

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 304 final.

Brussels, 17 June 1975

Proposal for a  
REGULATION (EEC) OF THE COUNCIL  
on the safeguard measures provided for in the ACP/EEC  
Convention of Lomé of 28 February 1975

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(submitted to the Council by the Commission)

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament<sup>1</sup>;

Whereas a Convention between the African, Caribbean and Pacific States and the European Economic Community<sup>2</sup>, hereinafter called the Convention, was signed in Lomé on 23 February 1975;

Whereas the detailed rules for implementing the safeguard clause provided for in Article 10 of the Convention should be laid down, it being understood that the procedures for the application of the safeguard clauses provided for in the Treaty establishing the European Economic Community and those provided for in the Regulations on the common organisation of agricultural markets are also applicable;

HAS ADOPTED THIS REGULATION:

Article 1

1. The Commission may, at the request of a Member State or on its

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1 OJ.....

2 OJ.....

EXPLANATORY MEMORANDUM

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Following the signature of the Lomé Convention, the Member States will sign an Internal Agreement on the appropriate measures and procedures required for implementation of that Convention, as concerns matters within their competence. (For matters within Community competence the provisions of the EEC Treaty automatically apply.)

The signature of this Internal Agreement is expected to take place on 24 June 1975.

In the recital of that Internal Agreement, it will be stated that the Council of the European Communities will fix in a regulation the procedures according to which the safeguard clause provided for in Article 10 of the Lomé Convention may be put into operation.

In discussions over the last few days the Member States have indicated that they require the official transmission by the Commission of a proposal for such a regulation by the time of signature of the Internal Agreement (24 June).

own initiative, decide to apply to products originating in the African, Caribbean and Pacific States safeguard measures under the power reserved to the European Economic Community in Article 10 of the Convention.

If the Commission receives a request from a Member State it shall take a decision thereon within three working days following receipt of the request.

Member States shall be notified of the safeguard measures, which shall apply immediately.

2. Any Member State may refer any measure taken by the Commission to the Council within ten working days following the day of notification thereof.

The Council shall meet forthwith. Acting by a qualified majority, it may amend or rescind the measure in question.

#### Article 2

1. Without prejudice to the application of Article 1, the Commission may authorise a Member State to take safeguard measures to counteract the disturbances or difficulties referred to in Article 10 of the Convention.

If the Commission receives a request from the Member State concerned, it shall take a decision thereon within three working days following receipt of the request.

The Commission's decision shall be notified to all Member States.

2. Any Member State may refer the Commission's decision to the Council within ten working days of notification thereof. The Council shall meet forthwith. Acting by a qualified majority, it may amend or rescind the decision taken by the Commission.
3. The measures taken in implementation of the decision of the Commission, or where appropriate of the Council, and any amendment thereto, shall be notified by the Member State concerned to the Commission and to the other Member States.

### Article 3

1. Without prejudice to the application of Articles 1 and 2, the Member State or States concerned may, in an emergency, introduce safeguard measures. They shall notify the Commission and the other Member States of such measures forthwith.

Using an emergency procedure the Commission shall, within five working days of the notification referred to in the first subparagraph, decide whether the measures are to be maintained in force, modified or withdrawn.

The Commission's decision shall be notified to all Member States. It shall be immediately enforceable.

2. Any Member State may refer the Commission's decision to the Council within ten working days of notification thereof. The Council shall meet forthwith. Acting by a qualified majority, it may amend or rescind the decision taken by the Commission.

If the matter is referred to the Council by the Member State which has taken the measures, the Commission's decision shall be suspended. The suspension shall cease to apply thirty days after the matter has been referred to the Council if the latter has not by then amended or rescinded the Commission's decision.

#### Article 4

Articles 2 and 3 are not applicable to the products covered by the Regulations on the common organisation of agricultural markets.

#### Article 5

The Community's notification, as provided for in Article 10 of the Convention, shall be made to the Council of Ministers by the Commission.

#### Article 6

This Regulation shall enter into force at the same time as the Convention.

The date of entry into force of this Regulation will be published in the Official Journal of the European Communities. This Regulation shall be binding in its entirety and directly applicable in all Member