

DECISION No 1/83 OF THE ACP-EEC CUSTOMS COOPERATION COMMITTEE**of 29 July 1983****derogating from the definition of the concept of 'originating products' to take account of the special situation of Malawi and Kenya with regard to certain items of fishing tackle (fishing flies)**

THE CUSTOMS COOPERATION COMMITTEE

Having regard to the Second ACP-EEC Convention signed at Lomé on 31 October 1979 (hereinafter referred to as 'the Convention'),

Whereas Article 30 of Protocol 1 to the Convention, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, provides that derogations from the rules of origin may be adopted by the Customs Cooperation Committee, where the development of existing industries or the creation of new industries justifies them;

Whereas the African, Caribbean and Pacific States (ACP) have requested a derogation from the definition set out in Protocol 1 for items of fishing tackle manufactured in Malawi and Kenya;

Whereas Malawi and Kenya have from 1 January 1981 to 31 December 1981 benefited from a derogation from the said definition for fishing tackle thereby allowing the use of non-originating hooks in the production of fishing flies;

Whereas Malawi and Kenya have tried to make use of the possibilities offered by the cumulation system on origin to obtain originating hooks; whereas by using these possibilities only part of the hooks needed for the production of fishing flies can be met;

Whereas Malawi is one of the least-developed ACP States and also a landlocked ACP State; whereas, pursuant to Article 30 of Protocol 1, the examination of a request for a derogation should particularly take into account these two elements;

Whereas any deflection of trade should be avoided; whereas this can be achieved by fixing a maximum percentage of non-originating products incorporated in the finished product;

Whereas in these circumstances a temporary derogation from the definition of the concept of originating products should be accorded to Malawi and Kenya,

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from Protocol 1 to the Convention, items of fishing tackle manufactured in Malawi or Kenya, falling within heading No ex 97.07 of the Common Customs Tariff ('fishing flies'), shall be considered as originating in Malawi or Kenya provided that the value of the non-originating fish hooks used for their manufacture and falling within heading No ex 97.07 of the Common Customs Tariff does not exceed 25 % of the value of the finished product.

Article 2

The competent authorities of the Republic of Malawi and the Republic of Kenya shall forward to the Commission every three months a statement of the quantities in respect of which EUR 1 movement certificates have been issued pursuant to this Decision.

Article 3

The ACP States, the Member States and the Community shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

Article 4

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

It shall apply from 1 May 1983 to 28 February 1985.

Done at Brussels, 29 July 1983.

*For the Customs
Cooperation Committee*

The Chairmen