



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.04.1998  
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Draft

DECISION OF THE ACP-EC COUNCIL OF MINISTERS

delegating powers to the ACP-EC Committee of Ambassadors  
for the purposes of deciding on ACP requests that products  
originating in neighbouring developing countries, other than ACP States,  
be considered as originating in the ACP State in which  
they undergo further working or processing

(presented by the Commission)



## EXPLANATORY MEMORANDUM

Protocol No 1 to the fourth ACP-EC Convention of Lomé, as revised by the Agreement signed at Mauritius on 4 November 1995, ("the Convention") defines the concept of "originating products" and lays down methods of administrative cooperation.

Article 6(5) of the Protocol lays down that products originating in a neighbouring country other than an ACP State belonging to a coherent geographical entity shall be considered as originating in the ACP State in which they undergo further working or processing. It makes clear that for this purpose a request from the ACP States is necessary and that certain conditions mentioned in Article 6(5) have to be observed. The neighbouring countries concerned are set out in Annex LXXXVI to the Convention.

The last subparagraph of Article 6(5) provides that the ACP-EC Council of Ministers shall decide on the ACP requests on the basis of a report drawn up by the ACP-EC Customs Cooperation Committee (see Article 30 of the Protocol).

Decision-making would be expedited if the power to decide on any requests from the ACP States was delegated to the ACP-EC Committee of Ambassadors. Delegation would permit effective implementation of Article 6(5) before the current Convention expires on 29 February 2000.

There is provision for such delegation by ACP-EC Council Ministers in Article 345 of the Convention. Such is the purpose of this draft Decision.

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THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Fourth ACP-EC Convention of Lomé, as amended by the Agreement signed in Mauritius on 4 November 1995, hereinafter referred to as "the Convention", and in particular Article 345 thereof,

Whereas, under Article 6(5) of Protocol 1 to the Convention, concerning the definition of the concept of "originating products" and methods of administrative cooperation, hereinafter referred to as "the Protocol", products originating in neighbouring developing countries, other than ACP States, belonging to a coherent geographical entity, as listed in Annex LXXXVI to the Convention, are at the request of the ACP States, subject to certain conditions, to be considered as originating in the ACP State in which they undergo further working or processing;

Whereas, under the last subparagraph of Article 6(5) of the Protocol, the ACP-EC Council of Ministers is to decide on the ACP States' requests on the basis of a report drawn up by the ACP-EC Customs Cooperation Committee in accordance with Article 30 of the Protocol;

Whereas the process of deciding on any requests submitted by the ACP States under Article 6(5) of the Protocol should be speeded up so that that provision may be effectively implemented before the Convention expires on 29 February 2000;

Whereas the Council of Ministers should therefore delegate to the Committee of Ambassadors the power to decide on the ACP States' requests under Article 6(5) of the Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

The Council of Ministers hereby delegates to the Committee of Ambassadors the power to decide on requests submitted by the ACP States in accordance with Article 6(5) of the Protocol.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at ....., .....

For the ACP-EC Council of  
Ministers

The President

