

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(85) 210 final

Brussels, 9 May 1985

Draft

DECISION OF THE ACP-EEC CUSTOMS CO-OPERATION COMMITTEE

derogating from the definition of originating products, as regards
certain fishing requisites, in order to take account of the special
situation of Malawi, Kenya and Mauritius

(submitted to the Council by the Commission)

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EXPLANATORY NOTE

Until 28 February 1985 Malawi, Kenya and Mauritius benefited from a derogation to the definition of originating products in Protocol 1 to the second Lomé Convention, for certain fishing requisites, falling within Common Customs Tariff heading ex 97.07. The aim was to enable up to 25 % of non-originating products to be incorporated in finished products (flies and casts).

During the negotiations on the third Lomé Convention, it was decided that the above fishing requisites would be placed permanently on List B, provided the value of the non-originating products used did not exceed 25 % of the value of the finished products.

This Decision is intended to extend the derogation from which the three countries concerned already benefit until the entry into force of the new provisions of List B of Protocol 1 to the third Lomé Convention.

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derogating from the definition of originating products, as regards certain fishing requisites, in order to take account of the special situation of Malawi, Kenya and Mauritius

THE CUSTOMS CO-OPERATION COMMITTEE,

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

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

Having regard to the draft Decision submitted by the Commission of the European Communities,

Whereas Article 4 of the said Decision No. 2/85 lays down that the provisions concerning the procedure for derogating from the rules of origin contained in Article 30 of Protocol 1 to the third ACP-EEC Convention signed at Lomé on 8 December 1984, hereinafter called the "1984 Lomé Convention", are to be applied in advance;

Whereas the African, Caribbean and Pacific States have requested a derogation from the definition given in Protocol 1 for certain fishing requisites falling within Common Customs Tariff heading ex 97.07 manufactured in Malawi, Kenya and Mauritius ;

Whereas a derogation from the above mentioned definition for fishing requisites was enjoyed by Malawi and Kenya from 1 March 1983 to 28 February 1985 and by Mauritius from 1 January 1984 to 28 February 1985;

Whereas the economic conditions of production in the countries referred to above have not changed;

(1) OJ No. L 61, 1.3.1985, p. 1.

Whereas the new definition in Protocol 1 to the 1984 Lomé Convention introduces a permanent new rule allowing incorporation in certain fishing requisites of up to 25 % non-originating products;

Whereas therefore Malawi, Kenya and Mauritius should be granted a temporary derogation from the definition of originating products,

HAS DECIDED AS FOLLOWS:

Article_1

By way of derogation from Protocol 1 to the 1979 Lomé Convention, mounted fish-hooks with artificial bait and mounted fishing lines including casts, manufactured in Malawi, Kenya or Mauritius and falling within Common Customs Tariff heading ex 97.07, shall be considered as originating in Malawi, Kenya or Mauritius, provided that the value of the non-originating products used in their manufacture and falling within Common Customs Tariff heading ex 97.07 does not exceed 25 % of the value of the finished product.

Article_2

The competent authorities of the Republic of Malawi, the Republic of Kenya and Mauritius shall send to the Commission each quarter a list of the quantities for which EUR 1 movement certificates have been issued under this Decision.

Article_3

The African, Caribbean and Pacific States and the Member States of the Community shall, each to the extent to which it is concerned, take the measures necessary to implement this Decision.

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Article 4

This Decision shall enter into force on the date of its adoption.

It shall apply from 1 March 1985 until the 1984 Lomé Convention enters into force, but at the latest until 28 February 1986.

Done at Brussels, 9 May 1985

For the ACP-EEC Customs
Co-operation Committee

The Chairman