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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 677 final

Brussels, 16 November 1983

DRAFT

DECISION OF THE ACP-EEC CUSTOMS COOPERATION COMMITTEE

derogating from the definition of the concept of "originating products" to take account of the special situation of Mauritius with regard to certain items of fishing tackle

(submitted to the Council by the Commission)

COM(83) 677 final

EXPLANATORY MEMORANDUM

By letter No. 0715 of 23 June 1983, the ACP States requested on behalf of Mauritius a derogation from the rules of origin for certain fishing items. However, in accordance with explanatory note 10 on Article 30(1) of Protocol No. 1 to the Lomé Convention, more detailed information was necessary to examine the request. Therefore the three month delay for taking a decision on this subject began on the 29th August 1983, the date on which the supplementary information was received.

This derogation request concerns assembled fishing lines including tackle falling within Tariff heading No. ex 97.07.

These products are assembled in Mauritius on the basis of a joint venture managed by French and Mauritian partners in which the Mauritians hold majority shares. The firm was set up in 1974, employs about 100 Mauritians and manufactures 7 to 9 million pieces per year most of which are exported to France.

The raw materials used in the manufacture of fishing lines are imported from France, with the exception of the hooks which are bought from Norway and Japan to conform to the specific recommendations of the firm's customers. The firm has tried to find other sources of supply for the hooks but so far without success.

It should also be noted that due to employment problems in Mauritius at present, the firm in question will not be in a position to operate at a profit unless it is allowed to purchase its raw materials on certain markets so as to ensure that its products are more competitive than those manufactured in third countries.

Furthermore, it seems that the fishing line assembly industry is labour intensive and that the value added in Mauritius is around 60% to 70% of the value of the fishing items whereas the imported hooks represent around 20% to 25% of the value.

In this context it is important to recall that Article 155 of the second ACP-EEC Convention (applicable to Mauritius) provides for special treatment for island ACP States so as to aid them to overcome specific difficulties resulting from their geographical position. According to Article 30 of Protocol No. 1 to the Convention an examination of a request for a derogation from the rules of origin should in particular take account of this aspect.

In addition, this request should be grouped with similar requests made on several occasions by Kenya and Malawi (derogations for fishing flies) for which derogation from the origin rules were granted until the expiry of the second Lomé Convention (28.2.1985).

It should furthermore be noted that the manufacture of the Mauritian products takes place using the rules on cumulation of origin to a large extent as all the products used with the exception of the hooks are of Community origin.

In the light of the above, the Commission proposes that a derogation from the rules of origin be adopted for the abovementioned fishing items which would be valid until the date of expiry of the Convention.

DRAFT

DECISION OF THE ACP-EEC CUSTOMS COOPERATION COMMITTEE

derogating from the definition of the concept of "originating products" to take account of the special situation of Mauritius with regard to certain items of fishing tackle

THE CUSTOMS COOPERATION COMMITTEE,

Having regard to the Second ACP-EEC Convention signed at Lomé on 31 October 1979 ⁽¹⁾ (hereinafter referred to as "the Convention"),

Whereas Article 30 of Protocol 1 to the Convention, concerning the definition of the concept of "originating products" and methods of administrative cooperation, makes provision for derogations to be made from the rules of origin by the Customs Cooperation Committee, in particular to facilitate the development of existing industries or the creation of new industries;

Whereas the African, Caribbean and Pacific States (ACP) have requested a derogation from the definition set out in Protocol 1 for items of fishing tackle falling within heading ex 97.07 (assembled fishing lines including tackle);

Whereas non-originating products (hooks) are used in the manufacture of the said items of fishing tackle; whereas however Mauritius makes use of the possibilities offered by the cumulation systems on origin to obtain the other products used in the manufacture of the finished product;

Whereas any deflection of trade should be avoided; whereas this can be achieved by fixing a maximum percentage of non-originating products incorporated in the finished product;

Whereas in these circumstances a temporary derogation from the definition of the concept of originating products should be accorded to Mauritius,

(1) OJ No. L 347 of 22.12.1980, p.2

HAS DECIDED AS FOLLOWS :

Article 1

By way of derogation from the provisions of Protocol 1 to the Convention, assembled fishing lines including tackle manufactured in Mauritius, falling within heading No. ex 97.07 of the Common Customs Tariff shall be considered as originating in Mauritius provided that the value of the non-originating fish hooks used for their manufacture and falling within heading No. ex 97.07 of the Common Customs Tariff does not exceed 25% of the value of the finished product.

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.

Article 3

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

Article 4

This Decision shall enter into force on

It shall apply from _____ to 28 February 1985.

Done at Brussels,

For the Customs Cooperation Council
The Chairman