

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 13 final

Brussels, 25 January 1982

Draft

## JOINT COMMITTEE DECISION<sup>1</sup>

amending, in relation to heading No 84.59, List A annexed to Protocol No 3 concerning the definition of the concept of "originating products" and methods of administrative cooperation

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Proposal for a

## COUNCIL REGULATION (EEC)

on the application of Decision of the EEC<sup>1</sup> Joint Committee amending in relation to heading No 84.59 annexed to Protocol No 3 concerning the definition of the concept of originating products and methods of administrative cooperation

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<sup>1</sup> EEC Austria, EEC Finland, EEC Norway, EEC Portugal, EEC Sweden, EEC Switzerland, EEC Iceland

(submitted to the Council by the Commission)



## EXPLANATORY NOTE

In the EEC-EFTA Agreements there is a derogation in respect of nuclear fuel elements of heading 84.59, which expires on 31 December 1984, from the normal origin rule for the products of Chapter 84 of the CCT. The normal origin rule requires that 60 % of the final value is added as the result of working or processing in the Community. It is necessary to decide what should be the origin rule for nuclear fuel elements after 31 December 1984, because long term contracts are being placed now in relation to 1984 and 1985.

The derogation was extended in 1976 because, even when production of enriched uranium was started in the Community (then expected to be 1980), the price of the uranium yellow-cake, the basic raw material, which is not produced to any significant extent in the Community or in the EFTA countries would be such that the value added by enrichment and making nuclear fuel elements would not reach the 60 % required.

### Present situation

Enriched uranium is now produced in the Community by EURUDIF, basically a French operation, and URENCO, which is divided between Germany, the Netherlands and the United Kingdom, but the price of the yellow cake is such that the 60 % added value required by the basic origin rule is not obtained in making nuclear fuel elements.

### Proposal

Therefore the draft of a model Decision for the EEC-EFTA Joint Committee annexed proposes that the derogation be extended until 31 December 1990, that is for six years.

It is suggested that the proposed Joint Committee Decision be adopted as the common position of the Community in the EEC-EFTA Joint Committee. For reasons of simplification and clarity a draft Council Regulation Applying the Joint Committee Decisions in the Community has been included.

AGREEMENT EEC-

THE JOINT COMMITTEE

JOINT COMMITTEE DECISION No.

of

amending, in relation to heading No. 84.59, List A annexed to Protocol No. 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 (1) signed in Brussels on (2),

Having regard to Protocol No. 3 concerning the definition of the concept of "originating products" and methods of administrative cooperation (hereinafter referred to as "Protocol No. 3"), and in particular Article 28 thereof,

Whereas the footnote contained in List A of Protocol No 3 derogating in respect of nuclear fuel elements from the origin rule applicable to Chapter 84 of the Customs Cooperation Council Nomenclature (CCCN) is valid only until 31 December 1984; whereas nuclear fuel elements of heading No. 84.59 manufactured from non-originating uranium enriched in the Community do not yet satisfy the basic requirements of the rules on origin applicable to Chapter 84 and will probably not do so in the foreseeable future; whereas it is therefore necessary to extend the derogation for a further period;

Whereas in the nuclear fuel industry contracts are concluded for long periods and well in advance of the date when supplies are commenced, and whereas it is advisable to provide for legal certainty in this connexion; whereas it is therefore necessary to extend the derogation at this time;

(1) The Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Sweden, the Swiss Confederation

(2) Austria, Iceland, Portugal, Sweden, Switzerland : 22 July 1972  
Norway : 14 May 1973  
Finland : 5 October 1973

HAS DECIDED AS FOLLOWS :

Article 1

The footnote relating to heading No 84.59 at present in List A annexed to Protocol No 3 is hereby replaced by the following:

" These provisions shall not apply to fuel elements of heading No. 84.59 until 31 December 1990. "

Article 2

This Decision shall enter into force on 1 July 1982.

Done at Brussels,

For the Joint Committee  
the President

COUNCIL REGULATION (EEC) No.

of

on the application of Decision No. of the EEC Joint Committee<sup>1</sup> amending, in relation to heading No 84.59, List A annexed to Protocol No. 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 the Agreement between the European Economic Community and (2)(3) was signed on (4) and entered into force on (5);

Whereas by virtue of Article 28 of Protocol No. 3 concerning the definition of the concept of "originating products" and methods of administrative cooperation, which forms an integral part of the Agreement, the Joint Committee has adopted Decision No. amending, in relation to heading No. 84.59, List A annexed to that Protocol;

Whereas this Decision shall be applied in the Community,

- (1) Austria, Finland, Norway, Portugal, Sweden, Switzerland, Iceland.
- (2) The Republic of Austria, the Republic of Finland, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Sweden, the Swiss Confederation, the Republic of Iceland.
- (3) Austria, Sweden, Switzerland : OJ No. L 300 of 31.12.1972  
 Finland : OJ No. L 328 of 28.11.1973  
 Norway : OJ No L 171 of 27.6.1973  
 Portugal, Iceland : OJ No L301 of 31.12.1972
- (4) Austria, Portugal, Sweden, Switzerland, Iceland : 22 July 1972  
 Norway : 14 May 1973  
 Finland : 5 October 1973
- (5) Austria, Portugal, Sweden, Switzerland : 1 January 1973  
 Norway : 1 July 1973  
 Finland : 1 January 1974  
 Iceland : 1 April 1973

HAS ADOPTED THIS REGULATION :

Article 1

For the application of the Agreement between the European Economic Community and (1), Joint Committee Decision No; shall apply in the Community.

Article 2

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.  
This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council  
The President

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(1) The Republic of Austria, The Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Sweden, the Swiss Confederation.

