# COUNCIL REGULATION (EEC) No 744/77

## of 5 April 1977

## on the advance implementation of certain provisions of the ACP-EEC Convention of Lomé relating to trade in respect of certain States which 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 (1), as last amended by Regulation (EEC) No 3058/75 (2), and in particular Article 12 thereof,

Having regard to the Act of Accession, and in particular Article 116 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (3),

Whereas Agreements of Accession to the ACP-EEC Convention of Lomé (4), in accordance with Article 90 thereof, were signed between the European Economic Community and the Democratic Republic of Sao Tome and Principe, the Republic of Cape Verde and Papua New Guinea;

Whereas, when these Agreements were signed, the Community and the States concerned agreed in exchanges of letters to apply unilaterally from the first day of the second month following the signing of these exchanges of letters certain provisions of the ACP-EEC Convention of Lomé relating to trade, in accordance with the arrangements laid down in the Accession Agreements;

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

Whereas, furthermore, the arrangements provided for in Article 116 (1) of the Act of Accession for imports into the United Kingdom of products originating in or coming from Papua New Guinea must cease to have effect as from the date of entry into force of the new arrangements applicable under this Regulation to trade between that country and the Member States of the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following shall apply from 1 May 1977 to the States referred to in Annex I:

(a) — Articles 2, 3, 4, 9 and 10 of the ACP-EEC Convention of Lomé,

— Protocols 1, 6 and 7 annexed to the Convention,

— the joint declaration on fishing activities annexed to the Convention,

— the declarations by the Community on Article 2 of the Convention, on Article 3 of the Convention and on Article 10 (2) of the Convention contained in Annexes XIV, XV and XVI to the Final Act of the Convention;

(b) 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 (5);

(c) Council Regulation (EEC) No 157/76 of 20 January 1976 on the safeguard measures provided for in the ACP-EEC Convention of Lomé (6);

(d) 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 (7);

(e) Annex II to this Regulation.

*Article 2*

The provisions of Article 116 (1) of the Act of Accession shall cease to apply.

*Article 3*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

It shall apply in respect of each of the States referred to in Annex I until the entry into force of the Accession Agreement concerning it or until 31 December 1977 at the latest.

(1) OJ No L 141, 12. 6. 1969, p. 1.
(2) OJ No L 306, 26. 11. 1975, p. 3.
(3) OJ No C 83, 4. 4. 1977, p. 26.
(4) OJ No L 25, 30. 1. 1976, p. 1.
(5) OJ No L 85, 31. 3. 1976, p. 2.
(6) OJ No L 18, 27. 1. 1976, p. 1.
(7) OJ No L 165, 25. 6. 1976, p. 5.

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

Done at Luxembourg, 5 April 1977.

*For the Council*

*The President*

D. OWEN

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*ANNEX I*

**List of the States referred to in Article 1**

The Democratic Republic of Sao Tome and Principe

The Republic of Cape Verde

Papua New Guinea

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*ANNEX II*

**concerning the transitional arrangements for the issue of certificates of origin**

Goods which conform to the provisions of Protocol 1 to the ACP-EEC Convention of Lomé on the concept of 'originating products' and which, on the date of entry into force of the Accession Agreement, are being either transported or held in the Community, in an ACP State or in one of the States referred to in Annex I, in bonded warehouses or in free zones (including free ports and free warehouses) may be allowed to benefit under the provisions of the aforesaid Agreement, subject to the submission to the customs authorities in the importing country, within four months of the said date, of :

(a) a movement certificate EUR.1 issued retrospectively by the customs authorities of the exporting State ; or

(b) a certificate of origin issued by the competent authorities in that State,

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

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