

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 634 final/B

Brussels, 25 November 1976

Proposal for  
**APR 8 1977**  
COUNCIL REGULATION (EEC)

on the advance implementation of certain provisions  
of the ACP-EEC Convention of Lomé relating to trade  
in respect of certain States that have signed Agreements  
of Accession to the Convention

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(submitted to the Council by the Commission)

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## Explanatory Memorandum

1. The negotiations between the Community and Papua New Guinea with a view to its accession to the ACP Convention of Lomé were held in Brussels on 29 October 1976.

At the close of those negotiations the Community Delegation and the Delegation of Papua New Guinea gave their full approval to the text of a draft agreement in an exchange of letters between the Heads of Delegation.

2. In its communication to the Council on negotiations with Papua New Guinea with a view to its accession to the ACP/EEC Convention of Lomé (Doc.                   ), the Commission has recommended that when the Accession Agreement is signed, there should be an exchange of letters with the acceding State on the advance implementation of certain provisions of the Convention of Lomé. In order to implement the said exchange of letters, the Commission forwards to the Council a proposal for a Council Regulation (EEC) on the advance implementation of certain provisions of the ACP/EEC Convention of Lomé relating to trade in respect of certain States that have signed Agreements of Accession to the Convention (Annex).

This procedure has also been recommended in the cases of Sao Tomé e Príncipe and Cape Verde.



PROPOSAL FOR  
COUNCIL REGULATION (EEC)

on the advance implementation of certain provisions of the ACP-EEC Convention of Lomé relating to trade in respect of certain States that have signed Agreements of Accession to the Convention

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 Council Regulation (EEC) No 1059/69 of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>1</sup>, as last amended by Regulation (EEC) No 3058/75<sup>2</sup>, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament<sup>3</sup>,

Whereas Agreements on accession to the ACP-EEC Convention of Lomé<sup>4</sup> in accordance with Article 90 of the Convention were signed between the European Economic Community and

.....<sup>5</sup> in ..... on .....  
.....<sup>6</sup> in ..... on .....  
.....<sup>7</sup> in ..... on .....

Whereas, on the occasion of the signing of those Agreements, the Community and the States concerned agreed in Exchanges of Letters to apply autonomously from ..... certain provisions of the Convention relating to trade in goods in accordance with the arrangements laid down in the Accession Agreements;

Whereas it is therefore necessary to take appropriate measures to this end,

HAS ADOPTED THIS REGULATION:

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<sup>1</sup>OJ No L 141, 12.6.1969, p. 9.

<sup>2</sup>OJ No L 300, 26.11.1975, p. 3.

<sup>3</sup>

<sup>4</sup>OJ No L 25, 30.1.1976, p. 2.

<sup>5</sup>OJ

<sup>6</sup>OJ

<sup>7</sup>OJ

Article 1 .

The following shall apply from ..... to the States listed in Annex I :

- (a) Articles 2, 3, 4, 9 and 10 of the ACP-EEC Convention of Lomé;  
Protocols Nos 1, 6 and 7 to the Convention;  
The Joint Declaration on fishing activities annexed to the Convention;  
The Declarations by the Community on Article 2 of the Convention (Annex XIV), on Article 3 of the Convention (Annex XV) and on Article 10(2) of the Convention (Annex XVI) annexed to the Final Act of the Convention;
- (b) The provisions contained in Annex II of this Regulation ;
- (c) Council Regulation (EEC) No 706/76 of 30 March 1976 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories<sup>1</sup>;
- (d) Council Regulation (EEC) No 157/76 of 20 January 1976 on the safeguard measures provided for in the ACP-EEC Convention of Lomé<sup>2</sup>;
- (e) Council Regulation (EEC) No 1464/76 of 21 June 1976 on the opening, allocation and administration of a Community tariff quota for the products falling within subheading 22.09 C I of the Common Customs Tariff originating in the ACP States<sup>3</sup>.

Article 2

This Regulation shall enter into force on ..... It shall apply in respect of each of the States listed in the Annex until the entry into force of the Accession Agreement and in any case not later than .....

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

Done at

For the Council

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<sup>1</sup>OJ No L 85, 31.3.1976, p. 2.

<sup>2</sup>OJ No L 18, 27.1.1976, p. 1.

<sup>3</sup>OJ No L 165 of 25.6.76, p. 5

A N N E X I

List of the States to which the Regulation applies:

.....  
.....  
.....

ANNEX II

concerning the transitional arrangements for the issue of certificates of origin

SOLE ARTICLE

Goods which conform to the provisions of Protocol No 1 to the ACP/EEC Convention of Lomé on the concept of "originating" products and which, on the date of entry into force of this Regulation are being transported, or are held in the Community, in a State listed in Annex I, or in an ACP State under temporary warehouse procedure, in bonded warehouses or in free zones (including free ports and free entrepôts) may be allowed to benefit from the provisions of the Agreement, subject to the submission to the Customs authorities of the importing country, within four months of the said date, of :

- (a) a certificate EUR.1 issued retrospectively by the Customs authorities of the exporting State, or
- (b) a certificate of origin issued by the competent authorities of that State,

and, in either case, any documents that provide supporting evidence of direct transport.



FINANCIAL RECORD

for the 1976 Budget

A. PART 1: INTERVENTION APPROPRIATIONS

(for existing and new projects)

1. RELEVANT BUDGET HEADING CODE(S)

(a) Revenue part: Title 1, Chapters 10, 11 and 12

(b) Expenditure part: nil

2. TITLE OF BUDGET HEADING

(a) "Own resources"

(b) -

LEGAL BASIS

Articles 43 and 113 of the EEC Treaty

4. DESCRIPTION, OBJECTIVE(S) AND JUSTIFICATION OF THE PROJECT

(a) Revenue: Reduction in the levies, duties and charges imposed on imports into the territory of the EEC of products exported by Papua New Guinea, Sao Tomé e Príncipe and Cape Verde following the application of this regulation.

(b) Expenditure : no effect

5. APPROPRIATIONS (in u.a.)

5.0 MULTIANNUAL TIMETABLE

Measure applicable throughout the period of validity of the Regulation until the entry into force of Accession Agreement

5.1 PATTERN OF UTILIZATION OF APPROPRIATIONS DURING THE FINANCIAL YEAR NOW BEING PREPARED

Nil

5.2 METHOD OF CALCULATION

Revenue: The reductions in revenue occasioned by the accession of Papua New Guinea, Sao Tomé e Príncipe and Cape Verde are difficult to estimate in advance since their scale will depend on the resulting fluctuations in the volume and value of the EEC's imports. Given the present volume of the EEC's imports from these countries and the nature of the goods concerned, the reductions will in any event be very small. In addition, the special arrangements which apply under Article 116 of the Accession Treaty limit the existing revenue from customs duty to EEC Member States other than UK. Nevertheless, on the basis of imports to the Community from Papua New Guinea in 1975, the loss of revenue can be estimated at 2.400.000 E.U.A. annually.

6. TYPE OF CONTROL TO BE APPLIED

Control arrangements provided for in the Financial Regulation of 25 April 1973.

B. PART 2: ADDITIONAL DATA TO BE PROVIDED FOR A NEW PROJECT<sup>1</sup>

7. TOTAL COST OF THE PROJECT FOR THE WHOLE OF ITS EXPECTED DURATION

The loss of revenue cannot be quantified from the accounting viewpoint at the present stage.

8. INFORMATION REGARDING STAFFING AND THE APPROPRIATIONS FOR ADMINISTRATIVE EXPENDITURE NECESSARY FOR THE IMPLEMENTATION OF THE PROJECT

The project will be carried out with the Commission's existing staff.

9. FINANCING OF THE PROJECT

As regards the "reduction of revenue" part, the cost of the project will be borne by the Community budget.

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<sup>1</sup>The Commission Decision of 28 November 1973 on new budget procedures mentions the need to draw up a "financial memorandum" for each new project, consisting of the two parts of this financial record.