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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) 261 final

Brussels, 3 May 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 Malawi and Kenya with  
regard to certain items of fishing tackle (fishing flies)

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COM(83) 261 final

EXPLANATORY NOTE

Since 1st June 1977 Malawi and Kenya have benefitted from a series of derogations from the origin rules laid down in Protocol No. 1 to the second Lomé Convention, for artificial fishing flies classified in heading 97.07 of the Common Customs Tariff. The last derogation, granted to Malawi and Kenya, was for one year coinciding with the first year of application of the Lomé II Convention and expired on 31st December 1981.

Under the aforementioned derogations, these ACP States were allowed to use fishing hooks originating in third countries in the production of fishing flies while still retaining preferential treatment on import into the Community.

Since the date of expiry the ACP States have on several occasions requested a renewal of this derogation, the argument being that Malawi and Kenya had made an effort to obtain hooks originating in the Community but that customers in the EEC often have a preference for non-EEC hooks.

It has become evident that the producers of fishing flies in Malawi and Kenya use hooks from both EEC (United Kingdom and France) as well as from non-EEC sources (in particular Norway). It is claimed that it is impossible to use hooks originating in the Community in all cases as most fishing flies are made to order and the manufacturers in Malawi and Kenya are bound by the specifications concerning the brand name, quality, type and size of the hooks to be used, indicated by their customers in the Community.

In addition it is stated that Community producers are not in a position to supply Malawi and Kenya with all the hooks required to manufacture the many different types of fishing flies.

.../...

A further point is that the fishing fly industry is very labour intensive and that the value added in Malawi and Kenya accounts for 70% of the value of the fishing flies while the fishing hooks account on average for 20% by value. The manufacturing companies, one of which was set up with financial support of the EEC and which provides employment for a large number of physically disabled people, are in a very weak financial position partly caused by increasing competition from countries in the Far East.

In view of the foregoing and in view of the fact that Malawi and Kenya have already benefitted from a derogation of one year under the Lomé II Convention, the Commission proposes that a derogation from the origin rules for fishing flies until the date of expiry of the Convention be adopted.

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 Malawi and Kenya with regard to certain items of fishing tackle (fishing flies)

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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 manufactured in Malawi and Kenya;

Whereas Malawi and Kenya have from 1 January 1981 to 31 December 1981 benefitted from a derogation from the definition set out in Protocol 1 for fishing tackle thereby allowing the use of non-originating hooks in the production of fishing flies;

Whereas Malawi and Kenya have tried to make use of the possibilities offered by the cumulation system on origin to obtain originating hooks; whereas by using these possibilities only part of the hooks needed for the production of fishing flies can be met;

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(1) OJ No. L 347 of 22.12.1980

Whereas Malawi is one of the least developed ACP States and also a land-locked ACP State; whereas, pursuant to Article 30 of Protocol 1, the examination of a request for a derogation should particularly take into account such elements;

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 Malawi and Kenya,

HAS DECIDED AS FOLLOWS :

Article 1

Notwithstanding Protocol 1 to the Convention, items of fishing tackle manufactured in Malawi or Kenya, falling within heading No. ex 97.07 of the Common Customs Tariff ('fishing flies') shall be considered as originating in Malawi or Kenya 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 the Republic of Malawi and the Republic of Kenya 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 1 May 1983 to 28 February 1985.

Done at Brussels,

For the Customs Cooperation Committee  
The Chairmen