DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL

of 3 March 1986

establishing arrangements for trade between Spain and Portugal on the one hand and the African, Caribbean and Pacific States (ACP States) on the other in products falling within the ECSC Treaty

(86/49/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

Whereas the Member States have concluded the Treaty establishing the European Coal and Steel Community;

Whereas the Community and the ACP States opened negotiations on 10 December 1985 for the conclusion of a protocol to adapt the Third ACP-EEC Convention to take account of the accession of Spain and Portugal to the European Communities;

Whereas Articles 180 (1) and 367 of the Act of Accession of Spain and Portugal provide that if such a protocol has not been concluded by 1 January 1986 the Community shall take the necessary measures to remedy the situation;

Whereas the Third ACP-EEC Convention has not yet entered into force;

Whereas Council Regulation (EEC) No 485/85 of 26 February 1985 concerning the application of Decision No 2/85 of the ACP-EEC Council of Ministers on transitional measures valid from 1 March 1985 [1], as extended by Council Regulation (EEC) No 690/86 [2], lays down transitional measures to apply pending the entry into force of the Third ACP-EEC Convention;

Whereas the said transitional measures apply as between the ACP States and the enlarged Community;

Whereas it is therefore necessary to lay down special provisions for the implementation by the Kingdom of Spain and the Portuguese Republic of the trade arrangements established by the above Regulation;

Whereas the Third Convention is shortly due to enter into force and provides for trade arrangements identical to those established by the abovementioned Regulations;

Whereas the validity of the special provisions applying to Spain and Portugal should therefore be extended beyond the expiry of the abovementioned Regulation, pending the conclusion of the negotiations under way with the ACP States for a protocol adapting the Third ACP-EEC Convention and laying down transitional measures to take account of the accession of Spain and Portugal;

Whereas the Canary Islands, Ceuta and Melilla are not part of the customs territory of the Community and, in principle, unilateral or contractual acts of Community institutions concerning the common commercial policy and relating directly to the import or export of goods do not apply to those territories;

Whereas Article 7 of Protocol No 2 to the Act of Accession concerning the Canary Islands, Ceuta and Melilla provides, however, that customs duties, charges having equivalent effect and trade arrangements applying to imports into the Canary Islands, Ceuta and Melilla of goods coming from a third country may not be less favourable than those applied by the Community in accordance with its international commitments or preferential arrangements *vis-à-vis* such country, provided the country in question accords imports from the Canary Islands, Ceuta and Melilla the same treatment as it accords those from the Community;

Whereas provisions should therefore be adopted for implementation of the trade arrangements applicable to imports into the Canary Islands, Ceuta and Melilla of products originating in the ACP States,

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

Article 1

From 1 March 1986 until the entry into force of the protocol referred to in Articles 179 and 366 of the Act of Accession or until 31 December 1986, whichever is the earlier, the Kingdom of Spain and the Republic of Portugal shall apply to imports originating in the ACP States of products falling within the ECSC Treaty the same arrangements as are applied by the other Member States, having regard to the special provisions set out in the Annex.

[1] OJ No L 61, 1. 3. 1985, p. 1.
[2] See page 1 of this Official Journal.

Article 2

Member States shall take the measures necessary to implement this Decision.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

It shall take effect on the day of its publication and apply as from 1 March 1986.

Done at Brussels, 3 March 1986.

The President

W. F. van EEKELEN

ANNEX

Special provisions for imports into Spain and Portugal of products falling within the ECSC Treaty and originating in the African, Caribbean and Pacific (ACP States)

CHAPTER I

SPECIAL PROVISIONS APPLICABLE TO THE KINGDOM OF SPAIN

Article 1

1. From 1 March 1986 the Kingdom of Spain shall apply to products falling within the ECSC Treaty and originating in the African, Caribbean and Pacific (ACP) States the same customs duties as it applies to like products from the Community as constituted on 31 December 1985.

2. The Kingdom of Spain shall dismantle customs duties on imports of the products referred to in paragraph 1 in accordance with the following timetable:

— on 1 March 1986 each duty shall be reduced to 90 % of the basic duty,

— on 1 January 1987 each duty shall be reduced to 77,5 % of the basic duty,

— on 1 January 1988 each duty shall be reduced to 62,5 % of the basic duty,

— on 1 January 1989 each duty shall be reduced to 47,5 % of the basic duty,

— on 1 January 1990 each duty shall be reduced to 35 % of the basic duty,

— on 1 January 1991 each duty shall be reduced to 22,5 % of the basic duty,

— on 1 January 1992 each duty shall be reduced to 10 % of the basic duty.

The final 10 % reduction shall be made on 1 January 1993.

3. For the purposes of applying the duties calculated in accordance with paragraph 2 they shall be rounded down to one decimal place.

Article 2

The basic duty for each product, at which the successive reductions provided for in Article 1 (2) shall be applied, will be the duty actually applied by the Kingdom of Spain *vis-à-vis* the Community on 1 January 1985.

Article 3

Should the Kingdom of Spain suspend or reduce customs duties on imports from the Community as constituted on 31 December 1985 more rapidly than envisaged under the timetable laid down, it shall also suspend or reduce by the same percentage the customs duties applying to like products originating in the ACP States.

Article 4

Provided the ACP States accord imports coming from the Canary Islands, Ceuta and Melilla the same treatment as they accord imports from the Community:

— customs duties existing in those territories and the charge known as the 'arbitrio insular — tarifa general' existing in the Canary Islands shall be dismantled in respect of products originating in the ACP States in accordance with the timetable and arrangements laid down in Articles 1, 2 and 3,

— the charge known as the 'arbitrio insular — tarifa especial' existing in the Canary Islands shall be abolished on 1 March 1986 in respect of products originating in the ACP States.

CHAPTER II

SPECIAL PROVISIONS APPLICABLE TO PORTUGAL

Article 5

1. As from 1 March 1986 the Portuguese Republic shall abolish customs duties on imports originating in the ACP States of products falling within the ECSC Treaty.

2. By way of derogation from paragraph 1, the Portuguese Republic shall dismantle customs duties on imports of the following products in accordance with the timetable set out below:

CCT heading No	Description
73.10	Bars and rods (including wire rod), of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished (including precision-made); hollow mining drill steel: A. Not further worked than hot-rolled or extruded: I. Wire rod *(ECSC)*
73.11	Angles, shapes and sections, of iron or steel, hot-rolled, forged, cold-formed or cold-finished, sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements: A. Angles, shapes and sections: I. Not further worked than hot-rolled or extruded *(ECSC)*
73.13	Sheets and plates, of iron or steel, hot-rolled or cold-rolled: B. Other sheets and plates: IV. Clad, coated or otherwise surface-treated: ex d) Other (for example, copper-plated, artificially oxidized, lacquered, nickel-plated, varnished, clad, parkerised, printed) *(ECSC)*: — coated with polyvinyl chloride

— on 1 March 1986 each duty shall be reduced to 90 % of the basic duty,

— on 1 January 1987 each duty shall be reduced to 80 % of the basic duty,

— on 1 January 1988 each duty shall be reduced to 65 % of the basic duty,

— on 1 January 1989 each duty shall be reduced to 50 % of the basic duty,

— on 1 January 1990 each duty shall be reduced to 40 % of the basic duty,

— on 1 January 1991 each duty shall be reduced to 30 % of the basic duty,

— the final two 15 % reductions shall be made on 1 January 1992 and 1 January 1993.

3. For the purpose of applying the duties calculated in accordance with paragraph 2 they shall be rounded down to one decimal place.

Article 6

1. The basic duty for each product, to which the successive reductions provided for in Article 5 (2) shall be applied, will be the duty actually applied by the Portuguese Republic *vis-à-vis* the ACP States on 1 January 1985.

2. By way of derogation from paragraph 1, the Portuguese Republic shall dismantle customs duties on products falling within subheading ex 73.12 B IV d) of the Common Customs Tariff starting from a basic duty of 20 %, provided the said duties are higher than the duties referred to in paragraph 1.

Article 7

Should the Portuguese Republic suspend customs duties on imports from the Community as constituted on 31 December 1985 or reduce them more rapidly than envisaged in the timetable laid down in Article 5 (2), it shall also suspend or reduce by the same percentage the customs duties applying to like products originating in the ACP States.

Article 8

1. The following charges applied by the Portuguese Republic to trade with the ACP States shall be dismantled in accordance with the timetable indicated:

(a) The 0,4 % *ad valorem* charge applied:

— to goods imported temporarily,

— to reimported goods (other than containers),

— to goods imported under inward processing arrangements allowing drawback of duties paid on the import goods following export of the products obtained,

shall be:

— reduced to 0,2 % on 1 January 1987, and

— abolished on 1 January 1988.

(b) The 0,9 % *ad valorem* charge applied to goods imported for home use shall be:

— reduced to 0,6 % on 1 January 1989,

— reduced to 0,3 % on 1 Janaury 1990, and

— abolished on 1 January 1991.