

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93) 555 final

Brussels, 25 November 1993

REPORT FROM THE COMMISSION TO THE COUNCIL

on the implementation of the OCT-EEC trade arrangements
(report referred to in Article 240(2) of Decision 91/482/EEC)

Proposal for a COUNCIL DECISION

amending Council Decision 91/482/EEC of 25 July 1991 on the association
of overseas countries and territories with the European Economic Community

(presented by the Commission)

REPORT FROM THE COMMISSION TO THE COUNCIL
on the implementation of the OCT-EEC trade arrangements
(report referred to in Article 240(2) of Decision 91/482/EEC)

	<u>Page</u>
INTRODUCTION	2
PART 1: ACCESS TO THE COMMUNITY MARKET	4
I. ANALYSIS	4
II. EVALUATION	9
PART 2: TRANSHIPMENT	13
I. ANALYSIS	13
II. EVALUATION	13
PART 3: DEROGATIONS FROM THE RULES OF ORIGIN	15
I. ANALYSIS	15
II. EVALUATION	17
CONCLUSIONS	18
Annex I - Details of the arrangements for the OCT	
Annex II - Council declarations	
Annex III - III.1 Trade balances	
III.2 SITC tables	
III.3 Combined Nomenclature	

Proposal for a Council Decision amending Council Decision 91/482/EEC on the association of overseas countries and territories with the European Economic Community

INTRODUCTION

1. Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community¹ affords all products originating in the OCT free access (with no customs duties, levies or quotas). Before the new Decision on association came into force at the end of September 1991, agricultural products had been covered by preferential arrangements identical to those applying to ACP countries.

This innovative access arrangement brought concessions wider than any previously granted by the Community in its numerous agreements with third countries. It was agreed, along with many of the new aspects of this area, following the lengthy discussions associated with the adoption of the Decision, on a Commission proposal to the Council².

2. The new features of the trade arrangements include:
 - the abolition of import duties and other CAP levies (except those on rum) which used to apply to the OCT and which may still apply to the ACP countries (ACP and OCT arrangements now no longer parallel each other);
 - the changes to the rules of origin brought in by the fourth Lomé Convention;
 - the introduction of transshipment arrangements.

Annex I contains details of these arrangements.

3. Because the concessions were unprecedented, the Council added a review clause to the end of the Decision (Article 240(2)):

"By 31 December 1993, the Council shall have examined, on the basis of a report from the Commission, the implementation of the trade regime mechanisms, in order to review the said mechanisms should examination show that they have failed to fulfil their objective of economic and social development of the OCT, in particular in the light of investment development, or that they have led to deflection of trade."

In addition, a number of declarations were incorporated into the Council minutes, including declarations 3 to 6 on the trade arrangements (see Annex II).

1 OJ L 263, 19.9.1991.

2 COM (90) 387, 25.9.1990.

4. The purpose of this report is to examine the operation of the trade arrangements. The examination has been performed in the following manner:

- (a) by making a statistical analysis of the pattern of trade for each OCT and by checking for links between any variations detected in 1992 and the operation of the new trade concessions (part 1);
- (b) by checking to see whether or not the new transshipment arrangements are being used, and by evaluating their economic effects (part 2);
- (c) by examining the use made of opportunities for derogations from the rules of origin, and by evaluating their economic effects (part 3).

Evaluation of economic effects in the OCT and the Community was guided by the considerations set out by the Council in Article 240(2).

Where warranted, this evaluation puts forward practical changes to the trade arrangements required:

- if the trade mechanisms prove not to have complied with their goal of achieving social and economic development in the OCT;
- if the trade mechanisms have led to deflection of trade which might harm the operation of the internal market.

PART 1
ACCESS TO THE COMMUNITY MARKET

I. ANALYSIS OF ACCESS ARRANGEMENTS

5. First and foremost, it should be borne in mind that all the OCT have a substantial trade deficit with the Community. This structural imbalance, which typifies their economies, is one which the new Decision on association has attempted to tackle (see OCT trade balances in Annex III.1).
6. The statistical analysis of imports into the Community from the OCT covered a period of five to six years. This made it possible to spot variations which occurred after Decision 91/482/EEC came into effect.

The observations which follow begin with an overall description of the pattern of trade, and then highlight significant variations or the appearance of new products. If the operation of the new trade arrangements has anything to do with the changes, this is pointed out.

7. It should be remembered that Eurostat figures make no distinction between imports under the preferential OCT arrangements and those which fall outside them.

Other figures were disregarded because, as subsequent checking demonstrated, they reflected items re-exported rather than produced. This is usual in the case of vehicles or craft (planes, boats, etc.), which are recorded as exports when sold abroad or exported temporarily for repair.

8. The tables for each OCT can be found in Annex III:
 - Annex III.2: SITC data (UN Standard International Trade Classification);
 - Annex III.3: Combined Nomenclature.

Observations and explanations relating to each OCT are grouped by the country of which they are dependencies (UK, France or the Netherlands).

In the case of Greenland, because most of its exports are fisheries-related, no flows of trade specific to the new arrangements were detected.

A. UK territories

9. Anguilla

In contrast to 1991, an enormous increase in overall trade occurred in 1992 (disregarding 1989, when a large quantity of "manufactures" was recorded), though the figures remained modest in absolute terms.

The major reason for this was the dramatic rise in figures for "machines and transport equipment", which accounted for most of the total. More specifically, the category involved is "electronic machinery NES" (ECU 1 224 000).

The "coffee, tea, cocoa, spices" category moreover made a strong showing in the second half of 1991 and the first quarter of 1992.

10. Cayman Islands

In this case too, a sharp increase in total trade occurred because of a rise in figures for "transport equipment", notably in the "other transport equipment" subcategory, which accounted for most of the total (see point 7 above).

"Food" exports, particularly "fish, shellfish and preparations", dropped to approximately half their previous level, after increasing in 1990 and 1991.

Figures for "miscellaneous manufactured goods", however, increased substantially in the second half of 1992. This was the case particularly for "manufactured goods NES".

11. British Virgin Islands and Monserrat

Overall trade, which remained modest, was higher in relative terms in 1992 than in the three preceding years. Chiefly responsible for the increase were "machines and transport equipment", notably "electric machinery NES" (ECU 1 684 000), which also registered an increase in 1992.

Chemicals, which made a minimal appearance before 1992, showed a sharp rise in that year, mainly because of "aromatic oils for perfume-making" (ECU 664 000).

"Food" exports, particularly "fish, shellfish and preparations", declined.

12. Turks and Caicos

Overall trade in 1991, though it remained very modest, did double by comparison with 1990. In 1992 it was eight times the 1991 level.

The cause of the increase was a growth in exports of "miscellaneous manufactured goods", particularly "clothing". This subcategory had already posted an increase in 1991, but the trend did not become pronounced until 1992, and more specifically the first nine months of the year.

It should be pointed out, however, that the statistics relating to imports of "clothing" into the Community (SITC and CN figures alike) are completely at odds with the Turks and Caicos Islands' own figures, in which "textiles and textile articles" do not make a significant showing.

Although it represented a small portion of overall trade, the "manufactures" category was prominent in 1991 and 1992.

13. We conclude, in the light of the products considered (which already had free access to the Community market under previous Decisions on association) and/or the variations detected, that the trade flow changes are unconnected with the new Decision on association.

B. French OCT

14. Mayotte

Overall trade, which is at a very low level, has been relatively stable over the past five years.

Exports of "foods", particularly "coffee, tea, cocoa, spices", had begun to rise in 1991 and increased significantly in 1992.

15. New Caledonia

The rise in overall trade, which peaked in 1989, gave way to a decline, which continued in 1992.

The pattern was due largely to exports of "manufactures", particularly "iron and steel".

Despite the general decline, exports of "fish, shellfish and preparations" increased substantially in 1991 and 1992.

16. French Polynesia

Overall trade continued at a relatively low level in 1991 and 1992. The absolute figures were very low, not even reaching one-tenth of the figures for New Caledonia.

"Food" exports, particularly "fish, shellfish and preparations", have been fairly weak since 1988.

Information gathered on the ground by the Commission departments indicates emerging trends which should be reflected in the 1993 figures for French Polynesia (tropical fruit and flowers, which had largely gained free access by 1991).

17. We conclude that nothing indicates that specific use has been made of the new opportunities offered by the trade arrangements in the latest Decision on association.

C. Netherlands OCT

18. Netherlands Antilles

Overall trade increased substantially in 1991, chiefly thanks to "petroleum and products" and "other transport equipment".

These two categories of exports declined in 1992, reducing the overall trade figures, which none the less remained high by comparison with the 1987 to 1991 average. This occurred mainly because of the sharp increase in "food" exports.

19. The most prominent export subcategory was "cereals and preparations", which, 1991 apart, had been insignificant until the first half of 1992. The value of such exports rose to ECU 18 357 000 during the second half of 1992.

This sum represents exports of rice, divided into 12 245 000 of husked (cargo or brown) rice, and 6 112 000 of "partially or wholly milled rice". The rice in question is grown in ACP countries (Suriname and Guyana), imported into the Netherlands Antilles and re-exported to the Community.

20. Two separate instances of this have occurred:

- rice which had undergone partial milling in the Netherlands Antilles acquired OCT origin on the basis of Articles 6 and 7 of Annex II to the Decision on association, and could be imported free of levies under the new trade arrangements;
- husked rice could not comply with Articles 6 and 7, could not acquire OCT origin and therefore attracted a levy.

21. In quantity terms, there are some extra imports into the Community, since the products in question were traditionally exported directly by Suriname and Guyana under the Lomé Conventions (125 000 t). Decision 91/482/EEC provided easier access for them (160 000 t between October 1992 and October 1993).

22. The "fruit and vegetables" subcategory of exports, also insignificant in the past, rose sharply to a value of ECU 660 000 in the second half of 1992, entirely as a result of exports of "orange juice". Information gathered locally indicated that the consumers of the juice were mainly Dutch expatriates in the Netherlands Antilles.

The figures available do not show whether such imports:

- occurred outside the scope of the preferential arrangements (i.e. with the duty applicable to imports from third countries being charged);
- or were governed by the rules of origin specific to heading ex 2009.⁴

It should be borne in mind that the Netherlands Antilles authorities subsequently (end of January 1993) made a request for a derogation from the rules of origin for orange juice obtained from concentrate imported from third countries. This was then withdrawn (see Part 3, II.C).

23. Aruba

Overall trade increased substantially in 1991, mainly because of exports of "petroleum and products". Exports of "miscellaneous manufactured goods" also increased substantially, chiefly because of the "footwear" subcategory (ECU 417 000). A similar increase occurred with "machines and transport equipment". Significant results were achieved for the first time for "aromatic oils for perfume-making". "Food" exports fell, however, continuing a trend which had begun in 1989, mainly because of the "coffee, tea, cocoa, spices" subcategory.

The trend of the previous years continued in 1992, but the overall level of trade, though still high, was lower than in 1991. Exports of "petroleum and products" and "machines and transport equipment", in particular, declined. The same occurred with "miscellaneous manufactured goods", with the "footwear" subcategory disappearing, though exports of "clothing" increased, as did "aromatic oils for perfume-making".

Another subcategory which made an appearance in 1992 was "rubber manufactures NES".

24. We conclude, in the light of the products considered and the variations detected, that the new features of the Decision on association do not in general seem to have influenced trade flows between Aruba and the Community (industrial goods down in 1992).
25. On the other hand, the variations detected for "cereals and preparations" from the Netherlands Antilles do seem to result from the new trade arrangements. In the past, rice originating in the ACP countries and OCT attracted a 50% levy reduction within a single tariff quota (125 000 t expressed as husked rice), provided that the remaining 50% was paid in the form of an export charge. In practice, the only exports came direct from Suriname and Guyana, since processing in an OCT brought no tariff advantages and in fact entailed extra costs.

⁴ "Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product." (OJ L 263, 19.9.1991, p. 88).

26. The new market access opportunities provided by the abolition of levies on rice originating in the OCT, along with the availability of raw materials which, thanks to the retention of cumulation of origin between ACP and OCT, could be used within the region (see Annex I pp.I.2 and I.4), lay at the root of the new rice exports.

II. EVALUATION OF ACCESS ARRANGEMENTS

27. The observations found above show that in the case of most of the OCT the pattern of trade with the Community and current investment have undergone no significant structural changes attributable to the new trade arrangements adopted in mid-1991.

This situation should be examined in the light of the two criteria set out in Article 240: economic and social development in the OCT (notably investment and employment), and the possibility of deflection of trade.

A. DEVELOPMENT AS AN AIM

28. Firstly, it is impossible to imagine arrangements affording more open access than that already available; secondly, it would seem hasty to conclude from the figures available that the trade arrangements have failed in their aim of securing development and that they should therefore be changed.

It must be considered that:

- (a) The statistics and additional information collected cover only a year and a half, a very short space of time;
- (b) Economic operators are still not familiar with the new opportunities open to them, despite the fact that the authorities of the territories and the Commission delegates have distributed the legislation, and despite the fact that seminars have been held locally.⁵
- (c) Investment decisions for new exports are often a long time in coming, particularly during a worldwide recession.

⁵ At the request of the OCT authorities, seminars on the new Decision on association were conducted (with representatives of the Commission in attendance) from September 1991 in the Netherlands Antilles and Aruba, and in July 1992 in New Caledonia and French Polynesia. A third seminar has been scheduled for November 1993 for the five UK OCT and the two Dutch OCT in the Caribbean.

29. The only significant example of the new arrangements being put to use (rice in the Netherlands Antilles) does in fact demonstrate that they are amply suited to promoting economic and social development in the OCT. According to material received from the Office of the Permanent Representative of the Netherlands, two firms (in Bonaire and Curaçao) process husked rice into partially milled rice:

- the effect on employment (total population approx. 200 000) has been 120 jobs (direct and indirect) in Bonaire, and 155 jobs in Curaçao;
- investment under way or planned for 1993 is USD 1 330 000 (in the case of Bonaire) and USD 4 410 000 (in the case of Curaçao), with USD 2 800 000-worth already complete (January 1993 figures);
- over time, the capital generated by this industry could have a substantial effect on the development of the territory if it is used in local production.

B. DEFLECTION OF TRADE

30. Although the observations above indicate that the new trade arrangements have contributed to development in one OCT, the same example demonstrates that the new flow of levy-free imports which has arisen has disrupted part of the agricultural market in the Community. As a result, the Commission was forced to adopt safeguard measures (under Article 109 and Annex IV to the Decision on association). It later relaxed the measures as a result of market trends, then repealed them.⁶

31. Looking at the case, it becomes apparent that this disturbance of the market can be attributed to the fact that levy-free access allows products into the Community at prices below the prices which the Community guarantees to producers, whereas the annual fixing of common prices by the Council is what enables the aims of the common agricultural policy to be achieved.

Not applying the levy consequently threatens to create a clash between two Community policies: development policy and the common agricultural policy.

32. These imports have also had consequences for the Community processing industry. OCT exports of rice grown in Suriname and Guyana have changed Community importers' traditional lines of supply, and some of them no longer have access to their usual sources.

⁶ Decision 93/127/EEC, OJ L 50, 2.3.1993, p.27.

Decision 93/211/EEC, OJ L 90, 14.4.1993, p.36.

Decision 93/356/EEC, OJ L 147, 18.6.1993, p.28.

The Netherlands Government and a number of operators have, however, made legal appeals against the Commission decisions (cases C-265/93, C-271/93 and C-281/93, OJ C 171, 22.6.1993, pp. 10, 11 & 12). Case C-265/93 was later withdrawn by the Netherlands Government.

The relatively low yield of partially milled rice from the OCT, rice which is not at present exported in the form of wholly milled rice, though this is technically entirely possible, has meant that there has so far been no drop in processing contracts for the Community industry as a whole, it has only resulted in transfers of internal orders.

33. There have, moreover, been no imports of Netherlands Antilles rice into the Overseas Departments, so there has been no disruption of the latter's markets, which, being so small, would be particularly vulnerable. It therefore seems that the spirit of Council and Commission declaration No 4 (see Annex II) has been adhered to.

C. POSSIBLE ADJUSTMENTS

34. The current arrangements already include a method of preventing disruption of the Community market, in the form of the safeguard clause (Article 109 of the Decision).

Its role as a special provision for use in a temporary crisis means, however, that it is designed to cope with emergencies, and not a deep-seated conflict between two Community policies. Furthermore, it cannot easily coexist with the need for stability and predictability demanded by successful development of trade.

As a consequence, provision should be made for the current arrangements to be added to.

35. There are a number of options for solving the clash between development policy for the OCT and the common agricultural policy:

(a) Abolishing ACP-OCT cumulation

In the case which gave rise to the clash in question, the root of the problem was the use of the ACP-OCT cumulation rule. The clash could be resolved by eliminating this opportunity for cumulation, and it is accurate to say that the facility had always been intended for use by partners with identical arrangements for access to the Community market.

Getting rid of cumulation would provide only a partial solution to the underlying problem, since it would leave open the issue of products grown in an OCT. Solutions with a more general scope therefore need to be found.

(b) Applying levies across the board

This would be much more restrictive than the previous preferential arrangements, which had not caused any disruption of the market. It would also be the situation which exists for third countries, something which would run counter to the very principle of the OCT association.

(c) Use of a reduced levy

Applying a reduced levy, possibly in combination with quantitative limits, to sensitive agricultural products from the OCT could ensure simultaneously that the objectives of the CAP were not harmed and that there was a degree of preference by comparison with the full levy to which third countries were subject.

This option holds substantial disadvantages, however. It would mean going back on the Decision's principle of exemption from all import charges.

- (d) Introducing (under certain circumstances) reference prices for CAP products to which guaranteed prices apply

Regular monitoring of trade in the products in question takes place within the framework of the partnership referred to in Article 235 of the Decision.

If there is a threat of disruption of trade in such products between the OCT and the Community, and the Commission accordingly considers steps to avert that threat, the partnership arrangements dictate that the Commission's draft measures must be discussed in special prior consultations.

This option would be compatible both with the aims of the CAP (by ensuring price stability on the market) and with the aims of development policy (by providing OCT exporters with stable, predictable and advantageous market-access conditions).

The Commission accordingly proposes this option.

PART 2
TRANSHIPMENT

I. ANALYSIS OF THE TRANSHIPMENT SITUATION

36. The details of this new element of the trade arrangements can be found in Annex I.

Transactions of this kind do not appear, and have no reason to appear, in the figures for imports into the Community originating in the OCT. A product "transhipped in the unaltered state" in an OCT will, for statistical purposes, continue to appear in the figures relating to the third country in which it originated.

For this reason, the Commission delegations in the OCT sought information from the latter's customs authorities, which were in the best position to tell whether or not the transhipment procedure had been used.

37. The only example found was that of shoes originating in Venezuela, transhipped in Curaçao (Netherlands Antilles) and imported into the United Kingdom.

In 1991 (according to SITC figures), shoes worth ECU 291 000 were imported into the Community. This dropped to ECU 4 000 in 1992, when transhipment was first used for shoes.

38. It is interesting to note that imports of shoes from nearby Aruba had been at a particularly high level in 1991, only to "disappear" in 1992 (see Part 1, I.C above).

It is possible, though not provable, that use may have been made of the new transhipment arrangements in Aruba as well, and that shoes were therefore no longer recorded in the figures. The likelihood of this having happened is great, given that this phenomenon occurred for the same item in the same year (1992) and within a small geographical area (Netherlands Antilles and Aruba).

II. EVALUATION OF THE TRANSHIPMENT SITUATION

39. The only case detected seems to be compatible with the aim of promoting economic and social development in the OCT, though its effects are still limited.

The main benefit was probably a transfer of revenue from the Community budget to that of the Netherlands Antilles, as the customs duties would have been paid to the latter (maximum CCT rate for shoes - code 6404 - is 20%).

In addition, the goods will have generated income for the port authorities and for the shipping lines or airlines plying the route between Curaçao and the Community rather than the direct route from Venezuela.

It should be remembered that all the OCT have a substantial trade deficit with the Community (see Annex III.1). For this reason, it is customary for "return freight" to be cheap, and this is a possible explanation for the advantage of using transshipment and making use of the available cargo space to export products originating in the OCT.

40. The risk of deflection of trade is covered by the arrangements themselves, since the customs tariff must be collected in the OCT and this fact proven by the EXP certificate established for that purpose and found in Annex III to Decision 91/482/EEC.
41. In conclusion, the principle of the two objectives seems to have been adhered to, and the experience of a single case is not sufficient to justify changing the arrangements.

PART 3
DEROGATIONS FROM THE RULES OF ORIGIN

I. ANALYSIS OF THE DEROGATION PROCEDURE

42. Under Article 30 of Annex II to the Decision, applications may be made for temporary derogations to allow products which do not comply with the origin rules preferential treatment in order to encourage new investment in the OCT. The derogation procedure is based on two principles:

- that of promoting production, investment and employment in the OCT;
- that of preventing serious injury to Community industry.

Details of the main improvements introduced by Decision 91/482/EEC with regard to automatic derogations can be found in Annex I.

Only the Netherlands Antilles have so far used the derogation procedure. Since Decision 91/482/EEC entered into force, the following requests have been received:

A. Pullovers

43. On 24 March 1992, the Commission adopted a Decision derogating from the definition of the concept of originating products for ladies' knitted pullovers.⁷

The Government of the Netherlands Antilles had sought this derogation for pullovers made up from non-originating pieces of knitted fabric, a process which did not comply with the rules of origin applying to clothing or with Annex II of the Decision on association.

The aim of the derogation is to promote the establishment of a textile industry in the Netherlands Antilles and lead to a large-scale programme of investment, without, however, causing serious injury to Community industry.

The effect of the derogation would be a diversification of the local economy and a reduction of the high unemployment rate. It covers a limited quantity and will remain in force for three years, with a possible two-year extension.

44. The request made by the Kingdom of the Netherlands indicates that the initial phase of production would create approximately forty jobs.
The financial value of the investment is not known, however.

⁷ Decision 92/197/EEC, OJ L 88, 3.4.1992, p.63.

45. Two new features introduced by Decision 91/482/EEC had a positive effect in connection with the request for a derogation for pullovers: that the derogation would be granted automatically if the quantities in question did not exceed 1% of imports into the Community, and that a decision would be taken within sixty days of the request being submitted (Article 30(7) and 30(8)).

B. Videocassettes

46. On 6 November 1992, the Commission turned down the Netherlands Antilles' request for a derogation from the definition of the concept of originating products for pre-recorded videocassettes⁸ on the grounds that the conditions for a derogation had not been met.

The Kingdom of the Netherlands sought to have the Commission's refusal overturned, primarily on procedural grounds (failure to produce a decision within sixty days).⁹

47. The refusal was justified by the sensitive nature of the product and the considerable quantities involved, and based on the new wording of Article 30(1), which explicitly refers to the risk of serious injury to the Community industry as grounds for refusal.
48. Also considered was the small contribution which this operation was expected to make to economic development: the approximate forecasts were 49 jobs and USD 5 million of investment.

It was furthermore not established that the rules of origin could be complied with over the longer term.

49. These two criteria are taken in conjunction with those set out by the Council in Article 240(2) of the Decision on association.

C. Orange juice

50. By letter of 20 January 1993, the Government of the Netherlands Antilles requested a derogation for exports of orange juice made from frozen juice concentrate produced in third countries.

By letter dated 8 February, the Office of the Permanent Representative of the Netherlands asked that the Committee on Origin's vote on the matter be postponed, on the grounds that all the details needed for the case to be considered were not available.

The case has since been closed. Any further material submitted by the Netherlands Antilles will be treated as a new request.

⁸ Commission Decision C(92)2655 (final).

⁹ Case C-430/92, recorded by the Court of Justice on 23 December 1992.

II. EVALUATION OF THE DEROGATION PROCEDURE

51. The policy of granting automatic derogations for limited quantities helped to push through the decision to invest in an OCT (the case of the pullovers), without giving rise to any discernable negative change in the Community's foreign trade.
52. Thanks to case-by-case examination and the precautions included in the current rules, notably the reference to serious injury to Community producers, no deflection of trade has been detected.

In the case of the pullovers the risks were considered minimal in the light of the small quantity involved and the short duration of the derogation.

53. The introduction of the Management Committee procedure to handle derogations went smoothly, and in fact simplified administrative matters without endangering examination of the cases.
54. We would conclude that the new features relating to derogations have served the aims set out, and that no changes are necessary.

CONCLUSIONS

55. As Article 240(2) of the Decision on association states, this report is intended to enable the Council, by 31 December 1993, to assess, on the basis of the two fundamental criteria for analysis, the need for any review of the mechanisms of the new trade arrangements.

Against this background, and in the light of the analysis set out above, the Commission considers:

- that the trade arrangements adopted in mid-1991 should be retained to enable what are still new mechanisms to continue operating and thus further the development aims of the association between the OCT and the Community;
- that there is a fundamental clash between two Community policies arising from the fact that free access is being given to products originating in the OCT which would, in the Community, be governed by market organizations.

56. The Community accordingly proposes to introduce a special procedure for CAP products afforded free access if they come from the OCT but admitted under other arrangements if governed by the Lomé Convention.

Under this procedure, the council would allow the Commission to establish reference prices for imports of OCT products of this type, setting them at a level which was compatible with the aims of the CAP but which also afforded the OCT the opportunity to export.

Once reform of the Common Agricultural Policy is completed and the results of the multilateral trade negotiations are known, implementation of the trade arrangements for agricultural products should, and indeed must, be examined.

57. The Commission would like to take advantage of the submission of this report to the Council to clarify the wording of Article 101(1) of the Decision on association.

The amendment would be timely in view of the entry into force of the new Community Customs Code on 1 January 1994,¹⁰ particularly Article 4(10), which defines import duties:

"(10) 'Import duties' means:

- customs duties and charges having an effect equivalent to customs duties payable on the importation of goods,
- agricultural levies and other import charges introduced under the common agricultural policy or under the specific arrangements applicable to certain goods resulting from the processing of agricultural products."

¹⁰ Council Regulation (EEC) No 2913/92 of 12 October 1992: OJ L 302, 19.10.1992.

By contrast, Article 101(1) of Decision 91/482/EEC refers only to exemption from "customs duties and charges having equivalent effect": incorporating the new definition would bring the Community texts into line, since it is clear that the free access which the Council has granted to the OCT includes exemption from CAP charges.

* *
*

New trade arrangementsTrade arrangements prior to 1991

Under Decision 86/283/EEC on the association of the OCT with the EC,¹ which preceded Decision 91/482/EEC, the trade arrangements were the same as those in the third Lomé Convention:

(a) exemption from customs duties for imports of:

- industrial products originating in the OCT, with the exception of rum, which was subject to a tariff quota until 31 December 1995;
- agricultural products whose importation was not subject to any Community measure other than customs duty;

(b) for imports of other agricultural products, treatment more favourable than that accorded to third countries, but not total relief (e.g. reduced levy, see Regulation (EEC) No 715/90);²

(c) the above arrangements applied to products complying with rules of origin (see Annex II) identical to those in Protocol No 1 to Lomé III.

As the trade provisions and origin rules were the same, cumulation was always allowed for the ACP and OCT together.

The ACP/OCT rules of origin are summarized on pp. 3 et seq. of this Annex.

Trade arrangements since 1991

Decision 91/482/EEC introduced a number of new features which brought an end to this symmetry in treatment:

1 OJ No L 175, 1.7.1986.

2 OJ No L 84, 30.3.1990.

(a) Duty-free access (Article 101(1))

Under Article 101(1), all products originating in the OCT, including those subject to preferential duties under Lomé IV, are allowed duty-free access to the Community market.

The sole exception is rum, which continues to be subject to the annual quota until 31 December 1995 (Article 111 and Annex V).

(b) Rules of origin (Annex II)

The rules of origin incorporate the Lomé IV improvements (relaxation of added-value percentage rules, chartering of fishing vessels, increase in value tolerance from 5% to 10%, improved derogation procedure), plus two new criteria allowing automatic derogations in the case of:

- products which are not sensitive for the Community, and
- products which are sensitive, provided the derogation would not apply to a quantity exceeding 1% of Community imports (Article 30(7)(b)).

Although there is no longer total ACP/OCT symmetry, note that the cumulation rules still apply, subject to an amendment excluding the simplest forms of working (Articles 6 and 7).

(c) Transshipment (Article 101(2) and (3) and Annex III)

Article 101(2) allows duty-free access for third-country products not originating in the OCT which are re-exported from the OCT in the unaltered state, provided duties equivalent to or greater than the Community duties were paid on them when they were admitted to the OCT.

Article 101(3), however, stipulates that these provisions do not apply to:

- products subject to the CAP or certain goods resulting from the processing of agricultural products;
- products subject to quantitative restrictions or limitations on import into the Community;
- products subject to anti-dumping duties on import into the Community.

There is no comparable provision in any of the Community's other preferential arrangements, which relate purely to products originating in the territories concerned. In this case, the provision is more like those found in the context of a customs union.

SUMMARY OF OCT RULES OF ORIGIN

(Annex II to Decision 91/482/EEC)

The purpose of the rules of origin is to ensure that the preferential arrangements provided for in the Decision benefit the OCT for whom they are intended, and are not abused by third countries.

The rules are based on the following principles:

1. Wholly-obtained products

Products wholly obtained in the OCT, i.e. not incorporating imported raw materials, parts or components, are always regarded as originating in the country or territory concerned, e.g. unprocessed plant products or minerals (Article 2).

Electricity, fuel, plant and equipment etc. used in manufacture do not affect the origin of the manufactured products, irrespective of their own origin (Article 4).

Special rules are laid down for fishery products, depending on whether catches are taken in OCT territorial waters or on the high seas and depending on adherence to the conditions concerning vessels (Article 2(2), (3) and (4)).

2. Minimum working or processing

Third-country products which undergo only certain minor types of working or processing in the OCT, such as changes of packaging, mixing, assembly etc., exhaustively listed in Article 3(3), are never regarded as originating products, except possibly in the context of the cumulation rules (see point 3.3).

3. Sufficient working or processing

Products manufactured from third-country materials may acquire originating status provided the inputs are sufficiently worked or processed in the OCT, the ACP States, or the Community.

3.1 Change of heading rule

A product is generally deemed to have been sufficiently worked or processed if it is classified under a different four-digit tariff heading from any of the imported raw materials used in its manufacture (the change-of-heading rule) - (Article 3(1)).

3.2 Listed products (special rules)

However, since the structure of the customs tariff was not primarily devised for the purposes of the origin rules, a list of exceptions to the change-of-heading rule has been drawn up (Article 3(2)). These special rules may impose criteria in addition to the change of heading (e.g. a minimum value-added percentage) or set a less stringent condition.

The list is set out in Annex II to the Decision. To apply the rules it contains it may therefore be necessary to know not only the tariff classification but also the value (a) of the imported raw materials and (b) of the finished product.

3.3 Cumulation

Raw materials wholly obtained in any OCT, ACP State or in the Community and all working or processing of third-country materials carried out in any of these places count towards the establishment of originating status.

Note that goods of ACP origin will obtain OCT originating status if they undergo working or processing in the OCT in excess of the minor operations referred to in Article 3(3) - see point 2.

Otherwise, the goods retain their ACP origin and Lomé Convention treatment will be applicable.

3.4 Value tolerance

Products not strictly satisfying the rules in the Annex may qualify for an additional 10% tolerance as to the value of the third-country materials used unless the product is already subject to a value-added percentage rule in the list (Article 5).

4. Documentation

Originating products must be accompanied by a EUR 1 movement certificate endorsed by the competent customs authorities of the exporting country. The certificate must bear an official stamp, notified to the Commission in advance (Articles 12-20 and 25).

Simplified procedures are applicable in some cases to low-value consignments.

Importing countries can request verification of EUR 1 certificates presented to them, particularly in cases where they have grounds for believing that they have been falsified or wrongly issued.

5. Direct transport

As a rule goods must be transported direct, i.e. under cover of a single transport document, from the OCT of origin to the Community. This is in order to prevent substitution or tampering in third countries.

Exceptions to this rule are allowed provided goods remain under customs supervision in the third country of transit.

6. Derogations

The Decision incorporates an undertaking by the Community to grant temporary derogations to the origin rules provided these are not detrimental to its own industries and that requests are properly supported by objective, development-based criteria.

In this connection the effect on new investment, level of development, geographical situation and use of materials from other developing countries will all be taken into consideration (Article 30).

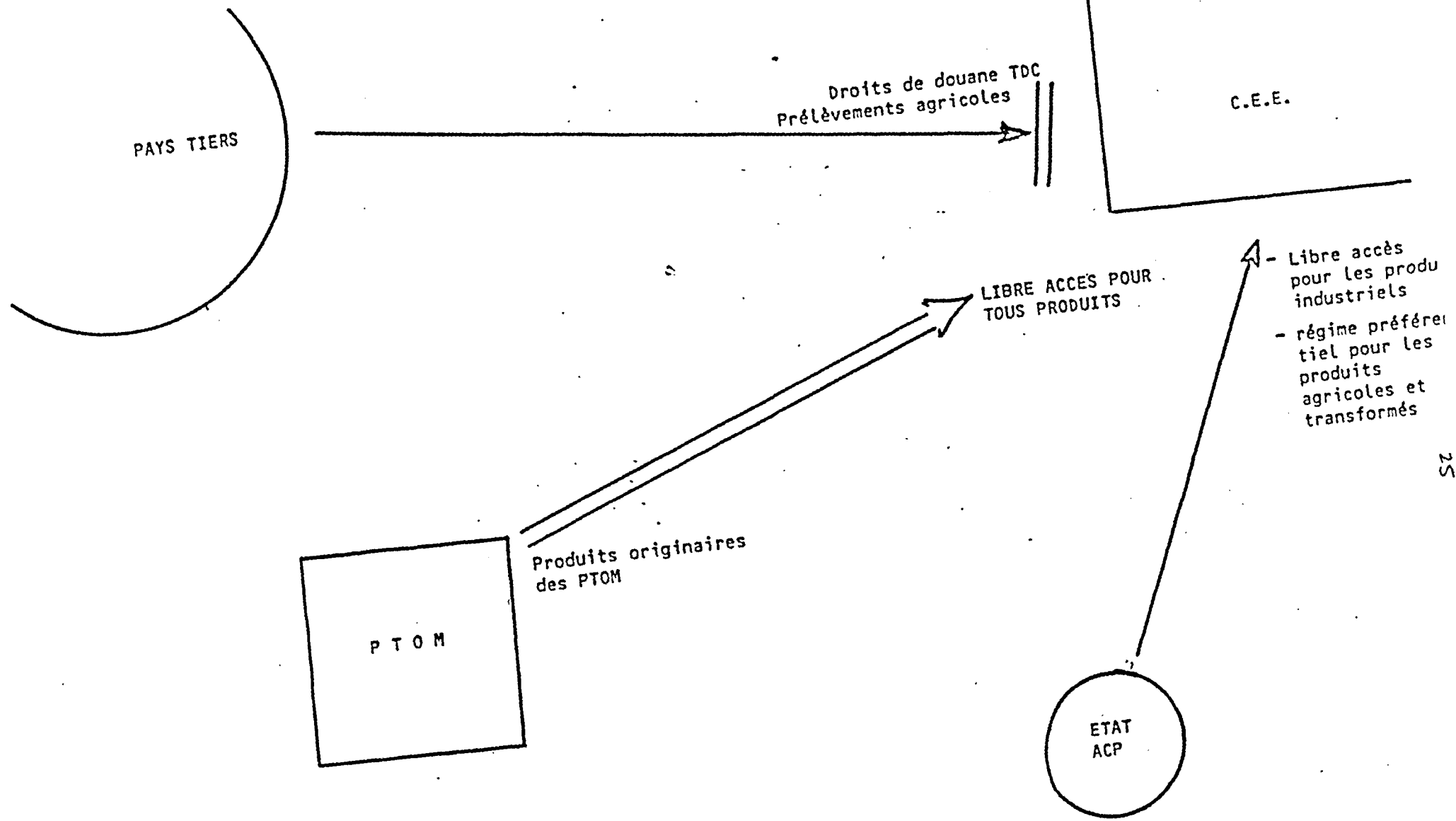
In some cases derogations will be granted automatically under Article 30(7)(b) and (c), namely:

- (a) in respect of products not identified as sensitive in the context of the GSP (i.e. subject to quota or excluded from GSP);
- (b) where the quantity of sensitive products or materials would not exceed 1% of Community imports in those categories,

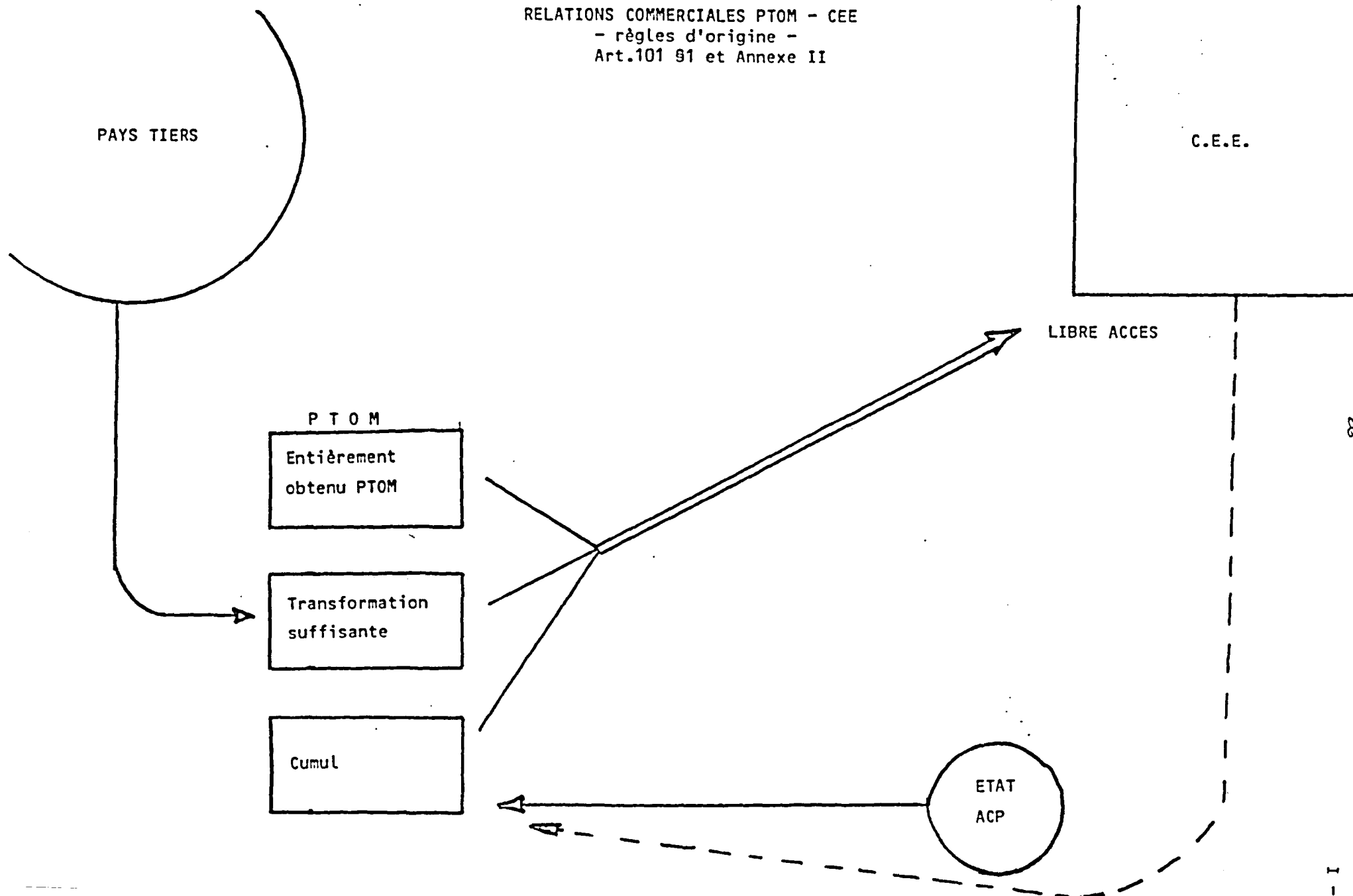
and provided that the working or processing carried out in the OCT is in excess of the minimum operations listed in Article 3(3) - see point 2.

Requests are deemed to have been accepted if a decision is not taken within sixty working days of their receipt by the Commission. The decision-making procedure is laid down in Decision 90/523/EEC.

RELATIONS COMMERCIALES PTOM - CEE



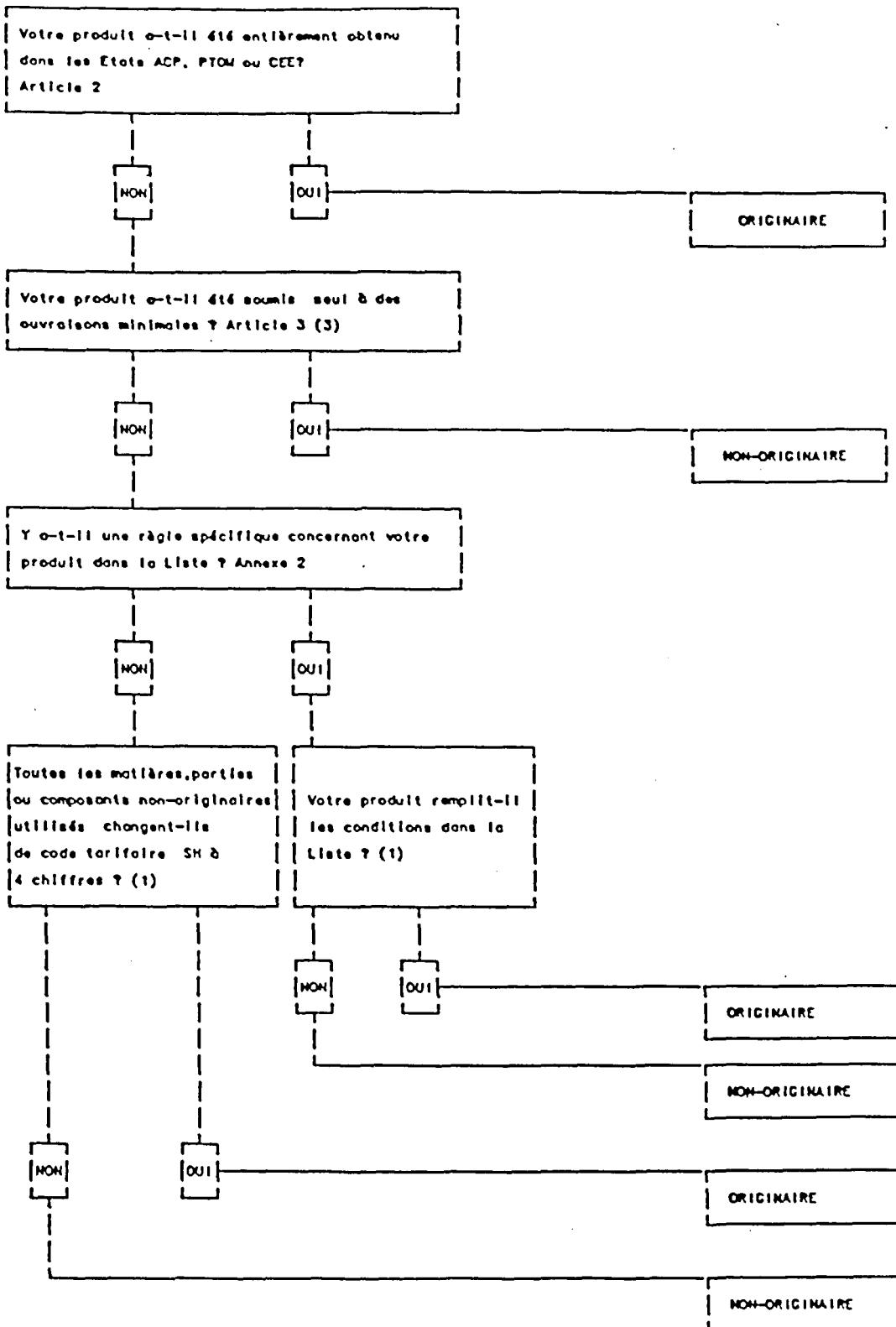
RELATIONS COMMERCIALES PTOM - CEE
- règles d'origine -
Art.101 91 et Annexe II



DECISION PTOM

ARBRE LOGIQUE POUR DETERMINER SI UN PRODUIT PEUT ETRE CONSIDERE COMME ORIGINAIRE

AU MAXIMUM 4 QUESTIONS PEUVENT ETRE NECESSAIRES POUR DETERMINER LE STATUT D'UN PRODUIT



(1) Eventuellement grâce à la tolérance de 10 % en valeur de l'Article 5

Annexe IIDECLARATIONS
INSCRITES AU PROCES-VERBAL DU CONSEIL,
du 25 Juillet 1991⁽¹⁾3. Déclaration du Conseil et de la Commission

La nature spécifique du régime commercial appliqué aux PTOM résulte des relations particulières entre la Communauté et ces PTOM, fondées sur les dispositions du Traité de Rome et en particulier de sa quatrième partie. Ce régime ne peut dès lors être considéré comme un précédent pour des pays tiers.

4. Déclaration du Conseil et de la Commission

Le régime commercial associant les PTOM aux Communautés européennes ne placera pas les produits d'une ou plusieurs régions ultrapériphériques de la Communauté dans une situation moins favorable que celle existant pour les produits des PTOM.

5. Déclaration du Conseil et de la Commission

Les nouveaux mécanismes du régime commercial convenus dans le cadre de la décision d'association feront l'objet, eu égard à leurs complexités, d'un examen avant le 31 décembre 1993, selon les procédures et objectifs précisés à l'article 240 paragraphe 1 bis.

Pour la réalisation de ce rapport, la Commission devra être en possession de toutes les données statistiques nécessaires pour les 20 PTOM considérés, données qui s'avèrent actuellement manquantes, notamment quant aux quantités et valeurs des produits importés dans la Communauté au titre de l'article 101 paragraphe 1 et 101 paragraphe 2, et aux investissements réalisés dans les PTOM.

Les Etats membres dont relèvent des PTOM mettront tout en oeuvre pour que les autorités concernées fournissent les données ad hoc qui leur seront demandées par la Commission.

6. Déclaration de la Commission ad article 101, paragraphe 3, deuxième tiret

Les termes "restrictions ou limitations quantitatives" se réfèrent aux restrictions quantitatives qui résultent des accords, des arrangements d'auto-limitation ainsi que des mesures autonomes applicables aux produits des pays tiers à l'importation dans la Communauté.

(1) Doc. 7557/91 Restreint PTOM 56/FIN 268, du 22.07.1991.

Annexe IIISTATISTIQUES DU COMMERCE PTOM/CEE

III.1	Balance commerciale
III.2	Importations CEE CTCl
III.3	Importations CEE N.C.

Les constats sont basés sur les statistiques CTCl, permettant de voir directement la correspondance des chiffres avec le produit, catégorie et sous-catégorie (cf. Annexe III.2).

De plus, sont représentées également les importations principales par produit (à 2 chiffres) afin de permettre une confirmation, selon la méthode de la nomenclature combinée (Eurostat), avec 1992 comme année de référence (cf. Annexe III.3).

BALANCE COMMERCIALECommerce total entre les neuf PTOM étudiés et la CEE (voir partie I)

Les données proviennent du système CTCl et sont présentées pour les trois dernières années.

IMP. : Importations dans la CEE en provenance du PTOM
 EXP. : exportations de la CEE vers le PTOM
 B.C. : balance commerciale.

Importations communautaires en provenance des PTOM
 et
exportations communautaires vers les PTOM

	(x 1000 Ecus)		
	<u>1990</u>	<u>1991</u>	<u>1992</u>
Anguilla			
Imp	427	118	1.380
Exp	5.739	4.792	2.631
BC Ptom	- 5.306	- 4.674	- 1.251
Iles Cayman			
Imp	9.582	12.617	53.687
Exp	35.141	37.788	152.951
BC Ptom	- 25.559	- 25.171	- 99.264
Iles Vierges britanniques + Montserrat			
Imp	2.575	1.826	3.185
Exp	17.005	37.563	24.301
BC Ptom	- 14.430	- 35.737	- 21.116

Importations communautaires en provenance des PTOM
et
exportations communautaires vers les PTOM

(x 1000 Ecus)

	<u>1990</u>	<u>1991</u>	<u>1992</u>
Iles Turks et Caicos			
Imp	311	670	5.487
Exp	6.492	4.875	4.179
BC Ptom	- 6.181	- 4.205	+ 1.308
Mayotte			
Imp	2.607	2.660	2.640
Exp	26.426	31.593	34.782
BC Ptom	- 23.819	- 28.933	- 32.142
Nouvelle Calédonie			
Imp	185.354	179.618	161.181
Exp	408.304	391.459	373.687
BC Ptom	-222.950	-211.841	-212.506
Polynésie française			
Imp	14.643	9.174	9.430
Exp	314.677	274.433	300.515
BC Ptom	-300.034	-265.259	-291.085
Antilles néerlandaises			
Imp	55.430	152.233	120.939
Exp	297.332	284.177	253.090
BC Ptom	-241.902	-131.944	-132.151
Aruba			
Imp	2.726	18.097	13.982
Exp	75.711	73.883	90.041
BC Ptom	- 72.985	- 55.786	- 76.059

ANGUILLA

(1000écus)

Année	Commerce total (CT)	Machines + matériel transport	Café, thé, cacao, épices
-----	-----	-----	-----
1987	285	11	-
1988	506	373	-
1989	2.060	17	-
1990	427	79	16
1991	118	30	65
1992	1.380	1.233	85

CAYMAN

(1000écus)

Année	Commerce total (CT)	Machines + matériel transport	Produits alimentaires	Articles manufacturés divers
-----	-----	-----	-----	-----
1987	4.680	1.831	1.858	152
1988	16.305	11.369	1.952	19
1989	17.372	7.046	4.872	46
1990	9.582	201	8.607	46
1991	12.617	1.182	7.708	98
1992	53.687	47.530	4.456	948

33

III-5

ILES VIERGES BRITANNIQUES + MONTSERRAT

(1000écus)

Année	Commerce total (CT)	Produits chimiques	Machines + matériel transport	Produits alimentaires
-----	-----	-----	-----	-----
1987	973	28	186	-
1988	6.373	2	647	121
1989	2.686	0	994	424
1990	2.575	122	704	25
1991	1.826	61	909	256
1992	3.185	677	2.072	7

34

III-6

TURKS & CAICOS

(1000écus)

Année	Commerce total (CT)	Articles manufacturés	Machines + matériel transport	Articles manufacturés divers	Vêtements
	-----	-----	-----	-----	-----
1987	152	34	31	18	1
1988	218	71	28	58	9
1989	224	21	20	45	-
1990	311	31	193	25	-
1991	670	203	207	197	180
1992	5.487	136	1.498	3.707	3.704

35

III-7

MAYOTTE

(1000écus)

Année	Commerce total	Café, thé
	(CT)	cacao, épices
-----	-----	-----
1987	2.157	265
1988	2.526	320
1989	2.081	347
1990	2.607	253
1991	2.660	463
1992	2.640	819

NOUVELLE-CALEDONIE

(1000écus)

Année	Commerce total	Fer et acier	Poissons	Machines et matériel de transport
-----	-----	-----	-----	-----
1987	83.091	60.611	-	806
1988	245.600	182.498	95	1.576
1989	327.086	234.997	134	1.498
1990	185.354	112.114	494	16.533
1991	179.618	123.120	1.797	2.635
1992	161.181	109.881	1.785	7.331

ts

6-III
9

POLYNESIE FRANCAISE

(1000écus)

Année	Commerce total	Produits alimentaires	Machines et matériel de transport
-----	-----	-----	-----
1987	18.865	1.705	11.318
1988	9.661	553	2.570
1989	16.706	229	9.349
1990	14.643	509	3.361
1991	9.174	309	476
1992	9.430	223	2.572

35

III-10

ANTILLES NEERLANDAISES

(1000écus)

Année	Commerce total (CT)	Pétrole	Machines	Produits	Céréales	Légumes
		+ dérivés	+ matériel transport	alimentaires	+ préparations	+ fruits
1987	43.631	31.006	3.741	1.556	-	6
1988	60.842	33.647	21.148	647	-	7
1989	92.584	75.837	5.911	2.912	1.067	-
1990	55.430	39.479	5.764	746	6	60
1991	152.233	111.898	32.526	1.133	11	13
1992	120.939	87.391	7.079	20.093	18.365	660

39

ARUBA

(1000écus)

Année	Commerce total (CT)	Pétrole + dérivés	Articles manufacturés divers	Chaussures	Vêtements	Machines + matériel transp.	Produits alimentaires	Café, thé cacao, épices
1987	12.291	9.461	113	-	73	112	1.805	1.774
1988	5.790	88	237	117	2	217	1.517	1.482
1989	4.057	223	115	33	23	385	2.776	2.558
1990	2.726	-	67	7	23	304	398	384
1991	18.097	14.381	599	417	71	807	147	39
1992	13.982	12.333	291	-	122	291	169	10

of

Année	Huiles aromatiques pour parfumerie	Caoutchouc manufacturé N.D.A.
-----	-----	-----
1987	3	4
1988	-	-
1989	-	-
1990	5	-
1991	165	15
1992	403	173

Regime statistique 4 Année Base 1992 NON.COM.	EUR				S de Anguilla		Unites = VALEUR (000 ECU)
	1988	1989	1990	1991	1992	1992	
95	14	15	2	41	1229		
09	0	0	16	149	85		
22	0	1	0	6	25		
08	0	0	0	16	14		
06	0	0	2	0	6		
46	4	0	0	0	6		
84	29	1	67	48	5		
62	28	0	1	3	1		
55	0	0	0	0	1		

Source: Eurostat - COMEXT

EUR S de Anguilla

Unites = QUANTITE (000 KG)

Regime statistique 4

Annee Base 1992

NOM.COM.

	1988	1989	1990	1991	1992
65	0	1	0	2	0
09	0	0	3	168	0
22	0	0	0	2	42
06	0	0	0	33	40
06	0	0	0	0	2
48	1	0	0	0	14
64	0	0	1	147	0
62	0	0	0	0	0
55	0	0	0	0	0

Source: Eurostat - COMEXT

IMPORTATIONS PAR PRODUIT ET PERIODE

Eurostat-C 23/06/1993

		EUR S de Iles Cayman				
		Unites = VALEUR (000 ECU)				
Regime statistique 4						
Annee Base 1992						
NOM.COM.	1983	1989	1990	1991	1992	
89	10468	6994	82	633	40308	
88	0	0	0	0	7222	
03	1950	4226	8496	7592	4445	
97	0	6	0	0	907	
32	0	4	0	0	113	
25	0	0	0	0	61	
84	501	26	3	50	60	
76	0	0	0	0	43	
38	0	0	7	5	42	
15	5	11	0	0	36	
90	10	35	43	59	36	

Source: Eurostat - COMEXT

44

IMPORTATIONS PAR PRODUIT ET PERIODE

Eurostat-C

23/06/1993

	EUR		S de Iles Cayman		
	Unites = QUANTITE (000 KG)				
Regime statistique 4 Annee Base 1992 NOM.COM.	1988	1989	1990	1991	1992
89	9379	277	4123	15	23129
88	0	0	0	5	21
03	1675	3615	6740	4536	1246
97	0	0	0	0	3
32	0	1	0	0	7
25	0	0	0	0	51
84	34	12	1	1	2
76	0	0	0	0	10
38	0	0	0	0	1
15	0	9	0	0	100
90	0	0	0	0	0

Source: Eurostat - COMEXT

45

EUR S de I.Vierge Br.

Unites = VALEUR (000 ECU)

Regime statistique 4	1988	1989	1990	1991	1992
Année Base 1992					
NON.COM.					
85	74	62	282	230	1853
33	0	0	0	0	664
89	354	533	0	457	181
97	10	24	43	260	171
73	30	7	0	0	47
84	217	251	265	158	39
14	0	0	0	0	14
22	353	325	537	137	13
31	0	0	0	0	9
90	2	54	390	6	9

Source: Eurostat - COMEXT

Regime statistique 4 Année Base 1992 NOM.COM.	EUR		S de I.Vierge Br.		Unites = QUANTITE (000 KG)	
	1988	1989	1990	1991	1992	
85	1	1	4	1	2	
33	0	0	0	0	7	
89	43	44	0	32	22	
97	0	0	0	0	0	
73	10	0	0	0	7	
84	17	67	3	9	2	
14	0	0	0	0	3	
22	51	52	90	26	2	
31	0	0	0	0	1	
90	1	0	0	0	0	

Source: Eurostat - COMEXT

IMPORTATIONS PAR PRODUIT ET PERIODE

Eurostat-C

23/06/1993

	EUR S de Turks, Caicos				
	Unites = VALEUR (000 ECU)				
Regime statistique 4 Annee Base 1992 NOM.COM.	1988	1989	1990	1991	1992
62	0	0	0	129	3561
84	5	4	66	96	1447
42	0	0	0	4	115
03	0	0	0	11	92
40	0	0	0	104	52
71	0	1	0	0	34
82	0	5	5	8	29
61	9	0	0	48	28
87	0	0	0	57	26
85	23	16	131	56	25

Source: Eurostat - COMEXT

IMPORTATIONS PAR PRODUIT ET PERIODE

Eurostat-C 23/06/1993

	EUR		S de Turks,Caicos		
	Unites = QUANTITE (000 KG)				
NOM.COM.	1988	1989	1990	1991	1992
62	0	0	0	6	142
84	0	0	7	22	434
42	0	0	0	0	4
03	0	0	0	0	5
40	0	0	0	18	7
71	0	0	0	0	0
82	0	0	0	0	1
61	1	0	0	2	2
87	0	0	0	17	5
85	0	0	46	16	18

Source: Eurostat - COMEXT

49

Regime statistique 4 Année Base 1992 COM.COM.	EUR				S de Mayotte	
	1988	1989	1990	1991	1992	1992
13	1267	1454	1871	1614	1473	
19	320	347	253	455	818	
27	0	0	0	5	77	
30	44	54	22	35	67	
37	20	2	25	76	63	
35	262	36	51	71	62	
34	65	13	17	86	19	
07	9	0	0	0	16	
19	0	0	0	0	13	
31	2	1	0	27	11	
91	0	0	0	1	10	

Source: Eurostat - COMEXT

IMPORTATIONS PAR PRODUIT ET PERIODE

Eurostat-C 23/06/1993

EUR S de Mayotte

Regime statistique 4

Unites = QUANTITE (000 KG)

Annee Base 1992.

NOM.COM.	1988	1989	1990	1991	1992
33	25	28	29	24	29
09	23	23	4	29	68
27	0	0	0	63	1753
90	0	2	0	0	0
87	2	1	2	11	6
85	5	2	0	0	0
84	10	0	1	4	2
07	3	0	0	0	12
19	0	0	0	0	20
61	0	0	0	2	1
91	0	0	0	0	0

Source: Eurostat - COMEXT

IMPORTATIONS PAR PRODUIT ET PERIODE

Eurostat-C

23/06/1993

	EUR		S de N. Calédonie		
	Unites = VALEUR (000 ECU)				
Recense statistique 4 Année Base 1992 NOM.COM.	1988	1989	1990	1991	1992
72	182519	234997	112110	123122	109862
75	59271	87733	52871	49451	40033
88	199	221	14984	451	5261
03	95	134	494	1797	1786
85	768	433	718	1200	1089
05	826	1146	1223	609	941
84	347	509	511	712	548
90	733	382	943	660	472
87	237	262	265	264	374
71	127	109	154	238	176
33	154	344	292	349	171

Source: Eurostat - COMEXT

IMPORTATIONS PAR PRODUIT ET PERIODE

Eurostat-C 23/06/1993

EUR S de N. Calédonie

Régime statistique 4

Unités = QUANTITE (000 KG)

Année Base 1992

NOM.COM.	1988	1989	1990	1991	1992
72	79745	73961	57467	62985	61090
75	13313	13934	12959	11287	10250
88	0	0	43	2	10
03	14	18	59	193	192
85	2	4	123	48	28
05	220	155	167	77	184
84	10	10	10	46	16
90	0	0	3	1	0
87	33	47	36	36	50
71	0	0	3	0	0
33	4	3	2	4	1

Source: Eurostat - COMEXT

53

IMPORTATIONS PAR PRODUIT ET PERIODE

Eurostat-C

23/06/1993

		EUR		S de Polynesie Fr	
Regime statistique 4		Unites = VALEUR (000 ECU)			
Annee Base 1992					
NOM.COM.	1988	1989	1990	1991	1992
15	2850	3521	1894	2534	2628
38	411	7518	242	324	2571
71	1319	978	915	1123	666
33	363	516	822	466	663
85	825	917	1857	613	662
90	857	489	678	583	496
87	230	339	508	466	382
54	958	500	681	401	266
09	108	135	324	156	166
97	87	96	4340	132	146
86	108	43	150	122	117

Source: Eurostat - COMEXT

54

IMPORTATIONS PAR PRODUIT ET PERIODE

Eurostat-C 23/06/1993

Regime statistique 4 Année Base 1992 NOM.COM.	EUR				
	1988	1989	1990	1991	1992
				S de Polynesie Fr	
				Unites = QUANTITE (000 KG)	
15	6172	6941	5557	7403	5168
88	0	12	2	1	3
71	0	0	0	0	0
33	94	137	194	124	162
85	2	35	63	13	9
90	0	0	1	0	0
87	35	33	64	61	52
84	12	11	17	9	6
09	1	2	3	2	3
87	1	0	0	0	0
	240	227	528	281	627

Source: Eurostat - COMEXT

IMPORTATIONS PAR PRODUIT ET PERIODE

Eurostat-C 23/06/1993

	EUR		S de Antilles NL		
	Unites = VALEUR (000 ECU)				
Regime statistique 4 Annee Base 1992 NOM.COM.	1988	1989	1990	1991	1992
27	33650	75837	39478	111899	87390
10	0	1067	0	0	18356
89	19144	1851	3540	25801	5120
35	1040	1943	3147	2957	2398
71	529	2804	419	955	1244
84	1640	3649	1773	5744	1135
03	474	1271	634	1061	1010
85	222	236	570	653	859
20	7	0	1	0	660
22	748	708	1478	487	603
90	355	954	2033	615	479
33	30	61	203	340	279

Source: Eurostat - COMEXT

Regime statistique Année Base 1992 NOM.COM.	Unites = QUANTITE (000 K5)			
	1988	1989	1990	1991
27	467669	875633	400003	906316
10	0	2805	0	0
89	1257	180	2576	31314
35	0	0	4	0
71	0	0	0	11
84	49	87	113	193
03	258	546	294	322
85	3	3	2	25
20	11	0	1	0
22	742	751	621	161
90	0	13	7	2
33	3	2	6	15
				1060930
				38131
				296
				0
				0
				144
				273
				43
				640
				133
				0
				9

Source: Eurostat - COMEXT

Code statistique 4 année base 1992 COM.COM.	S de Aruba				
	1988	1989	1990	1991	1992
7	68	223	0	14361	12332
14	0	0	0	164	403
12	61	232	295	585	156
10	0	0	0	0	173
15	114	254	154	95	146
12	2	13	24	1	118
10	147	59	10	50	104
13	0	148	13	104	87
12	4	6	0	0	78
14	0	23	0	0	66
18	0	0	19	136	58
19	0	0	0	0	22

Source: Eurostat - COMEXT

Regime statistique 4 Année Base 1992 NOM.COM.	EUR				S de		Aruba		Unites = QUANTITE (000 KG)	
	1988	1989	1990	1991	1992	1991	1992	1991	1992	
27	1	2363	0	126978	123654					
34	0	0	0	94	241					
22	13	40	46	47	26					
40	0	0	0	0	24					
65	10	23	7	2	4					
62	0	0	3	0	0					
90	0	1	0	2	0					
03	0	98	8	22	18					
72	5	14	0	0	496					
04	0	57	0	0	45					
88	0	0	0	2	0					
89	0	0	0	0	4					

Source: Eurostat - COMEXT

Proposal for a Council Decision /.../

amending Council Decision 91/482/EEC of 25 July 1991
on the association of overseas countries and territories
with the European Economic Community

The Council of the European Communities,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the European Parliament,²

Whereas Part Three, Title I of Council Decision 91/482/EEC of 25 July 1991 on the association of overseas countries and territories with the European Economic Community³ lays down the general arrangements for trade between the said countries and territories ("OCT") and the EEC; whereas Article 240(1) of the Decision provides that the arrangements shall apply until 29 February 2000;

Whereas Article 240(2) of the Decision, however, provides that by 31 December 1993 the Council, on the basis of a report from the Commission, is to examine the implementation of the trade mechanisms and review them should the examination show that they have failed to fulfil their objective of economic and social development of the OCT, in particular in the light of investment development, or that they have led to deflection of trade;

Whereas the examination carried out pursuant to that Article has revealed certain difficulties which should be addressed;

Whereas, in particular, Article 101(1) of the Decision, which provides that products originating in the OCT shall be imported into the Community free of import duties or levies, allows products covered by the common organization of markets to be sold within the Community at prices lower than the regulated Community prices; whereas such a situation could undermine the objectives of Article 39 of the Treaty; whereas appropriate measures should therefore be taken, once the partnership arrangements referred to in Article 235 of the Decision have run their course, to obviate the risk;

1 OJ No C ...

2 OJ No C ...

3 OJ No L 263, 19.9.1991, p. 1.

Whereas the measures envisaged should not, however, be such as to prevent compliance with the objectives of Decision 91/482/EEC, namely promotion of economic and social development in the OCT, and in particular the expansion of investment; whereas the said measures should therefore be kept to the necessary minimum and should provide a stable and predictable framework for OCT-EEC trade; whereas these requirements can best be met by a system of reference prices;

whereas the wording of Article 101(1) of Decision 91/482/93 should be brought into line with the definitions adopted in the customs code, which is applicable from 1 January 1994⁴,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 91/482/EEC is hereby amended as follows:

1. Article 101(1) is replaced by the following:

"Products originating in the OCT shall be imported into the Community free of import duties."

2. The following Article 101(3a) is inserted:

"Where it is found that trade between the OCT and the Community in products covered by institutional price arrangements under the Common Agricultural Policy is threatening to disrupt the market, the Commission, after consulting the authorities involved, as called for by the partnership arrangements referred to in Article 235 of the Decision on Association, may fix a reference price for such products.

In setting the reference price, account shall be taken of the economic and social development objectives of the OCT; the price shall not exceed the level strictly necessary to comply with the objectives of Article 39 of the Treaty, and shall allow products originating in the OCT more favourable conditions than those applying to imports of the same product originating in a third country enjoying preferential treatment in trade with the Community.

The reference price arrangements and measures to ensure compliance with them shall be introduced in accordance with the procedure laid down in Article 38 of Regulation (EEC) No 136/66,⁵ or the corresponding Articles of other Regulations establishing the common organization of agricultural markets, as appropriate."

4 Regulation (EEC) No 2913/92 of 12 October 1992 (OJ No L 302, 19.10.1992, p. 1.)

5 Regulation on the establishment of a common organization of the market in oils and fats (OJ L 172, 30.9.1966, p.1.).

Article 2

This Decision shall be published in the official Journal of the European Communities. It shall enter into force on the day following such publication.

Done at Brussels,

For the Council
The President