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ACP 146  
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## PROPOSAL

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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 16 September 2014

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European  
Union

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No. Cion doc.: COM(2014) 578 final - ANNEX 3

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Subject: ANNEX to the Proposal for a Council Decision on the conclusion of the  
Economic Partnership Agreement (EPA) between the West African States,  
ECOWAS and the UEMOA, of the one part, and the European Union and  
its Member States, of the other part

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Delegations will find attached document COM(2014) 578 final - ANNEX 3.

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Encl.: COM(2014) 578 final - ANNEX 3



EUROPEAN  
COMMISSION

Brussels, 15.9.2014  
COM(2014) 578 final

ANNEX 3

**ANNEX**

**to the**

**Proposal for a Council Decision**

**on the conclusion of the Economic Partnership Agreement (EPA) between the West African States, ECOWAS and the UEMOA, of the one part, and the European Union and its Member States, of the other part**

## ANNEX B

### CUSTOMS DUTIES ON PRODUCTS ORIGINATING IN WEST AFRICA

1. Without prejudice to paragraphs 2, 3 and 4, customs duties on imports imposed by the European Union Party (hereinafter 'European Union customs duties') shall be entirely eliminated on all products, originating in the West Africa Party, in Chapters 1 to 97 of the HS, except those in Chapter 93 thereof, upon the entry into force of this Agreement. For products in Chapter 93, the European Union Party shall continue to apply the Most Favoured Nation (MFN) duties.
2.
  - a) The European Union Party may, during the period between the entry into force of this Agreement and 30 September 2015, impose the applied MFN duty on the products originating in the West Africa Party of tariff heading 17.01 imported in excess of the following levels expressed in white sugar equivalent, which are deemed to cause a disruption in the European Union Party sugar market:
    - i) 3,5 million tonnes in a marketing year for products originating in the members of the African, Caribbean and Pacific Group of States (ACP States) signatory to the Cotonou Agreement, and
    - ii) 1,6 million tonnes in marketing year 2014/2015 for products originating in the ACP States which are not recognised by the United Nations as Least Developed Countries.
  - b) The import of products of tariff heading 17.01 originating in any signatory West African State which is recognised by the United Nations as a Least Developed Country shall not be subject to the provisions of subparagraph (a). However, such imports shall remain subject to the provisions of Article 22<sup>1</sup>.
  - c) The imposition of the applied MFN duty shall cease at the end of the marketing year during which it was introduced;
  - d) Any measure taken pursuant to this paragraph shall be notified immediately to the Joint Implementation Committee of the EPA and shall be the subject of periodic consultations within that body.
3. As of 1 October 2015, for the purpose of applying the provisions of Article 22, disruptions in the market for products of tariff heading 17.01 may be deemed to arise in situations where the average European Community price of white sugar falls during two consecutive months below 80 % of the average European Community price for white sugar prevailing during the previous marketing year.
4. From the entry into force of this Agreement until 30 September 2015, products of tariff headings 1704.90.99, 1806.10.30, 1806.10.90, 2106.90.59 and 2106.90.98 shall

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<sup>1</sup> For these purposes and by derogation from Article 22, individual West African States recognised by the United Nations as Least Developed Countries may be subject to safeguard measures.

be subject to a special surveillance mechanism in order to ensure that the arrangements provided for in paragraph 2 are not being circumvented. In the event of a cumulative increase in imports of one or more of these products originating in the West Africa Party by more than 20 % in volume during a period of twelve (12) consecutive months compared with the average of the yearly imports over the three (3) previous twelve (12) month periods, the European Union Party shall analyse the pattern of trade, the economic justification and the sugar content of such imports and, if it concludes that such imports are used to circumvent the arrangements provided for in paragraph 2, it may suspend the preferential treatment and introduce the specific MFN duties applied to imports pursuant to the European Union Common Customs Tariff for products under tariff headings 1704.90.99, 1806.10.30, 1806.10.90, 2106.90.59 and 2106.90.98 originating in the West Africa Party. Subparagraphs 2(b), (c) and (d) shall apply *mutatis mutandis* to action under this paragraph.

5. Paragraph 1 shall not apply to products of tariff heading 0803.00.19 originating in West Africa and released for free circulation in the outermost regions of the European Union Party. Paragraph 1 shall not apply to products of tariff heading 17.01 originating in West Africa and released for free circulation in the French Overseas Departments. This provision shall be applicable for a period of ten (10) years. This period shall be extended for a further ten (10) years unless the Parties agree otherwise.