

ASSOCIATION
between
THE EUROPEAN ECONOMIC COMMUNITY
and the
AFRICAN AND MALAGASY STATES ASSOCIATED
WITH THAT COMMUNITY
(1969 Convention)

COMPILATION OF TEXTS

III

1 January 1972 - 31 December 1972

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I. ACTS OF THE COUNCIL

DECISION No 43/72
of the Association Council

amending Decision No 36/71 of the Association Council on the definition of the concept of "originating" products for the purpose of implementing Title 1 of the Convention of Association and on the methods of administrative co-operation

THE ASSOCIATION COUNCIL,

HAVING REGARD to the Convention of Association between the European Economic Community and the African and Malagasy States associated with that Community, signed on 29 July 1969, and in particular Title 1 Article 10 thereof;

HAVING REGARD to the draft from the Commission of the European Communities;

WHEREAS in Decision No 36/71, the Association Council defined the concept of "originating" products for the purpose of implementing Title 1 of the Convention and the methods of administrative co-operation;

WHEREAS in the light of the recommendation from the Customs Co-operation Council dated 9 June 1970 that the Brussels Nomenclature for the Classification of Goods in Customs Tariffs should be amended, certain alterations should be made to Lists A and C of the afore-mentioned Decision;

WHEREAS in order to ensure that the texts of the afore-mentioned Decision are aligned in the various languages, certain alterations must be made to the German, Italian and Dutch versions of List A;

HAS DECIDED AS FOLLOWS:

Article 1

Lists A and C annexed to Decision No 36/71 shall be amended as indicated in the Annex to this Decision.

Article 2

In the German version of the List A referred to in Article 1, the descriptions relating to headings 11.02 and 62.05 shall be replaced by the following descriptions:

11.02	Grobgriess und Feingriess; Getreidekörner, geschalt, perlformig geschliffen, geschrotet oder gequetscht (einschliesslich Flocken), ausgenommen geschalter, geschliffener oder glasierter Reis und Bruchreis; Getreidekeime, auch gemahlen
62.05	Andere konfektionierte Waren aus Geweben, einschliesslich Schnittmuster zum Herstellen von Bekleidung

Article 3

In the Italian version of the List A referred to in Article 1, the descriptions relating to headings 59.10 and 59.12 shall be replaced by the following descriptions:

59.10	Linoleum per qualsiasi uso, anche tagliati; copripavimenti costituiti da una spalmatura applicata su supporto di materie tessili, anche tagliati
59.12	Altri tessuti impregnati o spalmati; tele dipinte per scenari di teatri, per sfondi di studio o per usi simili

Article 4

In the Dutch version of the List A referred to in Article 1, the description relating to heading 11.02 shall be replaced by the following description:

11.02	Gries en griesmeel; grutten, gort en parelgort en andere gepelde, geparelde, gebroken of geplette granen (vlokken daaronder begrepen), met uitzondering van gepelde, geglansde, gepolijste of bij het pellen gebroken rijst; graankiemen, ook indien gemalen
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Article 5

The Associated States, the Member States and the Community shall be required, to the extent to which each is concerned, to take the necessary steps to implement this Decision.

This Decision shall enter into force on 1 November 1972.

Done at Luxembourg, 10 October 1972

For the Association Council

The President

Harouna BEMBELLO

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ANNEX

LIST A

1. The descriptions of the products obtained which relate to headings 03.02, 11.09, 15.01, 15.02, 19.02, ex 38.10, 44.2, 57.10, 59.08, 76.08, 85.15 of the Customs Tariff and the rules corresponding to headings 03.02, 11.09, 57.10 (column 3 or 4) are to be replaced by the following descriptions and rules:

Products obtained		Working or processing that does not confer the status of "originating" products	Working or processing that confers the status of "originating" products when the following conditions are met
Customs Tariff No.	Description		
1	2	3	4
03.02	Fish, dried, salted or in brine; smoked fish whether or not cooked before or during smoking	Drying, salting, placing in brine of fish; smoking of fish, whether or not accompanied by cooking	
11.09	Wheat gluten whether or not dried	Manufacture from wheat or wheat flour	
15.01	Lard, other pig and poultry fat, rendered or solvent extracted	Manufacture from products of 02.05	
15.02	Fats or bovine cattle, sheep or goats, unrendered; rendered or solvent extracted fats (including "premier jus") obtained from those unrendered fats	Manufacture from products of 02.05	
19.02	Preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa	Manufacture from cereals and derived products, meat, milk and sugars	

1	2	3	4
ex 38.19	<p>Chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included, excluding:</p> <ul style="list-style-type: none">- fusel oil and dippel's oil- naphthenic acids and their non-water-soluble salts; esters of naphthenic acids,- sulphonaphthenic acids and their non-water-soluble salts; esters of sulphonaphthenic acids,- petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethonalamines; thio-phenated sulphonic acids of oils obtained from bituminous minerals and their salts,- mixed alkylbenzenes and mixed alkyl-naphthalenes,- ion exchangers,- catalysers,- getters for vacuum tubes,		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

1.	2	3	4
	<ul style="list-style-type: none"> - refractory cements, mortars and similar preparations, - alkaline iron oxide for the purification of gas, - carbon (other than artificial graphite falling within sub-heading ex 38.01) in metallo-graphite or other compounds, in the form of small plates, bars or other semi-manufacture 		
44.21	Complete wooden packing cases, boxes, crates, drums and similar packings		Manufacture from boards not cut to size
57.10	Woven fabrics of jute or of other textile bast fibres of heading No. 57.03		Manufacture from raw jute or other raw textile bast fibres of heading No. 57.03
59.08	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials		Manufacture from yarn
76.08	Structures and parts of structures (for example hangars and other buildings, bridges and bridge-sections, towers, lattice masts, roofs, roofing frameworks, door and window frames, balustrades, pillars and columns), of aluminium; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

1	2	3	4
85.15	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus		<p>Assembly in which the value of the "non-originating" parts does not exceed 40% of the value of the finished product provided that:</p> <ul style="list-style-type: none"> - at least 50% in value of the parts used are "originating" products - and that all the transistors are "originating products"

2. The following headings are to be inserted with the corresponding rules:

1	2	3	4
ex 23.03	Residues of starch manufacture from maize (excluding concentrated malting water), with a dry weight protein content exceeding 40%	Manufacture from maize or maize flour	
ex Chapter 39	Woven fabrics not included under No. 59.08, pursuant to Note 2.A. of Chapter 59		Manufacture from yarn

LIST C

1. The description of the products obtained which relate to heading ex 27.07 is to be replaced by the following description:

Customs Tariff No.	Description
ex. 27.07	Aromatic oils similar to those defined in note 2 to Chapter 27 of which more than 65% by volume distils at a temperature of up to 250° C (including mixtures of petroleum spirit and benzol), intended for use as power or heating fuels

2. Heading ex 38.19 is to be deleted.

DECISION No 44/72
of the Association Council
on the admission of Representatives of Mauritius
as observers

The Association Council,

HAVING REGARD to Articles 46 and 60(3) of the Convention;

WHEREAS an Association Agreement on the accession of Mauritius to the Yaoundé Convention (1969) was signed at Port-Louis on 12 May 1972;

WHEREAS this agreement shall enter into force, pursuant to Article 5 thereof, on the first day of the month following the date on which the instruments of ratification of the Member States and of Mauritius are deposited, together with the Act of Notification of the Conclusion of the Agreement by the Community;

WHEREAS, pending the entry into force of the Agreement, and taking account of the provisions of Article 59(4) of the Convention, the Representatives of Mauritius should be allowed to attend the meetings of the Association Council and of the Association Committee and working parties established by these bodies, as observers;

HAS DECIDED AS FOLLOWS:

Sole Article

The Representatives of the Government of Mauritius shall be allowed to attend meetings of the Association Council as observers.

They may also attend meetings of the Association Committee and of working parties set up by the Association Council or the Association Committee.

This decision shall enter into force on 10 October 1972.

It shall apply until the entry into force of the Association Agreement on the accession of Mauritius to the Yaoundé Convention (1969).

Done at Luxembourg, 10 October 1972

For the Council
The President
Harouna BEMBELLO

DECISION 45/1972
of the Association Council

on the delegation of powers to the Association Committee
for the purpose of providing a period of adaptation, in
relations with Mauritius,
for the application of the decisions of the
Association Council concerning rules of origin

THE ASSOCIATION COUNCIL,

HAVING REGARD to the Convention of Association between the
European Economic Community and the African and Malagasy
States associated with that Community, signed at Yaoundé on
29 July 1969, and in particular Articles 10, 49 (2) and 60
thereof,

HAVING heard the observer from Mauritius,

WHEREAS Decision No 36/71 of the Association Council, amended by Decisions No 40/71 and No 44/72, defines the concept of "originating products" for the application of Title I of the Convention and the methods of administrative co-operation;

WHEREAS pursuant to Article 60, paragraph 3, subparagraph 1, sentences 2 and 3 of the Yaoundé Convention, the Association Agreement on the accession of Mauritius to the Yaoundé Convention (1969) signed at Port Louis on 12 May 1972 provides, in Article 1, that save for exemptions provided for in the said Agreement, the provisions of the Convention of Association together with the decisions and other implementation provisions adopted by the Institutions of the Association shall be applicable to Mauritius;

WHEREAS, in a declaration annexed to the final Act, the Contracting Parties to the Port Louis Agreement have agreed to study, upon signature of the Agreement, the possibility of providing for a period of adaptation in any event not lasting beyond 31 December 1974, concerning the application of the decisions adopted by the Association Council relating to definition of the concept of "originating products"; and whereas they have agreed to submit the results of their work to the Association Council upon the entry into force of the Agreement;

WHEREAS there can be no certainty that the Association Council will meet upon this entry into force; and whereas, to avoid any detrimental delay, it is therefore appropriate that the Association Council should delegate to the Association Committee

the power to decide the necessary adjustments in relation to the application of Decision No 36/71 whereas, in order to ensure the rapid application of the Agreement after its entry into force, Representatives of Mauritius shall, pursuant to Decision No 44/72 of this day, occupy a place in the Institutions of the Association; and whereas the Association Committee is therefore in a position to examine before the entry into force of this Agreement, the problems posed by these adjustments;

HAS DECIDED AS FOLLOWS:

Article 1

The Association Council shall delegate to the Association Committee the power to decide the adjustments in relation to the application of Decision No 36/71 within the meaning of Annex I, paragraph 2 of the Association Agreement on the accession of Mauritius to the Yaoundé Convention,(1969.)

Article 2

The Associated States, the Member States and the Community shall, each insofar as it is concerned, be under the obligation to adopt the measures entailed by the implementation of this Decision.

This Decision shall enter into force at the same time as the Association Agreement on the accession of Mauritius to the Yaoundé Convention,(1969.).

Done at Luxembourg, 10 October 1972

For the Council
The President
Harouna BEMBELLO

RESOLUTION NR 5 OF THE ASSOCIATION COUNCIL
ON THE GENERAL GUIDANCE OF THE
FINANCIAL AND TECHNICAL COOPERATION

I. TRAINING

1. The Association Council recognises that teaching must be continually adapted to suit local circumstances and the requirements of development. The agencies responsible for the management of Community aid will take account of the priorities determined by each Associated State, particularly as regards the level and sectors of training, working in conjunction with the relevant departments of the Commission of the European Communities.

The Community will take these considerations into account in the framework of the credits available from the 3rd European Development Fund.

2. The efforts devoted to basic and advanced training should help to put at the disposal of the Associated States an adequate number of people capable of running the various undertakings, bodies or services, whether public or private, which are entrusted with development operations.

Moreover, special importance must be attached to the instruction of teachers responsible for training management and supervisory staff. This instruction should be essentially directed towards the practical approach.

3. In order to keep school buildings in good repair, to facilitate their upkeep and to reduce recurring costs, it should be ensured that the strength of the buildings financed by the EDF is reinforced and that the construction standards for these buildings are adapted to local conditions.

If the investments are to be effective, it is essential for full use to be made of schools, and boarding schools in particular. The granting, as a priority, where necessary, of bursaries to pupils who attend establishments financed partly or entirely by the EDF, will allow the Community to support the efforts made by the Associated States in this direction.

4. Moreover the Associated State in conjunction with the Community shall ensure that the pupils trained in these establishments, including those who are aiming at careers in agriculture and craft industries, shall be able to obtain the equipment necessary for their profession on national terms as soon as they start their working life.
5. The Association Council reaffirms the importance of placing efforts in the field of training and education in a regional context.

II. MAINTENANCE AND OPERATION OF INVESTMENTS

1. The Association Council has noted the Community's declaration of 22 April 1971 on the maintenance and operation of investments financed by the European Development Fund.
2. The Associated States, conscious that the management and upkeep of the economic and social infrastructure and of production equipment set up by Community aid is the responsibility of the recipients, will take all the necessary measures to ensure, by proper maintenance, that the investments financed by the Community are satisfactorily managed and operated.
3. If special difficulties prevent investments from being maintained, at a time when their financing proves particularly necessary for reasons of development policy the Community will examine special methods of aid to enable the Associated States concerned to ensure the success of such projects.
4. The Community reaffirms its willingness to come to the aid of those Associated States which so request, either to support them in their efforts to meet current upkeep and operating expenditure or to make good any lack of resources for covering major or exceptional expenditure.

5. With regard to road traffic and social infrastructures and the field of education, it is recommended that the expenses of their upkeep should be planned in overall programmes, so that these infra-structures can be improved and modernised and at the same time be maintained in good working order.

III. INDUSTRIALISATION

The Association Council, stressing once more the importance of industrialisation in the Associated States' economic development, considers that general co-operation in this field, in terms of the most urgent needs and requests of the Associated States, should in particular cover the following measures:

1. In addition to the steps taken by the Associated States themselves in this respect, measures for the diffusion of industrial information should be taken by the Community in co-operation with the Associated States, in order to attract the attention of European industrial circles to the industrial possibilities afforded by the Associated States. To achieve this, it is necessary, on the one hand to speed up the studies arranged concerning a certain number of export industries and, on the other hand, to circulate the information which the promoters wish to have available on the subject of socio-economic factors and general investment conditions in the associated States.

2. Furthermore, in specific cases the Community should foster the organisation of encounters between European promoters on the one hand and between representatives of industrial promotion and businessmen from the associated States on the other.
3. The Community should welcome requests for technical aid to industrial promotion bodies from the Associated States so as to enable them to fulfil their duties more effectively. Action to be envisaged could consist, in particular, in the supplying of experts, and in the execution of specific studies.
4. Particular attention should be paid to the different forms of technical and financial aid aimed at the development of small and medium sized undertakings within the Associated States. The Community continues to take this problem into account in its training programmes. The principle of co-operation with the development banks of the Associated States serving as a link between Community financing institutions and the small and medium sized undertakings having been adopted, it must be carried out in accordance with the real needs of these banks, with their financial position and with prospects of concrete projects.
5. The Commission is asked to pursue actively those studies having a bearing on the creation of a Community system for the guarantee of direct investments by EEC nationals.

Done at Luxembourg, 10 October 1972

For the Council
The President

Harouna BEMBELLO

II. INFORMATION CONCERNING THE ASSOCIATION

REGULATION (EEC) NO 859/72 OF THE COUNCIL
of 25 April 1972

on the treatment to be accorded to certain fruit and vegetables originating in the Associated African States and Madagascar or in the Overseas Countries and Territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Article 1

Having regard to the proposal from the Commission;

The products listed below, originating in the Associated African States and Madagascar or in Overseas Countries and Territories, shall be exempt from customs duties on importation into the Community

Having regard to the Opinion of the European Parliament;

07.01 Vegetables, fresh or chilled:

Whereas the Convention of Association between the European Economic Community and the Associated African States and Madagascar (1) provides that, for those agricultural products covered by a common organisation of the market which the Associated States have an economic interest in exporting, the Community shall determine the treatment to be accorded to imports of products originating in these States, this treatment to be more favourable than the general treatment applied to like products originating in third countries;

F. Leguminous vegetables, shelled or unshelled:

- ex I. Peas
from 1 August to 29 February
- ex II. Beans (of the species Phaseolus):
from 1 December to 30 April
- III. Other

Whereas Council Decision of 29 September 1970 (2) on the association of the Overseas Countries and Territories with the European Economic Community makes identical provision for agricultural products originating in these Countries and Territories;

S. Sweet peppers:

from 1 December to 30 April

Whereas imports of fruit and vegetables into the Community are subject to the duties in the Common Customs Tariff and whereas provisions in respect of trade with third countries are laid down within the framework of the common organisation of the market in fruit and vegetables;

T. Other:

- Aubergines:
from 1 November to 29 February
- Marrows, pumpkins:
from 1 October to 31 March
- Celery:
from 1 May to 31 October
- Unspecified

Whereas the Community's obligations towards the associated States, countries and territories may be fulfilled by exempting the relevant products originating in these States, countries and territories, from customs duties on importation into the Community, for part or all of the year as appropriate;

08.08 Berries, fresh:

- R. Papaws
- F. Other:
 - Passion fruit

Whereas the Associated States have been consulted,

(1) OJ No L 282, 28.12.1970, p. 2.
(2) OJ No L 282, 28.12.1970, p. 83.

08.09 Other fruit, fresh:

- Melons and similar fruit:
from 1 September to 31 March
- Unspecified

Article 2

This Regulation shall enter into force on
1 May 1972.

It shall apply until 31 January 1975.

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

Done at Luxembourg, 25 April 1972.

For the Council
The President
G. THORN

COUNCIL REGULATION (EEC) No 1036/72
of 18 May 1972

amending, as regards the tariff nomenclature, Regulations (EEC) Nos 522/70 and 653/71 on the treatment applicable to cereal and rice-based processed products originating in the Associated African and Malagasy States or the Overseas Countries and Territories and originating in the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular to Article 43 thereof;

Having regard to the proposal of the Commission;

Having regard to the Opinion of the European Parliament;

Whereas, following the recommendation by the Customs Co-operation Council on 9 June 1970, partially accepted by the Council Decision of 21 June 1971 ⁽¹⁾, the text of Annex A of Council Regulation No 120/67/EEC of 13 June 1967, establishing a common organisation of the market in cereals ⁽²⁾ has been amended as regards the tariff nomenclature by Regulation (EEC) No 272/71 ⁽³⁾; whereas Council Regulation (EEC) No 522/70 of 17 March 1970, on the treatment applicable to cereal and rice-based processed products originating in the Associated African and Malagasy States or the Overseas Countries and

Territories ⁽⁴⁾ and Council Regulation (EEC) No 653/71 of 30 March 1971, on the treatment applicable to cereal and rice-based processed products originating in the United Republic of Tanzania, the Republic of Kenya ⁽⁵⁾ should now be adapted to the new Common Customs Tariff Nomenclature resulting from this amendment,

HAS ADOPTED THE FOLLOWING REGULATION:

Article 1

In Article 1 (2) (a) of Regulations (EEC) No 522/70 and 653/71, the words "falling under Common Customs Tariff heading No 07.06 B" shall be replaced by the words "falling under Common Customs Tariff heading No 07.06 A".

Article 2

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

It shall be applicable until 1 January 1972.

This Regulation shall be binding in its entirety and directly applicable in every Member State.

Done at Brussels, 18 May 1972

By the Council
The President
M. MART

⁽¹⁾ OJ No L 137 of 23.6.1971, p. 10
⁽²⁾ OJ No 117 of 19.6.1967, p. 2269/67
⁽³⁾ OJ No L 282 of 23.12.1971, p. 8

⁽⁴⁾ OJ No L 65 of 21.3.1970, p. 10
⁽⁵⁾ OJ No L 76 of 31.3.1971, p. 2