

DECISION No 1/2002 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE

of 26 June 2002

derogating from the concept of 'originating products' to take account of the special situation of the Seychelles regarding the production of tuna loins (HS heading ex 16.04)

(2002/532/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

HAS DECIDED AS FOLLOWS:

Having regard to the ACP-EC Partnership Agreement signed at Cotonou on 23 June 2000, and in particular Article 38 of Protocol I thereof,

Whereas:

- (1) Article 1 of Decision 1/2000 of the ACP-EC Council of Ministers of 27 July 2000 on transitional measures valid from 2 August 2000 (1) provides that the trade provisions of the ACP-EC Partnership Agreement, including Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, apply from 2 August 2000.
- (2) Article 38(1) of the said Protocol provides for derogations from the rules of origin to be granted whenever the development of an existing industry or the establishment of a new one warrants it.
- (3) Article 38(8) of the said Protocol provides that the derogations are granted automatically within an annual quota of 2 000 tonnes for tuna loins.
- (4) On 13 February 2002 the African, Caribbean and Pacific States (ACP States) submitted a request, on behalf of the Government of the Seychelles, for a derogation from the rule of origin in the Protocol, in respect of tuna loins produced by this country. On 12 March 2002, the ACP States submitted an amendment to their initial request. The request, as amended, is made for a quantity of 800 tonnes for the period up to 30 September 2002, and of 1 000 tonnes for the period from 1 October 2002 to 30 September 2003.
- (5) The derogation is requested under the relevant provisions of Protocol 1, particularly with regard to Article 38(8) and the requested quantities fall within the limits of the annual quota which are granted automatically upon request of the ACP States.
- (6) Therefore, pursuant to Article 38(8), a derogation can be granted to the Seychelles in respect of tuna loins for the quantities and for the periods requested,

Article 1

By way of derogation from the special provisions in the list in Annex II to Protocol 1 of the ACP-EC Partnership Agreement, tuna loins of HS heading ex 16.04 produced in the Seychelles from non-originating tuna shall be regarded as originating in this country in accordance with the terms of this Decision.

Article 2

The derogation provided for in Article 1 shall apply to the products and the quantities shown in the Annex to this Decision which are imported into the Community from the Seychelles during the period of 1 June 2002 to 30 September 2003.

Article 3

The quantities referred to in the Annex shall be managed by the Commission, which shall take all administrative action it deems advisable for their efficient management.

Where an importer presents, in a Member State, a declaration of entry for free circulation, including an application for the benefit of this Decision, the Member State shall, if the declaration has been accepted by the customs authorities, notify the Commission of its wish to draw the amount corresponding to its requirements.

Applications to draw, showing the date of acceptance of declarations, shall be transmitted to the Commission without delay.

Withdrawals shall be granted by the Commission in order of date of acceptance of declarations of entry for free circulation by the Member States' customs authorities, provided that the available balance permits.

If a Member State fails to use a withdrawal it shall return it, as soon as possible, to the appropriate quota.

If requests exceed the available balance of a given quota, quantities shall be allocated on a pro rata basis. The Commission shall inform the Member States of withdrawal on the quotas.

Each Member State shall ensure that importers have continuous and equal access to the amounts available as long as the balance permits.

(1) OJ L 195, 1.8.2000, p. 46.

Article 4

The customs authorities of the Seychelles shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1. To that end, all the certificates they issue pursuant to this Decision shall bear a reference to it. The competent authorities of those countries shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR.1 have been issued pursuant to this Decision and the serial numbers of those certificates.

Article 5

Box 7 of EUR.1 certificates issued under this Decision shall contain one of the following phrases:

- «Excepción — Decisión nº 1/2002»
- »Undtagelse — afgørelse nr. 1/2002«
- „Abweichung — Beschluss Nr. 1/2002“
- «Παρέκκλιση — Απόφαση αριθ. 1/2002»
- 'Derogation — Decision No 1/2002'
- «Dérogation — Décision nº 1/2002»
- «Deroga — decisione n. 1/2002»
- „Afwijking — Besluit nr. 1/2002“

- «Derrogação — Decisão n.º 1/2002»
- "Poikkeus — Päätös N:o 1/2002"
- "Undantag — beslut nr 1/2002".

Article 6

The African, Caribbean and Pacific States (ACP States) and the Member States and the European Community shall take the measures necessary on their part to implement this Decision.

Article 7

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

This Decision shall apply from 1 June 2002.

Done at Brussels, 26 June 2002.

For the ACP-EC Customs Cooperation Committee

The Joint Chairmen

Michel VANDEN ABEELE

Edwin P.J. LAURENT

ANNEX**The Seychelles**

| Order No | HS heading | Description of goods | Period | Quantity (tonnes) |
|----------|------------|----------------------|-----------------------|-------------------|
| 09.1665 | ex 16.04 | Tuna loins | 1.6.2002 — 30.9.2002 | 800 |
| | | | 1.10.2002 — 30.9.2003 | 1 000 |