

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 9 final.

Brussels, 21 January 1980

## DRAFT DECISION 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 its production of  
canned tuna

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### Proposal for a COUNCIL REGULATION (EEC)

on the application of Decision No \_\_\_\_\_ 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  
its production of canned tuna

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### Recommendation for a COUNCIL REGULATION (EEC)

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of canned tuna

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(submitted to the Council by the Commission)

COM(80) 9 final.



EXPLANATORY NOTE

A derogation to the definition of the concept of originating products was introduced for Mauritius by Council of Ministers ACP-EEC Decision No 12/77 of 21 December 1977 for their production of tinned tuna.

This derogation, for 1,600 tonnes, was valid from 25 November 1977 to 24 November 1978. It was aimed at safeguarding the development of an existing industry whose future was threatened by unforeseen circumstances and to permit Mauritius to take the steps needed so that the production of tinned tuna could qualify as originating there.

A new derogation, for the period 25 November 1978 and 24 November 1979, was given to Mauritius by Council of Ministers ACP-EEC Decision No 2/79 of 23 March 1979 for 1,600 tonnes, as the previous derogation had not permitted Mauritius to solve its problems in conferring originating status on tinned tuna.

In a letter, dated 23 October 1979, the Chairman of the ACP Ambassador's Committee presented a request from Mauritius for an extension of six months.

It seems that the Mauritian company involved has bought a boat in Japan, the date of delivery to Mauritius, which was originally in June, has had to be delayed to December because of unexpected circumstances.

It is necessary to allow for a period of six months, after delivery in December, for accomplishing the formalities of registration and to give time for the crew to get used to the novel technique of seine fishing.

.../...

So it seems that a further derogation for six months for half the quantities allowed for in the previous yearly derogations, that is 800 tonnes, would enable Mauritius to be able to meet the origin rules. This new derogation cannot in any eventuality be subject to a further prolongation.

As the present Convention runs out on 1 March 1980 it is necessary to foresee :

- a Decision of the Council of Ministers EEC-ACP for the period from 25 November 1979 to 29 February 1980, with a Council Regulation applying it in the Community;
- a Council Regulation for the period between 1 March and 24 May 1980.

As both the Decision and the Regulation cover roughly three month periods it seems sensible to allow for an amount of 400 tonnes for each period.

Thus, the Commission recommends the attached drafts.

DRAFT DECISION No      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 its production of canned tuna

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 No 1 to the Convention concerning the definition of the concept of 'originating products' and methods of administrative cooperation, states that derogations from the rules of origin may be made, in particular 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 derogation from the definition set out in the said Protocol for canned tuna produced by that State;

Whereas in order to catch fish for its canneries Mauritius has decided to set up its own fleet of vessels so that the finished products are originating products within the meaning of Protocol No 1 to the Convention;

Whereas the fleet will become operational only in about six months;

Whereas, in accordance with Article 27 of Protocol No 1, the Customs Cooperation Committee has adopted a report on the said request;

Whereas the derogation from the concept of originating products should not exceed six months;

Whereas in these circumstances a temporary derogation may be made from the definition of the concept of originating products,

HAS DECIDED AS FOLLOWS:

*Article 1*

By way of derogation from the special provisions of List A in Annex II to Protocol No 1, canned tuna manufactured in Mauritius and falling within heading No ex 16.04 of the Common Customs Tariff shall be considered as originating in Mauritius subject to the following conditions.

*Article 2*

This derogation shall relate to 400 tonnes of canned tuna falling within heading No ex 16.04 of the Common Customs Tariff and exported from Mauritius between 25 November 1979 and 29 February 1980.

*Article 3*

The competent authorities of Mauritius shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 2 and shall forward to the Commission statement of the quantities in respect of which movement certificates EUR 1 have been issued pursuant to this Decision.

*Article 4*

The ACP States, the Member States and the Community shall be required, each for its own part, to take the necessary steps to implement this Decision.

*Article 5*

This Decision shall enter into force on 25 November 1979. It shall apply until 29 February 1980.

Done at .

*For the ACP-EEC  
Council of Ministers*

*The President*

Proposal for a

**COUNCIL REGULATION (EEC)**

on the application of Decision No. . . . 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 its production of canned tuna

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>(1)</sup>, signed on 28 February 1975, adopted, pursuant to Article 9 (2) of the said Convention, Decision No. . . . derogating from the concept of 'originating products' to take account of the special situation of Mauritius with regard to its production of canned tuna;

Whereas it is necessary, in accordance with Article 74 (3) of the Convention, to take the measures required to implement that Decision,

HAS ADOPTED THIS REGULATION:

*Article 1*

Decision No. . . . of the ACP-EEC Council of Ministers shall apply in the Community.

The text of the Decision is annexed to this Regulation.

*Article 2*

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

It shall apply from 25 November 1979 until 29 February 1980.

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

Done at Brussels,

*For the Council*

*The President*

(1) OJ No L 25, 30. 1. 1976, p. 2.

Recommendation for a  
COUNCIL REGULATION (EEC)

derogating from the concept of originating products to take account of the special situation of Mauritius with regard to its production of canned tuna

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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,

Having regard to Council of Ministers ACP-EEC Decision NO (1) on  
the transitional measures to be applied from 1 March 1980 and providing for  
the anticipated entry into force of certain of the provisions of the Lomé II  
Convention by means of autonomous decisions,

Whereas that Decision provides for a procedure for derogations from the  
rules of origin by means of autonomous decisions, for the purpose inter alia  
of facilitating the development of existing industries or the creation of  
new ones;

Whereas, in order to catch fish for its canneries, Mauritius has decided to  
set up its own fleet of vessels, so that the finished products are originating  
products;

Whereas the fleet will become operational only in about six months' time;  
Whereas the derogation from the concept of originating products should not  
exceed six months;  
Whereas in these circumstances a temporary derogation may be made from the  
definition of the concept of originating products;

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(1) OJ No L of

HAS ADOPTED THIS REGULATION :

Article 1

By way of derogation from the special provisions of List A in Annex II to Protocol No 1 of the Lomé Convention, canned tuna manufactured in Mauritius and falling within heading No ex 16.04 of the Common Customs Tariff shall be considered as originating in Mauritius subject to the following conditions.

Article 2

This derogation shall relate to 400 tonnes of canned tuna falling within heading No ex 16.04 of the Common Customs Tariff and exported from Mauritius between 1 March 1980 and 24 May 1980.

Article 3

The competent authorities of Mauritius shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 2 and shall forward to the Commission a statement of the quantities in respect of which movement certificates EUR.1 have been issued pursuant to this Regulation.

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,

For the Council  
The President