement in a manner consonant with established trade channels and shall refrain from discriminatory sales practices. In carrying out these activities they shall endeavour to take due account of the legitimate interests of the coffee trade.

*Article 53*

*INFORMATION*

1. The Organization shall act as a centre for the collection, exchange and publication of:
  - (a) statistical information on world production, prices, exports and imports, distribution and consumption of coffee; and
  - (b) in so far as is considered appropriate, technical information on the cultivation, processing and utilization of coffee.
2. The Council may require members to furnish such information as it considers necessary for its operations, including regular statistical reports on coffee production, production trends, exports and imports, distribution, consumption, stocks, prices and taxation, but no information shall be published which might serve to identify the operations of persons or companies producing, processing or marketing coffee. Members shall furnish information requested in as detailed and accurate a manner as is practicable.
3. If a member fails to supply or finds difficulty in supplying within a reasonable time statistical and other information required by the Council for the proper functioning of the Organization, the Council may require the member concerned to explain the reasons for non-compliance. If it is found that technical assistance is needed in the matter, the Council may take any necessary measures.

4. In addition to the measures provided for in paragraph 3 of this Article, the Executive Director may, after giving due notice and unless the Council decides otherwise, withhold the release of coffee stamps or other equivalent export authorizations as provided for in Article 43.

#### *Article 54*

#### *STUDIES*

1. The Council may promote studies concerning the economics of coffee production and distribution, the impact of governmental measures in producing and consuming countries on the production and consumption of coffee, the opportunities for expansion of coffee consumption for traditional and possible new uses and the effects of the operation of this Agreement on producers and consumers of coffee, including their terms of trade.
2. The Organization may study the practicability of establishing minimum standards for exports of coffee from producing members.

#### *Article 55*

#### *SPECIAL FUND*

1. A special fund shall be established to permit the Organization to adopt and to finance the additional measures required to ensure that the relevant provisions of this Agreement can be implemented with effect from its entry into force or as close to that date as possible.
2. Payments to the fund shall consist of a levy of two US cents on each bag of coffee exported to importing members, payable by exporting members with effect from the entry into force of this Agreement, unless the Council decides to decrease or suspend such levy.
3. The levy referred to in paragraph 2 of this Article shall be payable in US dollars to the Executive Director against the delivery of coffee export stamps or equivalent export authorizations. The rules for the

application of a system of certificates of origin under the provisions of Article 43 shall incorporate provisions for the payment of this levy.

4. Subject to the approval of the Council, the Executive Director shall be authorized to expend monies from the fund to meet the costs of introducing the system of certificates of origin referred to in Article 43, the expenditures involved in the verification of stocks required under the provisions of paragraph 2 of Article 51 and the costs of the improvements in the system for the collection and transmission of statistical information referred to in Article 53.

5. To the extent possible, though separately from the administrative budget, the fund shall be managed and administered in a manner similar to the administrative budget and shall be subject to an independent annual audit as required for the accounts of the Organization under the provisions of Article 27.

#### *Article 56*

#### *WAIVER*

1. The Council may, by a distributed two-thirds majority vote, relieve a Member of an obligation, on account of exceptional or emergency circumstances, *force majeure* constitutional obligations or international obligations under the United Nations Charter for territories administered under the trusteeship system.

2. The Council, in granting a waiver to a member, shall state explicitly the terms and conditions on which and the period for which the member is relieved of such obligation.

3. The Council shall not consider a request for a waiver of quota obligations on the basis of the existence in a member country, in one or more years, of an exportable production in excess of its permitted exports or which is the consequence of the member having failed to comply with the provisions of Articles 50 and 51.

## Chapter IX

### CONSULTATIONS, DISPUTES AND COMPLAINTS

#### *Article 57*

#### *CONSULTATIONS*

Each member shall accord sympathetic consideration to, and shall afford adequate opportunity for, consultation regarding such representations as may be made by another member with respect to any matter relating to this Agreement. In the course of such consultation, on request by either party and with the consent of the other, the Executive Director shall establish an independent panel which shall use its good offices with a view to conciliating the parties. The costs of the panel shall not be chargeable to the Organization. If a party does not agree to the establishment of a panel by the Executive Director, or if the consultation does not lead to a solution, the matter may be referred to the Council in accordance with the provisions of Article 58. If the consultation does lead to a solution, it shall be reported to the Executive Director who shall distribute the report to all members.

#### *Article 58*

#### *DISPUTES AND COMPLAINTS*

1. Any dispute concerning the interpretation or application of this Agreement which is not settled by negotiation shall, at the request of any member party to the dispute, be referred to the Council for decision.
2. In any case where a dispute has been referred to the Council under the provisions of paragraph 1 of this Article, a majority of members or members holding no less than one-third of the total votes, may require the Council, after discussion, to seek the opinion of the advisory panel referred to in paragraph 3 of this Article on the issues in dispute before giving its decision.
3. (a) Unless the Council unanimously agrees otherwise, the panel shall consist of:



- (i) two persons, one having wide experience in matters of the kind in dispute and the other having legal standing and experience, nominated by the exporting members;
    - (ii) two such persons nominated by the importing members; and
    - (iii) a chairman selected unanimously by the four persons nominated under (i) and (ii) or, if they fail to agree, by the chairman of the Council.
  - (b) Persons from countries whose Governments are contracting parties to this Agreement shall be eligible to serve on the advisory panel.
  - (c) Persons appointed to the advisory panel shall act in their personal capacities and without instructions from any Government.
  - (d) The expenses of the advisory panel shall be paid by the Organization.
4. The opinion of the advisory panel and the reasons therefor shall be submitted to the Council which, after considering all the relevant information, shall decide the dispute.
5. The Council shall rule on any dispute brought before it within six months of submission of such dispute for its consideration.
6. Any complaint that any member has failed to fulfil its obligations under this Agreement shall, at the request of the member making the complaint, be referred to the Council which shall make a decision on the matter.
7. No member shall be found to have been in breach of its obligations under this Agreement except by a distributed simple majority vote. Any finding that a Member is in breach of its obligations under this Agreement shall specify the nature of the breach.
8. If the Council finds that a member is in breach of its obligations under this Agreement, it may, without prejudice to other enforcement measures provided for in other Articles of this Agreement, by a distributed two-thirds majority vote, suspend such member's voting rights in the Council and its right to have its votes cast in the Board until it fulfils its obligations, or the Council may decide to exclude such Member from the Organization under the provisions of Article 66.

9. A member may seek the prior opinion of the Executive Board in a matter of dispute or complaint before the matter is discussed by the Council.

## Chapter X

### FINAL PROVISIONS

#### *Article 59*

#### *SIGNATURE*

This Agreement shall be open for signature at United Nations Headquarters from 31 January 1976 until and including 31 July 1976 by Contracting Parties to the International Coffee Agreement 1968 as Extended by Protocol and Governments invited to the sessions of the International Coffee Council convened for the purpose of negotiating the International Coffee Agreement 1976.

#### *Article 60*

#### *RATIFICATION, ACCEPTANCE, APPROVAL*

1. This Agreement shall be subject to ratification, acceptance or approval by the signatory Governments in accordance with their respective constitutional procedures.
2. Except as provided for in Article 61, instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations not later than 30 September 1976. However, the Council may grant extensions of time to signatory Governments which are unable to deposit their instruments by that date.

#### *Article 61*

#### *ENTRY INTO FORCE*

1. This Agreement shall enter into force definitively on 1 October 1976 if, by that date, Governments representing at least 20 exporting members

holding at least 80% of the votes of the exporting members and at least 10 importing members holding at least 80% of the votes of the importing members, as set out in Annex 2, have deposited their instruments of ratification, acceptance or approval. Alternatively, it shall enter into force definitively at any time after 1 October 1976, if it is provisionally in force in accordance with the provisions of paragraph 2 of this Article and these percentage requirements are satisfied by the deposit of instruments of ratification, acceptance or approval.

2. This Agreement may enter into force provisionally on 1 October 1976. For this purpose, a notification by a signatory Government or by any other contracting party to the International Coffee Agreement 1968 as Extended by Protocol containing an undertaking to apply this Agreement provisionally and to seek ratification, acceptance or approval in accordance with its constitutional procedures as rapidly as possible, which is received by the Secretary-General of the United Nations not later than 30 September 1976, shall be regarded as equal in effect to an instrument of ratification, acceptance or approval. A Government which undertakes to apply this Agreement provisionally pending the deposit of an instrument of ratification, acceptance or approval shall be regarded as a provisional party thereto until it deposits its instrument of ratification, acceptance or approval, or until and including 31 December 1976 whichever is the earlier. The Council may grant an extension of the time within which any Government which is applying this Agreement provisionally may deposit its instrument of ratification, acceptance or approval.

3. If this Agreement has not entered into force definitively or provisionally on 1 October 1976 under the provisions of paragraph 1 or 2 of this Article, those Governments which have deposited instruments of ratification, acceptance, approval or accession or made notifications containing an undertaking to apply this Agreement provisionally and to seek ratification, acceptance or approval may, by mutual consent, decide that it shall enter into force among themselves. Similarly, if this Agreement has entered into force provisionally but has not entered into force definitively on 31 December 1976, those Governments which have deposited instruments of ratification, acceptance, approval or accession or made the notifications referred to in paragraph 2 of this Article, may, by mutual consent, decide that it shall continue in force provisionally or enter into force definitively among themselves.

*Article 62*

*ACCESSION*

1. The Government of any State member of the United Nations or of any of its specialized agencies may, before or after the entry into force of this Agreement, accede to it upon conditions which shall be established by the Council.
2. Instruments of accession shall be deposited with the Secretary-General of the United Nations. The accession shall take effect upon deposit of the instrument.

*Article 63*

*RESERVATIONS*

Reservations may not be made with respect to any of the provisions of this Agreement.

*Article 64*

*EXTENSION TO DESIGNATED TERRITORIES*

1. Any Government may, at the time of signature or deposit of an instrument of ratification, acceptance, approval or accession, or at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Agreement shall extend to any of the territories for whose international relations it is responsible; this Agreement shall extend to the territories named therein from the date of such notification.
2. Any contracting party which desires to exercise its rights under the provisions of Article 5 in respect of any of the territories for whose international relations it is responsible or which desires to authorize any

such territory to become part of a member group formed under the provisions of Article 6 or 7, may do so by making a notification to that effect to the Secretary-General of the United Nations, either at the time of the deposit of its instrument of ratification, acceptance, approval or accession, or at any later time.

3. Any contracting party which has made a declaration under the provisions of paragraph 1 of this Article may at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Agreement shall cease to extend to the territory named in the notification. This Agreement shall cease to extend to such territory from the date of such notification.

4. When a territory to which this Agreement has been extended under the provisions of paragraph 1 of this Article subsequently attains its independence, the Government of the new State may, within 90 days after the attainment of independence, declare by notification to the Secretary-General of the United Nations that it has assumed the rights and obligations of a contracting party to this Agreement. It shall, as from the date of such notification, become a contracting party to this Agreement. The Council may grant an extension of the time within which such notification may be made.

#### *Article 65*

### *VOLUNTARY WITHDRAWAL*

Any contracting party may withdraw from this Agreement at any time by giving a written notice of withdrawal to the Secretary-General of the United Nations. Withdrawal shall become effective 90 days after the notice is received.

#### *Article 66*

### *EXCLUSION*

If the Council decides that any member is in breach of its obligations under this Agreement and decides further that such breach significantly impairs the operation of this Agreement, it may, by a distributed two-thirds majority vote, exclude such member from the organization. The

Council shall immediately notify the Secretary-General of the United Nations of any such decision. Ninety days after the date of the Council's decision, such member shall cease to be a member of the Organization and, if such member is a contracting party, a party to this Agreement.

#### *Article 67*

#### *SETTLEMENT OF ACCOUNTS WITH WITHDRAWING OR EXCLUDED MEMBERS*

1. The Council shall determine any settlement of accounts with a withdrawing or excluded member. The Organization shall retain any amounts already paid by a withdrawing or excluded member and such member shall remain bound to pay any amounts due from it to the Organization at the time the withdrawal or the exclusion becomes effective; provided, however, that in the case of a contracting party which is unable to accept an amendment and consequently ceases to participate in this Agreement under the provisions of Article 69 (2), the Council may determine any settlement of accounts which it finds equitable.

2. A member which has ceased to participate in this Agreement shall not be entitled to any share of the proceeds of liquidation or the other assets of the Organization; nor shall it be liable for payment of any part of the deficit, if any, of the Organization upon termination of this Agreement.

#### *Article 68*

#### *DURATION AND TERMINATION*

1. This Agreement shall remain in force for a period of six years until 30 September 1982, unless extended under the provisions of paragraph 3 of this Article or terminated under the provisions of paragraph 4 of this Article.

2. During the third year of this Agreement, namely the coffee year ending 30 September 1979, contracting parties shall notify the Secretary-General of the United Nations of their intention to continue to participate in this Agreement for the remaining three years of its duration. Any contracting party which, by 30 September 1979, has not made a

notification of its intention to continue to participate in this Agreement for the remaining three years of its duration, or any territory which is either a member or a party to a member group on behalf of which such notification has not been made by that date, shall with effect from 1 October 1979 cease to participate in this Agreement.

3. The Council may, at any time after 30 September 1980, by a vote of 58% of the members having not less than a distributed majority of 70% of the total votes, decide either that this Agreement, be renegotiated or that it be extended, with or without modification, for such period as the Council shall determine. Any contracting party which by the date on which such renegotiated or extended Agreement enters into force has not made a notification of acceptance of such renegotiated or extended Agreement to the Secretary-General of the United Nations, or any territory which is either a member or a party to a member group on behalf of which such notification has not been made by that date, shall as of that date cease to participate in such Agreement.

4. The Council may at any time, by a vote of a majority of the members having not less than a distributed two-thirds majority of the total votes, decide to terminate this Agreement. Such termination shall take effect on such date as the Council shall decide.

5. Notwithstanding termination of this Agreement, the Council shall remain in being for as long as necessary to carry out the liquidation of the Organization, settlement of its accounts and disposal of its assets and shall have during that period such powers and functions as may be necessary for those purposes.

#### *Article 69*

#### *AMENDMENT*

1. The Council may, by a distributed two-thirds majority vote, recommend an amendment of this Agreement to the contracting parties. The amendment shall become effective 100 days after the Secretary-General of the United Nations has received notifications of acceptance from contracting parties representing at least 75% of the exporting countries

holding at least 85% of the votes of the exporting members, and from contracting parties representing at least 75% of the importing countries holding at least 80% of the votes of the importing members. The Council shall fix a time within which contracting parties shall notify the Secretary-General of the United Nations of their acceptance of the amendment. If, on expiry of such time-limit, the percentage requirements for the entry into effect of the amendment have not been met, the amendment shall be considered withdrawn.

2. Any contracting party which has not notified acceptance of an amendment within the period fixed by the Council, or any territory which is either a member or a party to a member group on behalf of which such notification has not been made by that date, shall cease to participate in this Agreement from the date on which such amendment becomes effective.

#### *Article 70*

#### *SUPPLEMENTARY AND TRANSITIONAL PROVISIONS*

1. This Agreement shall be considered as a continuation of the International Coffee Agreement 1968 as Extended by Protocol.

2. In order to facilitate the uninterrupted continuation of the International Coffee Agreement 1968 as Extended by Protocol:

(a) All acts by or on behalf of the Organization or any of its organs under the International Coffee Agreement 1968 as Extended by Protocol, in effect on 30 September 1976, whose terms do not provide for expiry on that date, shall remain in effect unless changed under the provisions of this Agreement;

(b) All decisions required to be taken by the Council during coffee year 1975/76 for application in coffee year 1976/77 shall be taken during the last regular session of the Council in coffee year 1975/76 and applied on a provisional basis as if this Agreement had already entered into force.



*Article 71*

*AUTHENTIC TEXTS OF THE AGREEMENT*

The texts of this Agreement in the English, French, Portuguese and Spanish languages shall all be equally authentic. The originals shall be deposited with the Secretary-General of the United Nations.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Agreement on the dates appearing opposite their signatures.

*ANNEX I*

**Exporting members exporting less than 400 000 bags to importing members**

Exporting member	Initial annual export quota (1 000 bags) (1)	Number of votes in addition to basic votes (2)
<b>Less than 100 000 bags</b>		
Gabon	25	0
Jamaica	25	0
Congo	25	0
Panama	41	0
Dahomey	33	0
Bolivia	73	0
Ghana	66	0
Trinidad and Tobago	69	0
Nigeria	70	0
Paraguay	70	0
Timor	82	0
Sub total	579	
<b>More than 100 000 bags</b>		
Liberia	100	2
Guinea	127	2
Sierra Leone	180	3
Central African Republic	205	3
Togo	225	4
Rwanda	300	5
Venezuela	325	5
Burundi	360	6
Haiti	360	6
Sub total	2 182	
<b>TOTAL</b>	<b>2 761</b>	

ANNEX 2

Distribution of votes

	Exporting	Importing		Exporting	Importing
TOTAL	1 000	1 000	Ireland	—	6
Australia	—	12	Ivory Coast	49	—
Belgium (*)	—	29	Jamaica	4	—
Bolivia	4	—	Japan	—	37
Brazil	336	—	Kenya	17	—
Burundi	8	—	Liberia	4	—
Cameroon	20	—	Madagascar	18	—
Canada	—	32	Mexico	32	—
Central African Republic	7	—	Netherlands	—	47
Colombia	114	—	New Zealand	—	7
Congo	4	—	Nicaragua	13	—
Costa Rica	22	—	Nigeria	4	—
Cyprus	—	5	Norway	—	16
Czechoslovakia	—	10	Panama	4	—
Dahomey	4	—	Papua New Guinea	4	—
Denmark	—	23	Paraguay	4	—
Dominican Republic	12	—	Peru	16	—
Ecuador	16	—	Portugal	—	12
El Salvador	35	—	Rwanda	6	—
Ethiopia	28	—	Sierra Leone	6	—
Federal Republic of Germany	—	104	Spain	—	29
Finland	—	22	Sweden	—	37
France	—	87	Switzerland	—	24
Gabon	4	—	Tanzania	15	—
Ghana	4	—	Timor	4	—
Guatemala	33	—	Togo	7	—
Guinea	6	—	Trinidad and Tobago	4	—
Haiti	12	—	Uganda	42	—
Honduras	11	—	United Kingdom	—	51
India	11	—	United States of America	—	392
Indonesia	26	—	Venezuela	9	—
			Yugoslavia	—	18
			Zaire	21	—

(\*) Includes Luxembourg.

## INFORMATION CONCERNING

the International Coffee AGREEMENT <sup>(1)</sup>

Open for signature: 31 January 1976 to 31 July 1976 in New York (United States of America)

Depositary: Secretary-General of the UN, New York (United States of America)

Date of provisional entry into force: 1 October 1976 <sup>(2)</sup>Duration: 6 years <sup>(3)</sup>

Contracting Parties	Date of signature	Date of notification of provisional application	Date of deposit of instruments		Date of entry into force <sup>(4)</sup>
			of ratification, approval or acceptance, etc.	of accession	
<i>Exporting Members</i>					
ANGOLA		30. 9.1976			
BOLIVIA	15. 7.1976	30. 9.1976			
BRAZIL	17. 2.1976		30.11.1976		
BURUNDI	31. 7.1976		28. 9.1976		
CAMEROON	3. 6.1976	30. 9.1976	25. 8.1976		
CENTRAL AFRICAN REPUBLIC <sup>(5)</sup>	27. 7.1976				
COLOMBIA	21. 4.1976	21. 4.1976	28. 9.1976		
CONGO		10. 9.1976			
COSTA RICA	5. 2.1976	17. 9.1976			
DAHOMEY <sup>(6)</sup>	14. 4.1976	30. 9.1976			
DOMINICAN REPUBLIC	30. 6.1976	28. 9.1976	14.10.1976		
ECUADOR	28. 7.1976		28. 9.1976		
EL SALVADOR	4. 6.1976	24. 5.1976	11. 8.1976		
ETHIOPIA	27. 7.1976	30. 9.1976	29.11.1976		
GABON	30. 7.1976	11.10.1976			11.10.1976
GHANA	30. 7.1976	30. 9.1976	11.10.1976		
GUATEMALA	19. 3.1976	16. 8.1976	15.12.1976		
GUINEA	30. 7.1976	30. 9.1976	11.10.1976		
HAITI	3. 6.1976	16. 9.1976			
HONDURAS	22. 4.1976	30. 9.1976	11.10.1976		
INDIA	16. 7.1976		20. 9.1976		
INDONESIA	22. 7.1976	30. 9.1976	14.10.1976		

IVORY COAST	29. 7.1976	27. 9.1976	22. 6.1976	
JAMAICA	26. 7.1976		24. 9.1976	
KENYA	22. 7.1976	17. 9.1976		
LIBERIA	7. 5.1976	30. 9.1976		
MADAGASCAR				29. 9.1976
MEXICO	2. 2.1976	23. 9.1976		
NICARAGUA	2. 3.1976		21. 5.1976	
NIGERIA	30. 7.1976	30. 9.1976	11.11.1976	
PANAMA	27. 7.1976	20. 9.1976	13.12.1976	
PAPUA NEW GUINEA	10. 6.1976		19. 7.1976	
PARAGUAY	30. 3.1976	28. 9.1976	11.10.1976	
PERU	23. 7.1976		31. 8.1976	
RWANDA	31. 3.1976	30. 9.1976	23.11.1976	
SIERRA LEONE	13. 7.1976	30. 9.1976	6.10.1976	
TANZANIA	9. 6.1976	24. 9.1976		
TOGO	25. 3.1976	28. 9.1976	8.12.1976	
TRINIDAD AND TOBAGO	9. 6.1976		2. 9.1976	
UGANDA	29. 7.1976		21. 9.1976	
VENEZUELA	30. 7.1976	21. 9.1976		
ZAIRE	30. 7.1976	30. 9.1976		
<i>Importing Members</i>				
EEC	27. 7.1976	28. 9.1976		
BELGIUM/LUXEMBOURG (?)	30. 7.1976	28. 9.1976		
DENMARK	30. 6.1976		17. 9.1976	
GERMANY (Fed. Rep.)	19. 3.1976		29. 9.1976	
FRANCE	23. 2.1976	24. 9.1976		
IRELAND	26. 7.1976	28. 9.1976		
ITALY	27. 7.1976	29. 9.1976		

(1) OJ No L 309, 10.11.1976.

(2) See Article 61 (1) of the Agreement. The Agreement did not enter into force definitively until 31 December 1976. OJ No L 309, 10.11.1976.

(3) During the 3rd year of application of the Agreement, i.e. the coffee marketing year ending on 30 September 1979, the Contracting Parties will notify the depositary of whether or not they intend to continue participating in the Agreement (Article 68 (2)).

(4) This date is only indicated where it falls after the date of entry into force of the Agreement.

(5) Now the Central African Empire.

(6) Now Benin.

(7) Belgium, when signing and ratifying this Agreement, also acted on behalf of the Grand Duchy of Luxembourg.

Contracting Parties	Date of signature	Date of notification of provisional application	Date of deposit of instruments		Date of entry into force (1)
			of ratification, approval or acceptance, etc.	of accession	
NETHERLANDS	27. 7.1976	16. 9.1976			10.12.1976
UNITED KINGDOM (2)	31. 3.1976		19. 8.1976		
AUSTRALIA	30. 7.1976	30. 9.1976			
AUSTRIA	19. 7.1976				
CANADA	30. 7.1976	24. 9.1976	17. 9.1976		
FINLAND	30. 7.1976				
ISRAEL	28. 7.1976				
JAPAN	27. 7.1976		10.12.1976		
NEW ZEALAND (3)	28. 7.1976		27. 9.1976		
NORWAY	26. 4.1976		1. 7.1976		
PORTUGAL	15. 7.1976	21. 9.1976			
SPAIN	13. 7.1976	30. 9.1976	9.12.1976		
SWEDEN	22. 6.1976		7. 7.1976		
SWITZERLAND	5. 4.1976		27. 9.1976		
UNITED STATES OF AMERICA	27. 2.1976	30. 9.1976	24. 9.1976		
YUGOSLAVIA	31. 7.1976		28.12.1976		

(1) This date is only indicated where it falls after the date of entry into force of the Agreement.

(2) Pursuant to Article 64 (1) of the Agreement, its territorial application has been extended by the United Kingdom to cover Hong Kong.

(3) Pursuant to Article 64 (1) of the Agreement, its territorial application has been extended by New Zealand to cover the territory of Niue.

Protocols  
for the third extension of the Wheat Trading  
Convention and the Food Aid Convention con-  
stituting the International Wheat Agreement, 1971





PROTOCOLS  
FOR THE THIRD EXTENSION OF THE WHEAT  
TRADE CONVENTION AND THE FOOD AID  
CONVENTION CONSTITUTING THE INTER-  
NATIONAL WHEAT AGREEMENT, 1971 <sup>(1)</sup>

COUNCIL DECISION

of 1 June 1976

concerning the signature and the deposit of a declaration of provisional application of the Protocols for the further extension of the Wheat Trading Convention and the Food Aid Convention constituting the International Wheat Agreement, 1971

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The President of the Council is hereby authorized to designate the person empowered to sign the declaration of provisional application of the Protocols for the further extension of the Wheat Trading Convention and the Food Aid Convention constituting the International Wheat

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(1) Not published in the OJ.

Agreement, 1971 annexed hereto and to deposit it with the Government of the United States of America.

Done at Brussels, 1 June 1976

*For the Council*  
*The President*  
(s.) G. THORN

Certified true copy

HOMMEL  
*Secretary-General*

## *ANNEX*

**Declaration of provisional application of the Protocols for the further extension of the Wheat Trading Convention and the Food Aid Convention constituting the International Wheat Agreement, 1971, the texts of which Protocols were drawn up by the Conference held for that purpose in London on 20 February 1976**

It will not be possible for the European Economic Community to complete by 18 June 1976 the institutional procedures provided for in Article 6 of the Protocol for the further extension of the Wheat Trading Convention, 1971 and in Article VI of the Protocol for the further extension of the Food Aid Convention, 1971.

Therefore, in accordance with Articles 8 and VIII of the said Protocols, the Community makes this declaration of provisional application of the Protocols. By lodging such a declaration, the Community considers itself to be provisionally a Party to the Protocols, with all the rights and obligations which result therefrom, until such time as the Council of the European Communities shall have taken a final decision on the matter.

*On behalf of the Council  
of the European Communities*

**PROTOCOLS FOR THE THIRD EXTENSION OF THE WHEAT  
TRADE CONVENTION AND THE FOOD AID CONVENTION  
CONSTITUTING THE INTERNATIONAL WHEAT AGREEMENT,  
1971**

*Preamble*

The Conference to establish the texts of the Protocols for the third extension of the Conventions constituting the International Wheat Agreement, 1971:

Considering that the International Wheat Agreement of 1949 was revised, renewed or extended in 1953, 1956, 1959, 1962, 1965, 1966, 1967, 1968, 1971, 1974 and 1975,

Considering that the International Wheat Agreement, 1971, consisting of two separate legal instruments, the Wheat Trade Convention, 1971 and the Food Aid Convention, 1971, both of which were further extended by Protocol in 1975, will expire on 30 June 1976,

Has established the texts of Protocols for the third extension of the Wheat Trade Convention, 1971 and for the third extension of the Food Aid Convention, 1971.

## PROTOCOL FOR THE THIRD EXTENSION OF THE WHEAT TRADE CONVENTION, 1971

The Governments party to this Protocol

Considering that the Wheat Trade Convention, 1971, (hereinafter referred to as 'the Convention') of the International Wheat Agreement, 1971, which was further extended by Protocol in 1975, expires on 30 June 1976,

Have agreed as follows:

### *Article 1*

#### *EXTENSION, EXPIRY AND TERMINATION OF THE CONVENTION*

Subject to the provisions of Article 2 of this Protocol, the Convention shall continue in force between the parties to this Protocol until 30 June 1978, provided that, if a new international agreement covering wheat enters into force before 30 June 1978, this Protocol shall remain in force only until the date of entry into force of the new agreement.

### *Article 2*

#### *INOPERATIVE PROVISIONS OF THE CONVENTION*

The following provisions of the Convention shall be deemed to be inoperative with effect from 1 July 1976:

- (a) paragraph (4) of Article 19;
- (b) Articles 22 to 26 inclusive;
- (c) paragraph (1) of Article 27;
- (d) Articles 29 to 31 inclusive.

### *Article 3*

#### *DEFINITION*

Any reference in this Protocol to a 'Government' or 'Governments' shall be construed as including a reference to the European Economic Community (hereinafter referred to as 'the Community'). Accordingly, any

reference in this Protocol to 'signature' or to the 'deposit of instruments of ratification, acceptance, approval or conclusion' or 'an instrument of accession' or 'a declaration of provisional application' by a Government shall, in the case of the Community, be construed as including signature or declaration of provisional application on behalf of the Community by its competent authority and the deposit of the instrument required by the institutional procedures of the Community to be deposited for the conclusion of an international agreement.

#### *Article 4*

#### *FINANCE*

The initial contribution of any exporting or importing member acceding to this Protocol under paragraph (1) (b) of Article 7 thereof, shall be assessed by the Council on the basis of the votes to be distributed to it and the period remaining in the current crop year, but the assessments made upon other exporting and importing members for the current crop year shall not be altered.

#### *Article 5*

#### *SIGNATURE*

This Protocol shall be open for signature in Washington from 17 March 1976 until and including 7 April 1976 by Governments of countries party to the Convention as further extended by Protocol, or which are provisionally regarded as party to the Convention as further extended by Protocol, on 17 March 1976, or which are members of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, and are listed in Annex A or Annex B to the Convention.

#### *Article 6*

#### *RATIFICATION, ACCEPTANCE, APPROVAL OR CONCLUSION*

This Protocol shall be subject to ratification, acceptance, approval or conclusion by each signatory Government in accordance with its

respective constitutional or institutional procedures. Instruments of ratification, acceptance, approval or conclusion shall be deposited with the Government of the United States of America not later than 18 June 1976, except that the Council may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance, approval or conclusion by that date.

#### *Article 7*

#### *ACCESSION*

- (1) This Protocol shall be open for accession:
  - (a) until 18 June 1976 by the Government of any member listed in Annex A or B to the Convention as of that date, except that the Council may grant one or more extensions of time to any Government that has not deposited its instrument by that date, and
  - (b) after 18 June 1976 by the Government of any member of the United Nations, of its specialized agencies or of the International Atomic Energy Agency upon such conditions as the Council considers appropriate by not less than two-thirds of the votes cast by exporting members and two-thirds of the votes cast by importing members.
- (2) Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America.
- (3) Where, for the purposes of the operation of the Convention and this Protocol, reference is made to members listed in Annex A or B to the Convention, any member the Government of which has acceded to the Convention on conditions prescribed by the Council, or to this Protocol in accordance with paragraph (1) (b) of this Article, shall be deemed to be listed in the appropriate Annex.

#### *Article 8*

#### *PROVISIONAL APPLICATION*

Any signatory Government may deposit with the Government of the United States of America a declaration of provisional application of this Protocol. Any other Government eligible to sign this Protocol or whose application for accession is approved by the Council may also deposit

with the Government of the United States of America a declaration of provisional application. Any Government depositing such a declaration shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

### *Article 9*

#### *ENTRY INTO FORCE*

(1) This Protocol shall enter into force among those Governments which have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application, in accordance with Articles 6, 7 and 8 of this Protocol by 18 June 1976, as follows:

- (a) on 19 June 1976, with respect to all provisions of the Convention other than Articles 3 to 9 inclusive and Article 21, and
- (b) on 1 July 1976, with respect to Articles 3 to 9 inclusive, and Article 21 of the Convention,

if such instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application have been deposited not later than 18 June 1976 on behalf of Governments representing exporting members which held at least 60% of the votes set out in Annex A and representing importing members which held at least 50% of the votes set out in Annex B, or would have held such votes respectively if they had been parties to the Convention on that date.

(2) This Protocol shall enter into force for any Government that deposits an instrument of ratification, acceptance, approval, conclusion or accession after 19 June 1976 in accordance with the relevant provisions of this Protocol, on the date of such deposit except that no part of it shall enter into force for such a Government until that part enters into force for other Governments under paragraph (1) or (3) of this Article.

(3) If this Protocol does not enter into force in accordance with paragraph (1) of this Article, the Governments which have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application, may decide by mutual consent that it shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application.



*Article 10*

*NOTIFICATION BY DEPOSITARY GOVERNMENT*

The Government of the United States of America as the depositary Government shall notify all signatory and acceding Governments of each signature, ratification, acceptance, approval, conclusion, provisional application of, and accession to, this Protocol, as well as of each notification and notice received under Article 27 of the Convention and each declaration and notification received under Article 28 of the Convention.

*Article 11*

*CERTIFIED COPY OF THE PROTOCOL*

As soon as possible after the definitive entry into force of this Protocol, the depositary Government shall send a certified copy of this Protocol in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Protocol shall likewise be communicated.

*Article 12*

*RELATIONSHIP OF PREAMBLE TO PROTOCOL*

This Protocol includes the Preamble to the Protocols for the third extension of the International Wheat Agreement, 1971.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Protocol on the dates appearing opposite their signatures.

The texts of this Protocol in the English, French, Russian and Spanish languages shall be equally authentic. The originals shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding party and to the Executive Secretary of the Council.

## PROTOCOL FOR THE THIRD EXTENSION OF THE FOOD AID CONVENTION, 1971

The Parties to this Protocol,

Considering that the Food Aid Convention, 1971 (hereinafter referred to as 'the Convention') of the International Wheat Agreement, 1971, which was further extended by Protocol in 1975, expires on 30 June 1976,

Have agreed as follows:

### *Article I*

#### *EXTENSION, EXPIRY AND TERMINATION OF THE CONVENTION*

Subject to the provisions of Article II of this Protocol, the Convention shall continue in force between the parties to this Protocol until 30 June 1978, provided that, if a new agreement covering food aid enters into force before 30 June 1978, this Protocol shall remain in force only until the date of entry into force of the new agreement.

### *Article II*

#### *INOPERATIVE PROVISIONS OF THE CONVENTION*

The provisions of paragraphs (1), (2) and 3 of Article II, of paragraph (1) of Article III, and of Articles VI to XIV, inclusive, of the Convention shall be deemed to be inoperative with effect from 1 July 1976.

### *Article III*

#### *INTERNATIONAL FOOD AID*

(1) The Parties to this Protocol agree to contribute as food aid to the developing countries, wheat, coarse grains or products derived therefrom, suitable for human consumption and of an acceptable type and quality, or the cash equivalent thereof, in the minimum annual amounts specified in paragraph (2) below:

(2) The minimum annual contribution of each party to this Protocol is fixed as follows:

	<i>Metric tons</i>
Argentina	23 000
Australia	225 000
Canada	495 000
European Economic Community	1 287 000
Finland	14 000
Japan	225 000
Sweden	35 000
Switzerland	32 000
United States of America	1 890 000

(3) For the purpose of the operation of this Protocol, any party which has signed this Protocol pursuant to paragraph (2) of Article V thereof, or which has acceded to this Protocol pursuant to paragraph (2) or (3) of Article VII thereof, shall be deemed to be listed in paragraph (2) of Article III of this Protocol together with the minimum contribution of such party as determined in accordance with the relevant provisions of Article V or Article VII of this Protocol.

#### *Article IV*

#### *FOOD AID COMMITTEE*

There shall be established a Food Aid Committee whose membership shall consist of the parties listed in paragraph (2) of Article III of this Protocol and of those others that become parties to this Protocol. The Committee shall appoint a Chairman and a Vice-Chairman.

#### *Article V*

#### *SIGNATURE*

(1) This Protocol shall be open for signature in Washington from 17 March 1976 until and including 7 April 1976 by the Governments of Argentina, Australia, Canada, Finland, Japan, Sweden, Switzerland and the United States of America, and by the European Economic Community and its Member States, provided that they sign both this Protocol and the Protocol for the third extension of the Wheat Trade Convention, 1971.

(2) This Protocol shall also be open for signature, on the same conditions, to any party to the Food Aid Convention, 1967 which is not enumerated in paragraph (1) of this Article, provided that its contribution is at least equal to that which it agreed to make in the Food Aid Convention, 1967.

#### *Article VI*

#### *RATIFICATION, ACCEPTANCE, APPROVAL OR CONCLUSION*

This Protocol shall be subject to ratification, acceptance, approval or conclusion by each signatory in accordance with its constitutional or institutional procedures, provided that it also ratifies, accepts, approves or concludes the Protocol for the third extension of the Wheat Trade Convention, 1971. Instruments of ratification, acceptance, approval or conclusion shall be deposited with the Government of the United States of America not later than 18 June 1976, except that the Food Aid Committee may grant one or more extensions of time to any signatory that has not deposited its instrument of ratification, acceptance, approval or conclusion by that date.

#### *Article VII*

#### *ACCESSION*

(1) This Protocol shall be open for accession by any party referred to in Article V of this Protocol, provided it also accedes to the Protocol for the third extension of the Wheat Trade Convention, 1971 and provided further that in the case of any party referred to in paragraph (2) of Article V its contribution is at least equal to that which it agreed to make in the Food Aid Convention, 1967. Instruments of accession under this paragraph shall be deposited not later than 18 June 1976, except that the Food Aid Committee may grant one or more extensions of time to any party that has not deposited its instrument of accession by that date.

(2) The Food Aid Committee may approve accession to this Protocol, as a donor, by the Government of any member of the United Nations, of its specialized agencies or of the International Atomic Energy Agency,

on such conditions as the Food Aid Committee considers appropriate, provided that the Government also accedes at the same time to the Protocol for the third extension of the Wheat Trade Convention, 1971, if not already a party to it.

(3) Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America.

#### *Article VIII*

#### *PROVISIONAL APPLICATION*

Any party referred to in Article V of this Protocol may deposit with the Government of the United States of America a declaration of provisional application of this Protocol, provided it also deposits a declaration of provisional application of the Protocol for the third extension of the Wheat Trade Convention, 1971. Any other party whose application for accession is approved may also deposit with the Government of the United States of America a declaration of provisional application, provided that the party also deposits a declaration of provisional application of the Protocol for the third extension of the Wheat Trade Convention, 1971, unless it is already a party to that Protocol or has already deposited a declaration of provisional application of that Protocol. Any such party depositing such a declaration shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

#### *Article IX*

#### *ENTRY INTO FORCE*

(1) This Protocol shall enter into force for those parties that have deposited instruments of ratification, acceptance, approval, conclusion or accession,

- (a) on 19 June 1976 with respect to all provisions other than Article II of the Convention and Article III of the Protocol, and
- (b) on 1 July 1976 with respect to Article II of the Convention and Article III of the Protocol,

provided that all parties listed in paragraph (1) of Article V of this Protocol have deposited such instruments or a declaration of provisional application by 18 June 1976 and that the Protocol for the third extension

of the Wheat Trade Convention, 1971 is in force. For any other party that deposits an instrument of ratification, acceptance, approval, conclusion or accession after the entry into force of the Protocol, this Protocol shall enter into force on the date of such deposit.

(2) If this Protocol does not enter into force in accordance with the provisions of paragraph (1) of this Article, the parties which by 19 June 1976 have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application may decide by mutual consent that it shall enter into force among those parties that have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application, provided that the Protocol for the third extension of the Wheat Trade Convention, 1971 is in force, or they may take whatever other action they consider the situation requires.

#### *Article X*

#### *NOTIFICATION BY DEPOSITARY GOVERNMENT*

The Government of the United States of America as the depositary Government shall notify all signatory and acceding parties of each signature, ratification, acceptance, approval, conclusion, provisional application of, and accession to this Protocol.

#### *Article XI*

#### *CERTIFIED COPY OF THE PROTOCOL*

As soon as possible after the definitive entry into force of this Protocol, the depositary Government shall send a certified copy of this Protocol in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Protocol shall likewise be communicated.

#### *Article XII*

#### *RELATIONSHIP OF PREAMBLE TO PROTOCOL*

This Protocol includes the Preamble to the Protocols for the third extension of the International Wheat Agreement, 1971.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Protocol on the dates appearing opposite their signatures.

The texts of this Protocol in the English, French, Russian and Spanish languages shall all be equally authentic. The originals shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding party.





## DECLARATIONS OR RESERVATIONS

### DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES

Washington D.C., 17 June 1976

I have the honour to inform you that in connection with the Protocol for the third extension of the Wheat Trade Convention 1971, the Council of Ministers of the European Communities does not accept the reservation accompanying the signature of the Union of Soviet Socialist Republics of the Protocol on 6 April 1976 relating to the European Economic Community and repeated in the instrument of acceptance dated 30 April 1976 which was deposited on the 24 May 1976 with the Government of the United States of America.

### UNITED KINGDOM

17 June 1976

I have the honour to inform you that in connection with the Protocol for the third extension of the Wheat Trade Convention 1971, the Government of the United Kingdom of Great Britain and Northern Ireland does not accept the reservation accompanying the signature of the Union of Soviet Socialist Republics of the Protocol on 6 April 1976 relating to the European Economic Community and repeated in the instrument of acceptance dated 30 April 1976 which was deposited on the 24 May 1976 with the Government of the United States of America.

### IRELAND

17 June 1976

I have the honour to inform you that, in connection with the Protocol for the third extension of the Wheat Trade Convention, 1971, the Government of Ireland does not accept the reservation accompanying

the signature of the Union of Soviet Socialist Republics of the Protocol on 6 April 1976 relating to the European Economic Community and repeated in the instrument of acceptance dated 30 April 1976 which was deposited on the 24 May 1976 with the Government of the United States of America.

#### **FEDERAL REPUBLIC OF GERMANY (1)**

7 October 1976

In connection with the deposit today of the instruments of accession to the Protocols for the third extension of the Wheat Trade Convention 1971 and of the Food Aid Convention 1971, I have the honour to declare on behalf of the Government of the Federal Republic of Germany that the said Protocols shall also apply to Berlin (West) with effect from the date on which they have entered into force for the Federal Republic of Germany.

#### **FEDERAL REPUBLIC OF GERMANY**

17 June 1976

The Embassy of the Federal Republic of Germany presents its compliments to the Department of State and has the honour to state the following with regard to the Protocol for the third extension of the Wheat Trade Convention of 1971.

The Government of the Federal Republic of Germany does not accept the reservation relating to the European Economic Community accompanying the signature of the Union of Soviet Socialist Republics of the Protocol on 6 April 1976 and repeated in the instrument of acceptance dated 30 April 1976 which was deposited on 24 May 1976 with the Government of the United States of America.

#### **LUXEMBOURG**

17 June 1976

I have the honour to inform you that in connection with the Protocol for the third extension of the Wheat Trade Convention 1971, the

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(1) Translated by the Translation Departments of the Communities on the basis of the German text forwarded by the depositary.

Government of the Grand Duchy of Luxembourg does not accept the reservation accompanying the signature of the Union of Soviet Socialist Republics of the Protocol on 6 April 1976 relating to the European Economic Community and repeated in the instrument of acceptance dated 30 April 1976 which was deposited on the 24 May 1976 with the Government of the United States of America.

#### FRANCE (1)

Washington, 16 June 1976

I have the honour to inform you with reference to the Protocol extending for the third time the Wheat Trade Convention of 1971, that the French Government does not accept the reservation concerning the European Economic Community entered by the Union of Soviet Socialist Republics when signing this Protocol on 6 April 1976, and in its instrument of acceptance dated 30 April 1976 and deposited on 24 May 1976 with the Government of the United States of America.

#### ITALY

16 June 1976

The Embassy of Italy presents its compliments to the Department of State and, in connection with the Protocol for the third extension of the Wheat Trade Convention, has the honour to communicate that the Government of the Republic of Italy does not accept the reservation accompanying the signature of the Union of Soviet Socialist Republics of the Protocol on 6 April 1976 relating to the European Economic Community and repeated in the instrument of acceptance dated 30 April 1976 which was deposited on 24 May 1976 with the Government of the United States of America.

#### USSR

The Government of the Union of Soviet Socialist Republics declares that the participation of the Union of Soviet Socialist Republics in the Protocol does not create for the USSR any obligations concerning the

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(1) Translated by the Translation Departments of the Communities on the basis of the French text forwarded by the depositary.

European Economic Community and that the provisions of the Protocol, limiting the possibility of participation in it of some States, contradict the generally accepted principle of sovereign equality of States.

## DENMARK

17 June 1976

I have the honour to inform you that in connection with the Protocol for the third extension of the Wheat Trade Convention 1971, the Government of Denmark does not accept the reservation accompanying the signature of the Union of Soviet Socialist Republics of the Protocol on 6 April 1976 relating to the European Economic Community and repeated in the instrument of acceptance dated 30 April 1976 which was deposited on the 24 May 1976 with the Government of the United States of America.

## NETHERLANDS

17 June 1976

On behalf of the Government of the Kingdom of the Netherlands, I have the honour to declare that my Government intends to accede to the Protocol for the third extension of the Wheat Trade Convention, 1971, under Article VII (1) (a), as well as to the Protocol for the third extension of the Food Aid Convention, 1971, under Article VII.

Since the Government of the Kingdom of the Netherlands is not in a position to deposit its instruments of accession to either Protocol today, it requests that the International Wheat Council under Article VII(1)(a) of the Protocol for the third extension of the Wheat Trade Convention, 1971, and the Food Aid Committee under Article VII (1) of the Protocol for the third extension of the Food Aid Convention, 1971, grant such extension of time as will be necessary for the Government to obtain parliamentary approval of the accession by the Kingdom of the Netherlands to the above Protocols.

Meanwhile I have the honour to declare on behalf of the Government of the Kingdom of the Netherlands that it will provisionally apply the Protocol for the third extension of the Wheat Trade Convention, 1971, and the Protocol for the third extension of the Food Aid Convention, 1971, with respect to the Kingdom in Europe.

Finally, I have the honour to inform you that in connection with the Protocol for the third extension of the Wheat Trade Convention, 1971, the Government of the Kingdom of the Netherlands does not accept the reservation accompanying the signature of the Union of Soviet Socialist Republics of the Protocol on 6 April, 1976 relating to the European Economic Community and repeated in the instrument of acceptance dated 30 April 1976, which was deposited on 24 May, 1976 with the Government of the United States of America.

### **BELGIUM <sup>(1)</sup>**

Washington, 17 June 1976

The Embassy of Belgium presents its compliments to the State Department, and, with reference to the Protocol extending the Wheat Trade Convention of 1971, has the honour to inform it that the Belgian Government does not accept the reservations expressed concerning the European Economic Community at the signing of the aforementioned Protocol on 6 April 1976 by the Government of the Union of Soviet Socialist Republics, which were repeated in the instrument of accession dated 30 April 1976 and deposited on 24 May 1976 with the Government of the United States of America.

### **SWITZERLAND**

Washington, D.C., 5 April 1976

The Protocol for the third extension of the Food Aid Convention of 1971 is signed subject to ratification and with the reservation that all the Parties to this Convention will subscribe to it to the same extent as heretofore.

### **JAPAN**

5 April 1976

I have the honour to inform Your Excellency that in signing the Protocol for the third extension of the Food Aid Convention, 1971 of the International Wheat Agreement, 1971, the Government of Japan makes the following reservation thereto.

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(1) Translated by the Translation Departments of the Communities on the basis of the French text forwarded by the depositary.

'The Government of Japan reserves the right to discharge its obligations under Article III of this Protocol by providing assistance in the form of rice, not excluding rice produced in non-member developing countries, or if requested by recipient countries, in the form of agricultural materials.'

I have further the honour to request Your Excellency to have the foregoing reservation circulated among the signatory and acceding Governments.

## IRAQ

7 October 1976

Whereas the Protocol extending the International Wheat Trade Convention of 1971, signed in Washington on 7 April 1976, for another two years expiring on 30 June 1978, was sanctioned by Law No 108 of 1976.

I, Saddam Hussain, Acting President of the Republic of Iraq, having seen and considered the abovementioned Protocol do hereby confirm and ratify the same in all and every one of its articles and clauses; engaging and promising, for myself and those succeeding me, to perform all and singular the things which are contained in the Protocol aforesaid.

Entry into the above Protocol by the Republic of Iraq shall, however, in no way signify recognition of Israel or be conducive to entry into any relations therewith.

## THE REPUBLIC OF CUBA

4 April 1976

The Republic of Cuba declares that signing the Protocol for the third extension of the Wheat Trade Convention, 1971, may not be interpreted as recognition or acceptance of the fascist Government of South Africa, which does not represent the South African people and which, because of its systematic practice of the discriminatory policy of apartheid, has been expelled from international organizations, has received the condemnation of the United Nations, and has been rejected by all peoples of the world.

Signature by the Republic of Cuba of the Protocol for the third extension of the Wheat Trade Convention, 1971, may not be interpreted as recognition or acceptance of the Republic of Korea, inasmuch as it is not considered to be genuinely representative of the interests of the Korean people.

The Republic of Cuba wishes to reiterate that the provisions of Article 28 of the Wheat Trade Convention, 1971, are no longer applicable because they are contrary to the Declaration on the granting of independence to colonial countries and peoples (Resolution 1514) made by the United Nations General Assembly on 14 December 1960, proclaiming the necessity of bringing colonialism in all its forms and manifestations to a speedy and unconditional end.

The Republic of Cuba declares that it will provisionally apply the Protocol for the third extension of the Wheat Trade Convention, 1971, and that it should therefore be considered a provisional party to the aforesaid Protocol.

**USA**

5 April 1976

I wish to state on behalf of the Government of the United States of America that the instrument of ratification of the Protocol for the third extension of the Food Aid Convention, 1971, by the United States will not be deposited if the other major donors do not become parties to that Protocol.

## INFORMATION CONCERNING

the PROTOCOLS extending for the third time the Wheat Trading Convention and the Food Aid Convention constituting the International Wheat AGREEMENT, 1971 (1)

Open for signature: 17 March 1976 to 7 April 1976 in Washington (United States of America)  
 Depository: Government of the United States of America, Washington (United States of America)  
 Date of entry into force: 19 June 1976 (2)  
 Duration: 2 years

(a) *Wheat Trading Convention, 1971 (extension)*

Contracting Parties	Date of signature	Date of deposit of instruments			Date of entry into force (5)	Declarations or reservations (6)
		for the declaration of provisional application	of ratification, acceptance, approval, etc.	of accession		
<i>Exporting and importing Members</i>						
EEC		17. 6.1976				Yes
BELGIUM		17. 6.1976				Yes
DENMARK				17. 6.1976		Yes
GERMANY (Fed. Rep.)		17. 6.1976		7.10.1976		Yes
FRANCE		17. 6.1976				Yes
IRELAND		17. 6.1976		7. 9.1976		Yes
ITALY		17. 6.1976			7. 9.1976	Yes
LUXEMBOURG		17. 6.1976				Yes
NETHERLANDS (3)		17. 6.1976				Yes
UNITED KINGDOM (4)		17. 6.1976		23. 9.1976		Yes
<i>Exporting Members</i>						
ARGENTINA	2. 4.1976	2. 4.1976				
AUSTRALIA	7. 4.1976		11. 6.1976			
CANADA	7. 4.1976		16. 6.1976			
GREECE	7. 4.1976	16. 6.1976				
KENYA	6. 4.1976	16. 6.1976	28. 9.1976			
SPAIN		27. 5.1976				
SWEDEN	2. 4.1976		25. 5.1976			
UNION OF SOVIET						



SOCIALIST REPUBLICS	6. 4.1976		24. 5.1976			Yes
UNITED STATES	5. 4.1976	17. 6.1976				
<i>Importing Members</i>						
ALGERIA	25. 3.1976		28. 7.1976		28. 7.1976.	
AUSTRIA	6. 4.1976					
BARBADOS	6. 4.1976		26. 7.1976			
BOLIVIA	6. 4.1976				26. 7.1976	
BRAZIL	24. 3.1976		26.11.1976			
COSTA RICA		23. 6.1976				
CUBA	6. 4.1976	6. 4.1976		13. 7.1976		Yes
DOMINICAN REP.					13. 7.1976	
ECUADOR	2. 4.1976		18. 7.1976		18. 7.1976	
EGYPT	7. 4.1976	18. 6.1976	23.11.1976			
EL SALVADOR	7. 4.1976		30.11.1976			
FINLAND	6. 4.1976	11. 6.1976	20.12.1976			
GUATEMALA	6. 4.1976	15. 6.1976				
INDIA	2. 4.1976		7. 6.1976			
IRAQ	7. 4.1976		22.11.1976			Yes
ISRAEL	1. 4.1976					
JAPAN	5. 4.1976	18. 6.1976	10.12.1976			
KOREA REP. OF	6. 4.1976		16. 6.1976			
LEBANON				16.11.1976		
LIBYA ARAB. REP. OF				11. 5.1976		
MALTA				28. 4.1976		
MAURITIUS	1. 4.1976		2. 6.1976			
MOROCCO	7. 4.1976	30. 4.1976				
NIGERIA	7. 4.1976	18. 6.1976	15. 9.1976		15. 9.1976	
NORWAY	6. 4.1976	18. 6.1976	7. 7.1976		7. 7.1976	

- (1) Not published in the OJ. The Wheat Trade Convention, 1971 and the Food Aid Convention, 1971 were published in OJ No L 219, 9.8.1974.
- (2) Entered into force provisionally on 1.7.1976 for Articles 3 to 9 inclusive and Article 21 of the Wheat Trade Convention, and for Article II of the Food Aid Convention and Article III of the Protocol to it.
- (3) As far as the European territory of the Netherlands is concerned.
- (4) In accordance with Article 28 (3) of the Convention, the territorial application of the Convention has been extended by the United Kingdom to include Dominica, St. Kitts (St. Christopher), Nevis and Anguilla, St. Vincent, Belize, Bermuda, the British Virgin Islands, Hong Kong, Montserrat, St. Helena and Dependencies, Seychelles and Tuvalu.
- (5) This date is only given where it falls after the date of entry into force of the Protocols.
- (6) The texts of these declarations or reservations will be found on pp. 1489 to 1495 of this Volume.

Contracting Parties	Date of signature	Date of deposit of instruments			Date of entry into force <sup>(5)</sup>	Declarations or reservations <sup>(6)</sup>
		for the declaration of provisional application	of ratification, acceptance, approval, etc.	of accession		
PAKISTAN	7. 4.1976		17. 6.1976			
PANAMA				18. 8.1976	18. 8.1976	
PERU	22. 3.1976	28. 6.1976	27. 7.1976		27. 7.1976	
PORTUGAL	5. 4.1976	7. 6.1976				
SAUDI ARABIA				3. 6.1976		
SOUTH AFRICA REP. OF	5. 4.1976		28. 5.1976			
SWITZERLAND	5. 4.1976	15. 6.1976	27. 9.1976			
SYRIA				15. 9.1976		
TRINIDAD AND TOBAGO				8. 7.1976	8. 7.1976	
TUNISIA	7. 4.1976	17. 6.1976				
VATICAN CITY	6. 4.1976		6. 4.1976			
VENEZUELA	7. 4.1976	1. 7.1976				
<b>(b) Food Aid Convention, 1971 (extension)</b>						
EEC		17. 6.1976				
BELGIUM		17. 6.1976				
DENMARK				17. 6.1976		
GERMANY (Fed. Rep.)		17. 6.1976		7.10.1976		Yes
FRANCE		17. 6.1976				
IRELAND		17. 6.1976		7. 9.1976	7. 9.1976	
ITALY		17. 6.1976				
LUXEMBOURG		17. 6.1976				
NETHERLANDS <sup>(3)</sup>		17. 6.1976				
UNITED KINGDOM		17. 6.1976		23. 9.1976		
ARGENTINA	2. 4.1976	2. 4.1976				
AUSTRALIA	7. 4.1976					
CANADA	7. 4.1976		11. 6.1976			
FINLAND	6. 4.1976	11. 6.1976	16. 6.1976			
JAPAN	5. 4.1976	18. 6.1976	20.12.1976			
SWEDEN	2. 4.1976		10.12.1976			Yes
SWITZERLAND	5. 4.1976	15. 6.1976	25. 5.1976			
UNITED STATES	5. 4.1976	17. 6.1976	27. 9.1976			Yes

(3) As far as the European territory of the Netherlands is concerned.

(3) This date is only given where it falls after the date of entry into force of the Protocols.

(6) The texts of these declarations or reservations will be found on pp. 1475 to 1481 of this Volume.

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## *Other agreements*



**International Convention on the Simplification  
and Harmonization of Customs Procedures**

**Updating supplement**





## DECLARATIONS OR RESERVATIONS

### BELGIUM

#### *Recommended Practice No 11*

Current Belgian national legislation differs from Recommended Practice No 11 in that it provides for the possibility of refusing to admit into public customs warehouses, not only goods subject to restrictions and prohibitions based on the considerations outlined in the Recommended Practice but also:

- goods the importing and transit of which are or may be prohibited;
- goods admission of which into such warehouses is or may be prohibited pursuant to national provisions other than the provisions of customs law as such, even if the provisions in question are based on considerations other than those listed in the Recommended Practice.

### JAPAN

#### *Recommended Practice No 11*

Current Japanese legislation prohibits admission into customs warehouses of goods which, for economic reasons, are subject to certain import restrictions.

#### *Recommended Practice No 13*

National legislation lays down that the refunding of import duties and taxes is subject to the imported goods actually being exported.

*Recommended Practice No 14*

National legislation lays down that the terminating of temporary admission arrangements is subject to the imported goods actually being exported.

*Recommended Practice No 15*

National legislation lays down that exemption from or the refunding of national taxes to which goods intended for export are liable is subject to such goods actually being exported.

**INDIA**

*Recommended Practice No 8*

The amount of the security is fixed taking into account not only duties and other taxes which are due, but also penalty sums likely to be incurred under customs legislation.

*Recommended Practice No 9*

A security in the form of a payment is required for goods placed in a customs warehouse, whether or not such a warehouse is bonded.

*Recommended Practice No 11*

The importing and admission into a customs warehouse of goods subject to prohibitions or restrictions, whether economic or otherwise, are authorized only if such goods are covered by an import licence or authorization.

*Recommended Practice No 13*

The refunding of import duties and taxes, the terminating of temporary admission arrangements, and exemption from or the refunding of national duties and taxes are authorized only when the goods are exported.

*Recommended Practice No 14*

The refunding of import duties and taxes, the terminating of temporary admission arrangements, and exemption from or the refunding of national duties and taxes are authorized only when the goods are exported.

*Recommended Practice No 15*

The refunding of import duties and taxes, the terminating of temporary admission arrangements, and exemption from or the refunding of national duties and taxes are authorized only when the goods are exported.

*Standard No 19*

The maximum period during which goods liable to spoil may be warehoused, can be reduced to less than one year.

## CYPRUS

*Recommended Practice No 11*

An import licence must be submitted for certain goods and for goods imported from certain countries.

## NIGERIA

*Recommended Practice No 11*

Nigerian law forbids the importing, even for warehousing, of goods which are subject to import prohibitions and of all goods from certain countries such as South Africa, Rhodesia (Zimbabwe) and Namibia (South-West Africa).

## INFORMATION CONCERNING

Contracting Parties	Date of signature	Date of deposit of instruments		Date of entry into force	Declarations or reservations <sup>(3)</sup>
		of ratification, approval or acceptance, etc.	of accession		

— the International CONVENTION on the Simplification and Harmonization of Customs Procedures<sup>(1)</sup>  
 — Updating supplement

ALGERIA			12.10.1976	( <sup>2</sup> )	
BELGIUM	28.6.1974	20.10.1975		20.1.1976	
CYPRUS			25.10.1976	( <sup>2</sup> )	
INDIA			18.10.1976	( <sup>2</sup> )	
JAPAN	6.6.1976		10.6.1976	10.9.1976	
NIGERIA			6.7.1976	6.10.1976	
SWEDEN	27.6.1974		30.8.1976	30.11.1976	

— the ANNEX concerning customs warehouses

ALGERIA			12.10.1976	( <sup>2</sup> )	
BELGIUM	28.6.1974	20.10.1975		20.1.1976	
CYPRUS			25.10.1976	( <sup>2</sup> )	
INDIA			18.10.1976	( <sup>2</sup> )	
JAPAN			10.6.1976	10.9.1976	
NIGERIA			6.7.1976	6.10.1976	

(1) The text of the Convention appears on page 825 of Volume 5.

(2) For these Contracting Parties these acts had not entered into force as at 31.12.1976.

(3) The texts of these declarations or reservations will be found on pp. 1505 to 1508 of this Volume.

Arrangement  
regarding International Trade in Textiles  
Updating supplement



## INFORMATION CONCERNING

the ARRANGEMENT regarding International Trade in Textiles — Updating supplement <sup>(1)</sup>

Contracting Parties	Date of provisional acceptance	Date of acceptance subject to ratification or approval	Date of definitive acceptance (in the form of ratification, approval or otherwise)	Date of accession <sup>(2)</sup>	Date of entry into force	Declarations or reservations
BANGLADESH			3.12.1976		3.12.1976	
EGYPT			6.1.1976		6.1.1976	
GUATEMALA				19.5.1976	19.5.1976	
PARAGUAY				17.5.1976 <sup>(3)</sup>		
SPAIN			27.2.1976		27.2.1976	
THAILAND			4.2.1976		4.2.1976	
URUGUAY			11.5.1976		11.5.1976	

(1) The text of the Arrangement appears on page 855 of Volume 5.

(2) Countries participating in the Arrangement which are not Contracting Parties to GATT.

(3) Subject to confirmation.





CHAPTER II

**Multilateral agreements  
concluded by the  
European Atomic  
Energy Community**



**Agreement**  
**establishing a European Informatics Network**  
**Updating supplement**



## DECLARATION BY THE FEDERAL REPUBLIC OF GERMANY <sup>(1)</sup>

13 April 1976

On behalf of the Government of the Federal Republic of Germany, I have the honour to declare, with reference to the notification today of the Agreement establishing a European Informatics Network (Project 11), that this Agreement will apply also to Land Berlin from the date on which it enters into force for the Federal Republic of Germany.

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(1) Translated by the translation departments of the Communities on the basis of the German text forwarded by the depositary.

## INFORMATION CONCERNING

the AGREEMENT establishing a European Informatics Network (COST — Project 11) <sup>(1)</sup>  
— updating supplement

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc.	Date of entry into force	Declarations or reservations <sup>(2)</sup>
FEDERAL REPUBLIC OF GERMANY	22.1.1976	20.4.1976	20.4.1976	yes <sup>(2)</sup>

(1) The text of the Agreement appears on page 887 of Volume 5.

(2) The text of this Declaration will be found on page 1517 of this Volume.

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CHAPTER III

**Multilateral agreements  
concluded by the European  
Coal and Steel Community**





Agreement  
between the ECSC and the ACP States



## AGREEMENT

on products within the province of the European Coal and Steel Community <sup>(1)</sup>

(76/163/ECSC)

HIS MAJESTY THE KING OF THE BELGIANS,  
HER MAJESTY THE QUEEN OF DENMARK,  
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY  
THE PRESIDENT OF THE FRENCH REPUBLIC,  
THE PRESIDENT OF IRELAND,  
THE PRESIDENT OF THE ITALIAN REPUBLIC,  
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,  
HER MAJESTY THE QUEEN OF THE NETHERLANDS,  
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European Coal and Steel Community signed at Paris on 17 April 1951, whose States are hereinafter referred to as 'Member States',

of the one part, and

THE HEAD OF STATE OF THE BAHAMAS,  
THE HEAD OF STATE OF BARBADOS,  
THE PRESIDENT OF THE REPUBLIC OF BOTSWANA,  
THE PRESIDENT OF THE REPUBLIC OF BURUNDI,  
THE PRESIDENT OF THE UNITED REPUBLIC OF CAMEROON,

---

(1) OJ No L 25, 30.1.1976.

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC,  
THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF THE CONGO  
THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST,  
THE PRESIDENT OF THE REPUBLIC OF DAHOMEY,  
THE PRESIDENT OF THE PROVISIONAL ADMINISTRATIVE  
MILITARY COUNCIL, PRESIDENT OF THE GOVERNMENT OF  
ETHIOPIA,  
HER MAJESTY THE QUEEN OF FIJI,  
THE PRESIDENT OF THE GABONESE REPUBLIC,  
THE PRESIDENT OF THE REPUBLIC OF THE GAMBIA,  
THE PRESIDENT OF THE NATIONAL REDEMPTION COUNCIL  
OF THE REPUBLIC OF GHANA,  
THE HEAD OF STATE OF GRENADA,  
THE PRESIDENT OF THE REPUBLIC OF GUINEA,  
THE PRESIDENT OF THE COUNCIL OF STATE OF GUINEA  
BISSAU,  
THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL  
GUINEA,  
THE PRESIDENT OF THE COOPERATIVE REPUBLIC OF  
GUYANA,  
THE PRESIDENT OF THE REPUBLIC OF UPPER VOLTA,  
THE HEAD OF STATE OF JAMAICA,  
THE PRESIDENT OF THE REPUBLIC OF KENYA,  
THE KING OF THE KINGDOM OF LESOTHO,  
THE PRESIDENT OF THE REPUBLIC OF LIBERIA,  
THE PRESIDENT OF THE REPUBLIC OF MALAWI,  
THE HEAD OF STATE AND OF GOVERNMENT OF THE MALA-  
GASY REPUBLIC,  
THE PRESIDENT OF THE MILITARY COMMITTEE OF  
NATIONAL LIBERATION OF MALI, HEAD OF STATE, PRESI-  
DENT OF THE GOVERNMENT,  
HER MAJESTY THE QUEEN OF MAURITIUS,

THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA,

THE PRESIDENT OF THE REPUBLIC OF NIGER,

THE HEAD OF THE FEDERAL MILITARY GOVERNMENT OF NIGERIA,

THE PRESIDENT OF THE REPUBLIC OF RWANDA,

THE PRESIDENT OF THE REPUBLIC OF SENEGAL,

THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE,

THE PRESIDENT OF THE SOMALI DEMOCRATIC REPUBLIC,  
PRESIDENT OF THE SUPREME REVOLUTIONARY COUNCIL

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE SUDAN

THE KING OF THE KINGDOM OF SWAZILAND,

THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA,

THE PRESIDENT OF THE REPUBLIC OF CHAD,

THE PRESIDENT OF THE REPUBLIC OF TOGO,

THE HEAD OF STATE OF TONGA,

THE HEAD OF STATE OF TRINIDAD AND TOBAGO,

THE PRESIDENT OF THE REPUBLIC OF UGANDA,

THE HEAD OF STATE OF WESTERN SAMOA,

THE PRESIDENT OF THE REPUBLIC OF ZAÏRE,

THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,

whose States are hereinafter called the 'ACP States',

of the other part,

HAVING REGARD to the Treaty establishing the European Coal and Steel Community;

HAVING REGARD to the Treaty establishing the European Economic Community, and in particular Article 232 thereof;

WHEREAS the ACP-EEC Convention of Lomé, signed this day, does not apply to products falling within the province of the European Coal and Steel Community;

DESIROUS, however, of developing trade in these products between the Member States and the ACP States;

HAVE DECIDED to conclude this Agreement and to this end have designated as Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Renaat VAN ELSLANDE,  
Minister for Foreign Affairs;

HER MAJESTY THE QUEEN OF DENMARK:

Jens CHRISTENSEN,  
State Secretary for Foreign Affairs, Ambassador;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Hans-Jürgen WISCHNEWSKI,  
Minister of State for Foreign Affairs;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Pierre ABELIN,  
Minister for Cooperation;

THE PRESIDENT OF IRELAND:

Garret FITZGERALD, TD,  
Minister for Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Francesco CATTANEI,  
State Secretary for Foreign Affairs;

HIS ROYAL HIGHNESS  
THE GRAND DUKE OF LUXEMBOURG:

Jean DONDELINGER,  
Ambassador Extraordinary and Plenipotentiary,  
Permanent Representative to the European Communities;

**HER MAJESTY THE QUEEN OF THE NETHERLANDS:**

**Laurens Jan BRINKHORST,**  
State Secretary for Foreign Affairs;

**HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND:**

**The Rt. Hon. Judith HART, MP,**  
Minister for Overseas Development;

**THE HEAD OF STATE OF THE BAHAMAS:**

**A. R. BRAYNEN,**  
High Commissioner for the Bahamas;

**THE HEAD OF STATE OF BARBADOS:**

**Stanley Leon TAYLOR,**  
Permanent Secretary of the Ministry of Trade, Industry and Commerce;

**THE PRESIDENT OF THE REPUBLIC OF BOTSWANA:**

**The Hon. Dr. GAOSITWE KEAGAKWA TIBE CHIEPE,**  
Minister of Commerce and Industry;

**THE PRESIDENT OF THE REPUBLIC OF BURUNDI:**

**Gilles BIMAZUBUTE,**  
Minister for Foreign Affairs and Cooperation;

**THE PRESIDENT OF THE UNITED REPUBLIC OF CAMEROON:**

**Maikano ABDOULAYE,**  
Minister for Planning and Regional Development;

**THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC:**

**Jean Paul MOKODOPO,**  
Minister for Planning;

**THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF THE CONGO**

**Commandant Alfred RAOUL,**  
Ambassador Extraordinary and Plenipotentiary,  
Representative of the Congo to the European Economic Community;

**THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST:**

Henri KONAN BEDIE,  
Minister of Economic Affairs and Finance;

**THE PRESIDENT OF THE REPUBLIC OF DAHOMEY:**

Captain André ATCHADE,  
Minister for Industry, Trade and Tourism;

**THE PRESIDENT OF THE PROVISIONAL ADMINISTRATIVE  
MILITARY COUNCIL, PRESIDENT OF THE GOVERNMENT OF  
ETHIOPIA:**

Ato Gebre Kidan ALULA,  
Trade Representative of Ethiopia to the European Economic Community;

**HER MAJESTY THE QUEEN OF FIJI:**

The Rt. Hon. Ratu Sir K. K. T. MARA, KBE,  
Prime Minister and Minister for Foreign Affairs;

**THE PRESIDENT OF THE GABONESE REPUBLIC:**

Emile Kassa MAPSI,  
Minister of State;

**THE PRESIDENT OF THE REPUBLIC OF THE GAMBIA:**

ALHAJI THE HONOURABLE IBRAHIMA MUHAMMADOU  
GARBA-JAHUMPA,  
Minister of Finance and Trade;

**THE PRESIDENT OF THE NATIONAL REDEMPTION COUNCIL  
OF THE REPUBLIC OF GHANA:**

Lieutenant Colonel FELLI,  
Minister Commissioner for Economic Planning;

**THE HEAD OF STATE OF GRENADA:**

Senator Derek KNIGHT,  
Minister without Portfolio;



**THE PRESIDENT OF THE REPUBLIC OF GUINEA:**

Seydou KEITA,  
Ambassador Extraordinary of the Republic of Guinea for Western  
Europe;

**THE PRESIDENT OF THE COUNCIL OF STATE OF GUINEA  
BISSAU:**

Dr. VASCO CABRAL,  
State Commissioner for Economic and Financial Affairs;

**THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL  
GUINEA**

Agelmasie NTUMU,  
State Secretary;

**THE PRESIDENT OF THE COOPERATIVE REPUBLIC OF  
GUYANA:**

The Hon. S. S. RAMPHAL, SC, MP,  
Minister of Foreign Affairs;

**THE PRESIDENT OF THE REPUBLIC OF UPPER VOLTA:**

Leonard KALMOGO,  
State Secretary for Planning;

**THE HEAD OF STATE OF JAMAICA:**

Perceval J. PATTERSON,  
Minister of Industry, Tourism and Foreign Trade;

**THE PRESIDENT OF THE REPUBLIC OF KENYA:**

Dr. J. G. KIANO,  
Minister of Trade and Industry;

**THE KING OF THE KINGDOM OF LESOTHO:**

E. R. SEKHONYANA,  
Minister of Finance;

**THE PRESIDENT OF THE REPUBLIC OF LIBERIA:**

The Hon. D. Franklin NEAL,  
Minister of Planning and Economic Affairs;

**THE PRESIDENT OF THE REPUBLIC OF MALAWI:**

The Hon. D. T. MATENJE,  
Minister of Trade, Industry, and Tourism,  
Minister of Finance;

**THE HEAD OF STATE AND OF GOVERNMENT OF THE MALAGASY REPUBLIC:**

Jules RAZAFIMBAHINY,  
Ambassador Extraordinary and Plenipotentiary,  
Representative to the European Economic Community;

**THE PRESIDENT OF THE MILITARY COMMITTEE OF NATIONAL LIBERATION OF MALI, HEAD OF STATE, PRESIDENT OF THE GOVERNMENT:**

Lieutenant-Colonel Charles SAMBA CISSOKHO,  
Minister for Foreign Affairs and Cooperation;

**HER MAJESTY THE QUEEN OF MAURITIUS:**

The Rt. Hon. Sir Seewoosagur RAMGOOLAN, PC, Kt,  
Prime Minister;

**THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA:**

Sidi Ould CHEIKH ABDALLAH,  
Minister for Planning and Industrial Development;

**THE PRESIDENT OF THE REPUBLIC OF NIGER:**

Captain Moumouni DJERMAKOYE ADAMOU,  
Minister for Foreign Affairs and Cooperation;

**THE HEAD OF THE FEDERAL MILITARY GOVERNMENT OF NIGERIA:**

Gabriel Chukwuemeka AKWAEZE,  
Federal Commissioner for Trade;

**THE PRESIDENT OF THE REPUBLIC OF RWANDA:**

NDUHUNGIREHE,  
Minister for Finance and Economic Affairs;

**THE PRESIDENT OF THE REPUBLIC OF SENEGAL:**

**Babacar BA,**  
Minister for Finance and Economic Affairs;

**THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE:**

**The Hon. Francis M. MINAH,**  
Minister for Trade and Industry;

**THE PRESIDENT OF THE SOMALI DEMOCRATIC REPUBLIC,  
PRESIDENT OF THE SUPREME REVOLUTIONARY COUNCIL:**

**Jaalle Mohamed WARSAMA ALI,**  
Advisor to the Economic Committee of the Supreme Revolutionary  
Council;

**THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE  
SUDAN:**

**Sharif el KHATIM,**  
Deputy Minister of Finance and National Economy;

**THE KING OF THE KINGDOM OF SWAZILAND:**

**The Hon. Simon SISHAYI NXUMALO,**  
Minister of Industry and Mines;

**THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA:**

**Daniel Narcis Mtonga MLOKA,**  
Ambassador to the Federal Republic of Germany;

**THE PRESIDENT OF THE REPUBLIC OF CHAD:**

**Ngarhodjina Adoum MOUNDARI,**  
State Secretary for Modern Economy;

**THE PRESIDENT OF THE REPUBLIC OF TOGO:**

**Benissan TETE-TEVI,**  
Minister for Trade and Industry;

**THE HEAD OF STATE OF TONGA:**

**His Royal Highness Prince TUPOUTOA:**

THE HEAD OF STATE OF TRINIDAD AND TOBAGO:

The Hon. Dr. Cuthbert JOSEPH,  
Minister in the Ministry of External and West Indian Affairs;

THE PRESIDENT OF THE REPUBLIC OF UGANDA:

The Hon. Edward ATHIYO,  
Minister of Trade;

THE HEAD OF STATE OF WESTERN SAMOA:

The Hon. Falesa P. S. SAILI,  
Minister of Finance;

THE PRESIDENT OF THE REPUBLIC OF ZAÏRE:

Kanyinda TSHIMPUMPU,  
State Commissioner for Trade;

THE PRESIDENT OF THE REPUBLIC OF ZAMBIA:

Rajah KUNDA,  
Minister of Commerce;

WHO, having exchanged their full powers, found in good and due form,  
HAVE AGREED AS FOLLOWS:

*Article 1*

Products within the province of the European Coal and Steel Community shall, when they originate in the ACP States, on importation into the Community be admitted free of customs duties and charges having equivalent effect; 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 subparagraph, no account shall be taken of residual customs duties and charges having equivalent effect resulting from the application of Articles 32 and 36 of the Act concerning the conditions of accession and the adjustments to the Treaties.

## *Article 2*

Products referred to in Article 1 originating in the Member States shall, on importation into the ACP States, be admitted in accordance with the provisions of Title I, Chapter 1, of the ACP-EEC Convention of Lomé signed this day.

## *Article 3*

If the offers made by firms of the ACP States are likely to be detrimental to the functioning of the common market and if any such detriment is attributable to a difference in the conditions of competition as regards prices, Member States may take appropriate measures, such as withdrawing the concessions referred to in Article 1.

## *Article 4*

Consultations shall take place between the parties concerned in all cases where, in the opinion of one of them, the implementation of the above provisions calls for such consultations.

## *Article 5*

The provisions laying down the rules of origin for the application of the ACP-EEC Convention of Lomé shall also apply to this Agreement.

## *Article 6*

This Agreement shall not effect the provisions of the Treaty establishing the European Coal and Steel Community, nor the powers of jurisdiction conferred by that Treaty.

## *Article 7*

This Agreement shall be approved by each signatory State in accordance with its own constitutional requirements. The Government of each State shall notify the completion of the procedures required for the entry into force of this Agreement to the Secretariat of the Council of the European Communities, in the case of the ACP States, and to the Secretariat of the ACP States, in the case of the Member States of the European Coal and Steel Community.

### *Article 8*

This Agreement shall expire after a period of five years from the date of its signature, namely 1 March 1980. It shall cease to apply to any signatory State which, under Article 92 of the ACP-EEC Convention of Lomé, is no longer a party to that Convention.

### *Article 9*

This Agreement, drawn up in two originals, in the Danish, Dutch, English, French, German and Italian languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities and in the Secretariat of the ACP States, which shall both transmit a certified copy to the Government of each of the signatory States.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrivet denne aftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit akkoord hebben gesteld.

Udfærdiget i Lomé, den otteogtyvende februar nitten hundrede og femoghalvfjerds.

Geschehen zu Lome am achtundzwanzigsten Februar neunzehnhundertfünfundziebzig.

Done at Lomé on the twenty-eighth day of February in the year one thousand nine hundred and seventy-five.

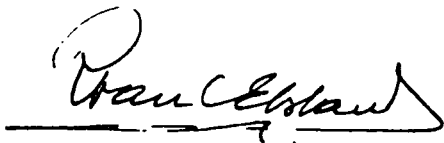
Fait à Lomé, le vingt-huit février mil neuf cent soixante-quinze.

Fatto a Lome, addì ventotto febbraio millenovecentosettantacinque.

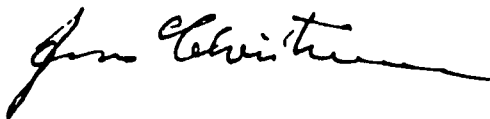
Gedaan te Lomé, de achtentwintigste februari negentienhonderdvijfenzeventig.

Pour Sa Majesté le roi des Belges

Voor Zijne Majesteit de Koning der Belgen

A handwritten signature in black ink, appearing to read "Paul Eboadé", written over a horizontal line.

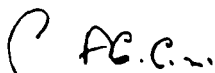
For Hendes Majestæt dronningen af Danmark

A handwritten signature in black ink, appearing to read "Margrethe II", written in a cursive style.

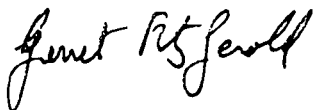
Für den Präsidenten der Bundesrepublik Deutschland

A handwritten signature in black ink, appearing to read "Valéry Giscard d'Estaing", written in a cursive style.

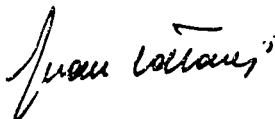
Pour le président de la République française

A handwritten signature in black ink, appearing to read "Valéry Giscard d'Estaing", written in a cursive style.

For the President of Ireland



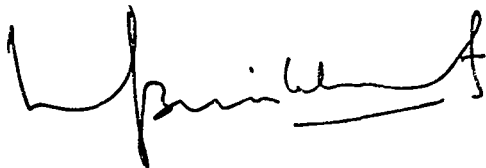
Per il Presidente della Repubblica italiana



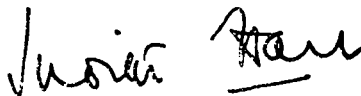
Pour Son Altesse royale le grand-duc de Luxembourg



Voor Hare Majesteit de Koningin der Nederlanden



For Her Majesty the Queen of the United Kingdom of Great Britain  
and Northern Ireland



For the Head of State of the Bahamas

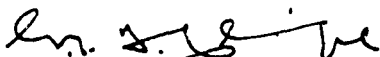


For the Head of State of Barbados

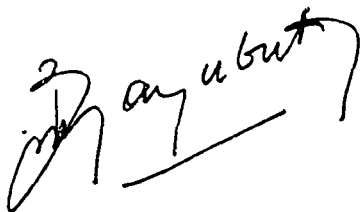




For the President of the Republic of Botswana



Pour le président de la république du Burundi



Pour le président de la république unie du Cameroun

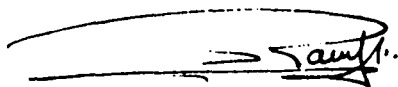


Pour le président de la République centrafricaine



Pour le président de la république populaire du Congo

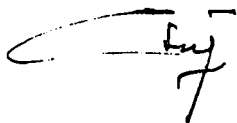
C. all  
H. Zaoui



Pour le président de la république de Côte-d'Ivoire



Pour le président de la république du Dahomey



For the President of the Provisional Administrative Military Council,  
President of the Government of Ethiopia




For Her Majesty the Queen of Fiji

K. K. T. Mana.

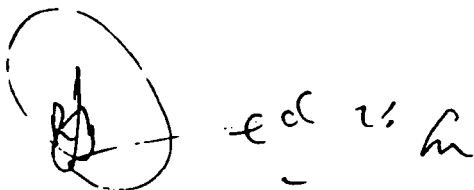
Pour le président de la République gabonaise



For the President of the Republic of the Gambia

Y. M. Sankhar Jaha 

For the President of the National Redemption Council of the Republic of Ghana



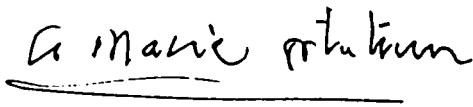
For the Head of State of Grenada



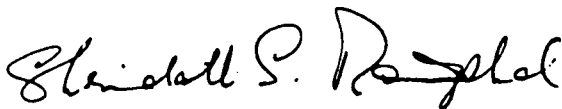
Pour le président de la république de Guinée

Pour le président du conseil d'État de la Guinée-Bissau

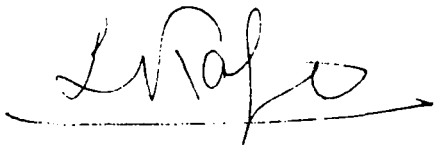
Pour le président de la république de Guinée équatoriale



For the President of the Cooperative Republic of Guyana



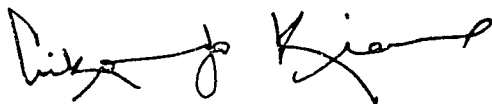
Pour le président de la république de Haute-Volta



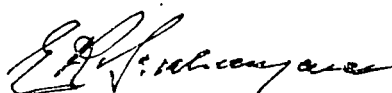
For the Head of State of Jamaica



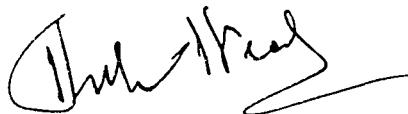
For the President of the Republic of Kenya



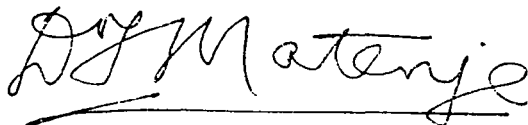
For the King of the Kingdom of Lesotho



For the President of the Republic of Liberia



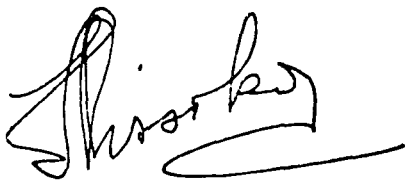
For the President of the Republic of Malawi



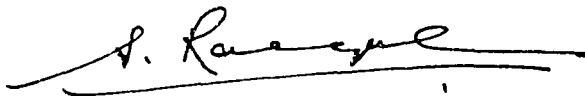
Pour le chef d'État et de gouvernement de la République malgache



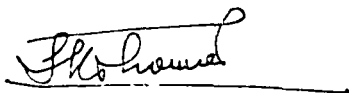
Pour le président du comité militaire de libération nationale du Mali,  
chef de l'État, président du gouvernement



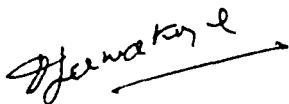
Pour Sa Majesté la reine de l'île Maurice



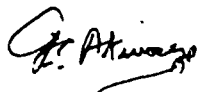
Pour le président de la république islamique de Mauritanie



Pour le président de la république du Niger



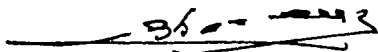
For the Head of the Federal Military Government of Nigeria



Pour le président de la République rwandaise



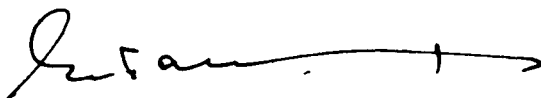
Pour le président de la république du Sénégal



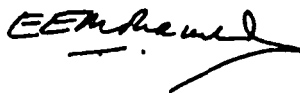
For the President of the Republic of Sierra Leone



For the President of the Somali Democratic Republic,  
President of the Supreme Revolutionary Council



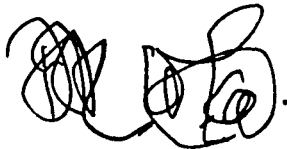
For the President of the Democratic Republic of the Sudan



For the King of the Kingdom of Swaziland



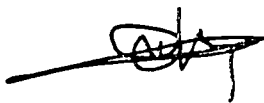
For the President of the United Republic of Tanzania



Pour le président de la république du Tchad



Pour le président de la République togolaise



For the Head of State of Tonga



For the Head of State of Trinidad and Tobago



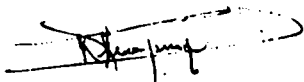
For the President of the Republic of Uganda



For the Head of State of Western Samoa



Pour le président de la république du Zaïre



For the President of the Republic of Zambia



## INFORMATION CONCERNING

the AGREEMENT on products within the province of the European Coal and Steel Community (concluded between the Member States of that Community and the ACP States signatory to the Convention of Lomé) <sup>(1)</sup>

Depositories: Secretariat of the Council of the EEC }  
 Secretariat of the ACP States } in Brussels (Belgium)

Contracting Parties	Date of signature by the Contracting Parties	Date of exchange, deposit or notification of instruments of ratification, acceptance, approval, etc. <sup>(2)</sup>	Date of entry into force	Duration
Member States of ECSC	} 28.2.1975	<u>d. 17. 2.1976 <sup>(7)</sup></u>	} 1.4.1976 <sup>(8)</sup>	} until 1.3.1980
BAHAMAS		d. 7. 1.1976		
BARBADOS		d. 9.10.1975		
BOTSWANA		d. 17. 3.1976		
BURUNDI				
CAMEROON				
CENTRAL AFRICAN REPUBLIC <sup>(3)</sup>		d. 31. 7.1975		
CHAD		d. 27.10.1975		
CONGO				
DAHOMEY <sup>(4)</sup>				
EQUATORIAL GUINEA				
ETHIOPIA				
FIJI		d. 9. 1.1976		
GABON		d. 15.12.1975		
GAMBIA		d. 16. 2.1976		
GHANA	d. 26.10.1976			
GRENADA				
GUINEA (Rep. of) <sup>(5)</sup>				
GUINEA BISSAU <sup>(6)</sup>				
GUYANA				
IVORY COAST				
JAMAICA		d. 8. 1.1976		



KENYA		d. 14. 5.1976		
LESOTHO		d. 12. 5.1976		
LIBERIA				
MALAWI				
MALAGASY REPUBLIC		d. 3.12.1976		
MALI		d. 9.12.1975		
MAURITIUS		d. 29. 7.1975		
MAURITANIA				
NIGER		d. 6.11.1975		
NIGERIA		d. 17. 6.1976		
RWANDA		d. 19.11.1975		
SENEGAL		d. 22. 7.1975		
SIERRE LEONE	} 28.2.1975		} 1.4.1976 <sup>(8)</sup>	} until 1.3.1980
SOMALIA				
SUDAN				
SWAZILAND		d. 19.12.1975		
TANZANIA				
TOGO		d. 6. 7.1976		
TONGA		d. 19. 3.1976		
TRINIDAD AND TOBAGO				
UGANDA		d. 10. 3.1976		
UPPER VOLTA				
WESTERN SAMOA				
ZAIRE				
ZAMBIA				

(1) Signed at Lomé (Togo). OJ No L 25, 30.1.1976.

(2) Ratification situation as at 31.12.1976.

(3) Now the Central African Empire.

(4) Now Benin.

(5) Date of signature: 10.4.1975.

(6) Date of signature: 16.5.1975.

(7) Deposit of the last instrument of ratification by a Member State of the ECSC.

(8) OJ No L 85, 31.3.1976.



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Volume 6

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<sup>(1)</sup> This is an analytical index of the names of the Contracting Parties to the Agreements and the chief subject-matter of the Agreements.



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