

PROTOCOL 5

on rum

Article 1

Until the entry into force of a common organization of the market in spirits, products of tariff subheading 22.09 C I originating in the ACP States shall be imported duty free into the Community under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States.

Article 2

(a) For the purposes of applying Article 1 and by derogation from Article 2 (1) of the Convention, the Community shall each year fix the quantities which may be imported free of customs duties on the basis of the largest annual quantities imported from the ACP States into the Community in the last three years for which statistics are available, increased by an annual growth rate of 40 % on the market of the United Kingdom and 18 % on the other markets of the Community.

(b) Where the application of the provisions of the point (a) hampers the development of a traditional trade flow between the ACP States and a Member State, the Community shall take appropriate measures to remedy this situation.

(c) To the extent that the consumption of rum increases significantly in the Member States, the Community commits itself to engaging in a new examination of the annual percentage increase fixed by the present Protocol.

(d) The Community declares itself prepared to proceed to appropriate consultations before determining the measures provided for in (b).

(e) The Community moreover declares itself willing to seek with the interested ACP States measures capable of allowing an expansion of their sales of rum in non-traditional markets.

Article 3

With a view to attaining these objectives the parties agree to confer together within a joint working party whose role will be to examine continuously any specific problems arising from application of this Protocol.

Article 4

At the request of the ACP States the Community, within the framework of the provisions of Title I, Chapter 3, shall assist the ACP States in promoting and expanding their sales in the traditional and non-traditional markets of the Community.