

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 323 final

Brussels, 25 June 1975

Proposal for a

REGULATION (EEC) OF THE COUNCIL

derogating from the definition of the concept of "originating products" in order to take account of the special situation of Mauritius with regard to certain textile products

(submitted to the Council by the Commission)

COM(75) 323 final

EXPLANATORY NOTE

Regulation (EEC) No 866/75 of 19 May 1975 has applied in the Community Decision No 47/74 of the Association Council which derogates from the rules of origin in favour of certain textile products manufactured in Mauritius.

But Article 7 of this Decision foresaw its application on a temporary basis as far as quantities were concerned, until the application of the trade provisions of the Convention which will follow the Yaoundé Convention.

The Regulation which is being approved, which puts into force as from 1 July 1975 certain of the provisions of the Lomé Convention on trade, means that it is necessary to provide for the period of 1 July to 31 December 1975 a new legal basis for the derogation given.

This is the subject of the attached draft.

HAS ADOPTED THIS REGULATION:

Article 1

In derogation from the special provisions in List A annexed to Regulation (EEC) No _____ putting into force in anticipation as from 1 July 1975 certain of the provisions of the ACP/CEE Convention of Lomé. concerning trade, _____ textile products manufactured in Mauritius and falling within Tariff heading Nos. 60.01, 61.01, 61.02, 61.03, 61.04, 61.07, 61.09 and 61.10 shall be considered as products originating in Mauritius under the conditions set out hereinafter. .

Article 2

The derogation shall, for the period 1 July to 31 December 1975, be limited to the amounts specified below in respect of the products concerned, to which may be added, up to a limit of 20 % for the same tariff heading, the quantities not used in the course of the year 1974; from the resulting total the quantities which have benefited, upon presentation of an A.Y.1, in the Community from a preferential system in the period 1 January 1975 to 30 June 1975, are deducted.

		Total
60.01	Knitted or crocheted fabric, not elastic or rubberized	260) 260 metric tons
61.01	Mens' and boys' garments	120)
61.02	Women's, girls' and infants' outer garments	120) 480 metric tons
61.03	Mens' and Boys' under garments, including collars, shirt-fronts and cuffs	120)
61.04	Women's, girls' and infants' under garments	120)
61.07	Ties, bow ties and cravates	25)
61.09	Corsets, corset-belts, suspender-belts, brassières, braces, suspenders, garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic	20) 60 metric tons
61.10	Gloves, mittens, stockings, socks and sockettes, not being knitted or crocheted goods	15)
		800 metric tons

Article 3

The necessary measures shall be taken by the Mauritian authorities in order to verify the quality and quantity of exports of the products referred to in Article 2.

Article 4

Movement Certificates EUR.1 issued pursuant to this Regulation shall bear one of the following entries:

- "Originating products by virtue of Council Regulation (EEC) No /75 of 1975"
- "Marchandises réputées originaires en vertu du règlement (CEE) no /75 du Conseil du 1975"
- "Ursprungszeugnisse im Sinne der Verordnung (EWG) Nr. /75 des Rates vom 1975"
- "Merci originarie in virtù del regolamento (CEE) n° /75 del Consiglio, del 1975"
- "Goederen van oorsprong uit hoofde van Verordening (EEG) nr. /75 van de Raad van 1975"
- "Varer med oprindelsesstatus in henhold til Rådets forordning (EØF) nr. /75, af 1975"

This entry shall be in red ink under the heading "Observation".

Article 5

Should imports under this derogation give rise, or threaten to give rise, to difficulties leading to a change in an economic situation in a region of the Community, the latter may, pursuant to Article 6 of Council Regulation (EEC) No of , take or authorize the Member State concerned to take the necessary protective measures.

./...

Article 6

The following may continue to be used until 31 December 1975:

- The Movement Certificates A.Y.1 of the model previously used in the context of preferential trade between the Community and the African and Malgasy States,
- For goods destined for importation into Ireland or the United Kingdom of Great Britain and Northern Ireland, a certificate of the type previously used in the context of Commonwealth preferences.

Artikel 7

This Regulation shall enter into force on 1 July 1975.

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

Done at Brussels,

For the Council

The President

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(Acts whose publication is obligatory)

REGULATION (EEC) No 1650/75 OF THE COUNCIL
of 26 June 1975

derogating from the definition of the concept of 'originating products' to take account of the special situation of Mauritius with regard to certain textile products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Whereas Council Regulation (EEC) No 1598/75⁽¹⁾ of 24 June 1975 on the advance implementation of certain provisions of the ACP/EEC Lomé convention relating to trade in goods brought the said provisions into force as from 1 July 1975; whereas Article 27 of Annex II to that Regulation lays down that the rules of origin may be changed when the development of existing industries or the creation of new industries necessitates derogations from the said Annex;

Whereas Decision No 47/74 of the EEC/AASM Association Council lays down that, in order to enable the industries concerned in Mauritius to adapt their production to conditions which comply with the definition of the concept of 'originating products', textile products manufactured in Mauritius and falling within heading Nos 60.01, 61.01, 61.02, 61.03, 61.04, 61.07, 61.09 and 61.10 shall be considered as 'originating products' within the limit of certain amounts and under certain conditions;

Whereas the adoption of Regulation (EEC) No 1598/75 makes it necessary to extend the validity of

the measures laid down by the abovementioned Decision,

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding the special provisions in List A in Annex 2 to Annex II to Regulation (EEC) No 1598/75 relating to textile products manufactured in Mauritius and falling within heading Nos 60.01, 61.01, 61.02, 61.03, 61.04, 61.07, 61.09 and 61.10 shall be considered as products originating in Mauritius under the conditions set out hereinafter.

Article 2

The derogation provided for by this Regulation shall relate for the period 1 July to 31 December 1975, to the amounts indicated below for the products concerned, which may be increased by a figure of up to 20 % for any one heading by the quantities not used in the course of the year 1974; from this total shall be deducted the quantities, which upon presentation of an A.Y.1, have come under a preferential system in the Community in the period 1 January to 30 June 1975.

<i>(in metric tons)</i>		
Heading No	Description	Total
60.01	Knitted or crocheted fabric, not elastic or rubberized	260
61.01	Men's and boys' outer garments	120
61.02	Women's, girls' and infants' outer garments	120
61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs	120
61.04	Women's, girls' and infants' under garments	120
		480

⁽¹⁾ OJ No L 166, 28. 6. 1975, p. 1.

		<i>(in metric tons)</i>	
Heading No	Description	Total	
61.07	Ties, bow ties and cravats	25	} 60
61.09	Corsets, corset-belts, suspender-belts, brassières, braces, suspenders garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic	20	
61.10	Gloves, mittens, stockings, socks and sockettes, not being knitted or crocheted goods	15	} 800

Article 3

The Mauritian authorities shall take the necessary steps to verify the quality and quantity of exports of the products referred to in Article 2.

Article 4

Movement certificates EUR.1 issued pursuant to this Regulation shall bear one of the following entries:

'Originating products by virtue of Council Regulation (EEC) No 1650/75 of 26 June 1975'.

'Marchandises réputées originaires en vertu du règlement (CEE) n° 1650/75 du Conseil du 26 juin 1975'.

'Ursprungserzeugnisse im Sinne der Verordnung (EWG) Nr. 1650/75 des Rates vom 26. Juni 1975'.

'Merci originarie in virtù del regolamento (CEE) n. 1650/75 del Consiglio, del 26 giugno 1975'.

'Goederen van oorsprong uit hoofde van Verordening (EEG) nr. 1650/75 van de Raad van 26 juni 1975'.

'Varer med oprindelsesstatus i henhold til Rådets forordning (EØF) nr. 1650/75 af 26. juni 1975'.

This entry shall be in red ink under the heading 'Observations'.

Article 5

Should imports under the derogation provided for by this Regulation give rise or seem likely to give rise to difficulties resulting in deterioration in an economic situation in a region of the Community, the latter may, pursuant to Articles 5, 6 and 7 of Regulation (EEC) No 1598/75, take or authorize the Member State concerned to take the necessary protective measures.

Article 6

The following movement certificates for goods may continue to be used until 31 December 1975:

- Certificates AY.1 of the type previously used in preferential trade between the Community and the African States and the Malagasy Republic;
- For goods which are to be imported into Ireland or the United Kingdom, a certificate of the type previously used in the context of Commonwealth preferences

Article 7

This Regulation shall enter into force on 1 July 1975.

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

Done at Luxembourg, 26 June 1975.

For the Council

The President

P. BARRY

COMMISSION DECISION

of 19 March 1975

authorizing the French Republic to exclude from the application of Council Regulation (EEC) No 866/75 imports into the département of Réunion of products to which that Regulation would otherwise apply

(Only the French text is authentic)

(75/215/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Internal Agreement No 70/543/EEC⁽¹⁾ of 29 July 1969 on the measures to be taken and the procedures to be followed to form the purposes of implementing the convention of association between the European Economic Community and the African States and Madagascar associated with that Community, and in particular Article 5 (1) thereof;

Whereas, Council Regulation (EEC) No 866/75⁽²⁾ of 18 March 1975 on the implementation of Decision No 47/74 of the Association Council set up by the convention of association between the European Economic Community and the African States and Madagascar associated with that Community authorizes, until the entry into force of the convention taking the place of the Yaoundé convention and at the latest until 31 December 1975, a derogation from the definition of the concept of 'originating products' to take account of the special situation of Mauritius in regard to certain textile products,

Whereas the importation pursuant to Regulation (EEC) No 866/75 of these textile products into the département of Réunion could cause difficulties leading to adverse changes in the economic situation, in particular by hindering the industrialization of this island;

Whereas the French Republic should be authorized under Article 16 of the convention of association between the European Economic Community and the African States and Madagascar associated with that Community to exclude from the application of the Regulation in question imports into the département of Réunion of products to which that Regulation would otherwise apply,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is hereby authorized to exclude from the application of Council Regulation (EEC) No 866/75 imports into the département of Réunion of products to which that Regulation would otherwise apply.

Article 2

This Decision shall apply with effect from 1 January 1975.

Article 3

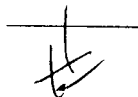
This Decision is addressed to the French Republic.

Done at Brussels, 19 March 1975.

For the Commission

The President

François-Xavier ORTOLI



⁽¹⁾ OJ No L 282, 28.12.1970, p. 44.

⁽²⁾ OJ No L 84, 4.4.1975, p. 3.

REGULATION (EEC) No 866/75 OF THE COUNCIL
of 18 March 1975

on the implementation, until the entry into force of the trade provisions of the convention which is to succeed the convention of 29 July 1969 and at the latest until 31 December 1975, of Decision No 47/74 of the EEC-AASM Association Council derogating from the definition of the concept of 'originating products' in order to take account of the special situation of Mauritius with regard to certain textile products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 113 thereof ;

Having regard to the proposal from the Commission ;

Whereas the Association Council set up under the convention of association signed in Yaounde on 29 July 1969 between the European Economic Community and the African and Malagasy States associated with that Community has adopted Decision No 47/74 of 27 December 1974 derogating from the definition of the concept of 'originating products' in order to take account of the special situation of Mauritius with regard to certain textile products ;

Whereas it is necessary in accordance with Article 46 of the said convention to implement this Decision ;

Whereas, pursuant to Article 109 of the Act of Accession⁽¹⁾, the arrangements resulting from the above-mentioned convention shall not apply in relations between the new Member States and the Associated States ; whereas, pursuant to Article 115 of the Act of Accession, the Council, by Decision No 75/88/EEC⁽²⁾

has maintained the arrangements provided for in Articles 109 to 114 and 119 of the Act of Accession for the period during which the transitional measures are applied,

HAS ADOPTED THIS REGULATION

Article 1

For the purpose of implementing the convention of association between the European Economic Community and the African and Malagasy States associated with that Community, Decision No 47/74 of the Association Council as annexed to this Regulation shall apply in the Community until the entry into force of the trade provisions of the convention which is to succeed this convention of association and at the latest until 31 December 1975.

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall apply from 1 January 1975.

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

Done at Brussels, 18 March 1975.

For the Council

The President

R. RYAN

⁽¹⁾ OJ No L 73, 27. 3. 1972, p 14

⁽²⁾ OJ No L 26, 31. 1. 1975, p 8.

ANNEX

DECISION No 47/74 OF THE EEC-AASM ASSOCIATION COUNCIL

of 27 December 1974

derogating from the definition of the concept of 'originating products' in order to take account of the special situation of Mauritius with regard to certain textile products

THE ASSOCIATION COUNCIL,

Having regard to the convention of association between the European Economic Community and the African and Malagasy States associated with the Community, signed on 29 July 1969, and in particular Articles 10 (2) and 62 (2) thereof ;

Whereas an Association Agreement concerning the accession of Mauritius to the convention of association was signed at Port Louis on 12 May 1972 ; whereas that Agreement contains the application to Mauritius of Decisions of the Association Council on the definition of the concept of 'originating products', and in particular of Decision No 36/71 ;

Whereas, however, in order to take into account the special situation of Mauritius, and in order to enable the industries concerned to adapt their production to conditions which comply with the definition of the concept of 'originating products', Decision No 46/73 of the Association Council stipulates that until 31 December 1974 textile products manufactured in Mauritius and falling within Common Customs Tariff heading Nos 60.01, 60.02, 60.04, 60.05, 61.01, 61.02, 61.03, 61.04, 61.07, 61.09, and 61.10 shall be considered as 'originating products', within the limit of certain amounts ;

Whereas the Government of Mauritius has presented a request that from 1 January 1975 the definition in Decision No 36/71 in respect of certain textile products manufactured in that Associated State shall be suspended for a maximum period of one year ;

Whereas the setting up of spinning-mills in Mauritius has been delayed for reasons connected with the supply of building materials, and whereas therefore, certain of that Associated State's textile products do not yet meet the criteria laid down by the definition of the concept of 'originating products' in the relations between the EEC and the AASM ;

Whereas consequently, the derogation under Decision No 46/73 should be prolonged for a limited period,

HAS DECIDED AS FOLLOWS :

Article 1

In derogation from the special provisions in List A annexed to Decision No 36/71 on the definition of the concept of 'originating products' and on the methods of administrative cooperation, textile products manufactured in Mauritius and falling within Common Customs Tariff heading Nos 60.01, 60.02, 60.04, 60.05, 61.01, 61.02, 61.03, 61.04, 61.07, 61.09 and 61.10 shall be considered as products originating in Mauritius under the conditions set out hereinafter.

Article 2

The derogation shall, for the year 1975, be limited to the amounts specified below in respect of the products concerned :

		Total	
60.01	Knitted or crocheted fabric, not elastic or rubberized	260	} 510 metric tons
60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized	50	
60.04	Under garments, knitted or crocheted, not elastic or rubberized	200	
60.05	Outer garments, clothing accessories and other articles, knitted or crocheted, not elastic or rubberized	200	} 200 metric tons
61.01	Men's and boys' outer garments	120	} 480 metric tons
61.02	Women's, girls' and infants' outer garments	120	
61.03	Men's and boys' under garments, including collars, shirt-fronts and cuffs	120	
61.04	Women's, girls' and infants' under garments	120	
61.07	Ties, bow ties and cravats	25	} 60 metric tons
61.09	Corsets, corset-belts, suspender-belts, brassières, braces, suspenders, garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic	20	
61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods	15	
		1 250 metric tons	

In addition, if, for one of the tariff headings mentioned in the table in Article 2 of Decision No 46/73, the quantity fixed has not been reached during 1974 the quantities not used up during that year may be used in 1975 to the extent of 20 % of the quantity fixed for the same tariff heading.

Article 3

The necessary measures shall be taken by the Mauritian authorities in order to verify the quality and quantity of exports of the products referred to in Article 2.

Article 4

Movement certificates AY 1 issued pursuant to this Decision shall bear one of the following entries :

'Originating products by virtue of Association Council Decision No 47/74'.

'Marchandises réputés originaires en vertu de la décision n° 47/74 du Conseil d'association'.

'Ursprungserzeugnisse im Sinne des Beschlusses Nr. 47/74 des Assoziationsrats'.

'Merci originarie in virtù della decisione n. 47/74 del Consiglio di associazione'.

'Goederen van oorsprong uit hoofde van besluit nr. 47/74 van de Associatieraad'.

'Varer med oprindelsestatus i henhold til Associeringerådets afgørelse nr. 47/74'.

This entry shall be in red ink under the heading 'Observations'.

Article 5

Should imports under this derogation give rise, or threaten to give rise, to difficulties leading to a change in an economic situation in a region of the Community, the latter may, pursuant to Article 16 (2) of the convention of association, take or authorize the Member State concerned to take the necessary protective measures.

Article 6

The Associated States, the Member States and the Community shall be required, each to the extent to

which are concerned, to take the necessary steps to implement this Decision.

Article 7

This Decision shall enter into force on 1 January 1975.

It shall apply *pro rata temporis*, as far as the quantities are concerned, until the trade provisions of the convention which is to succeed the convention of 29 July 1969 are applied, and until 31 December 1975 at the latest.

Done at Brussels, 27 December 1974.

*The President
of the Association Council*

Doralta DJIRAIBAYE

