SECOND ACP-EEC CONVENTION OF LOMÉ

Questions and Replies

The contracting parties were invited in GATT/AIR/1708 to submit questions in writing to the secretariat concerning the provisions and implementation of the Second ACP-EEC Convention of Lomé.¹

In response to the invitation, a number of questions were received and transmitted in consolidated form to the parties to the Convention. These questions, and the replies prepared and submitted by the parties to the Convention, are reproduced hereunder.

¹The text of the Convention was sent to each contracting party under cover of document L/5098.
ANSWER TO THE GATT QUESTIONNAIRE FOR THE PRESENTATION
OF THE SECOND ACP-EEC CONVENTION OF LOME

I. General

Question 1
What is the view of the Parties concerning the compatibility of the Convention with the provisions of the GATT?

Question 2
Under which article or articles of the General Agreement do the Parties to the Convention justify the preferential treatment accorded to the ACP States under the Convention? Would the Parties to the Convention provide the basic information which led them to their conclusion?

Reply to questions 1 and 2
The provisions of the General Agreement on which the Parties to the second ACP-EEC Convention base the compatibility of their commitments under the new Convention with their obligations under the General Agreement are stated explicitly in the third, fourth and sixth paragraphs of the document notifying the Convention to GATT (L/5098). These provisions are contained in Articles 1(2), XXIV and XXXVI, which should be read in conjunction with each other. Moreover, the Parties to the new Convention can only point out once again that the objectives pursued by the Convention are fundamentally the same as the objectives pursued by the GATT, particularly those set out in Part IV.

The provisions of the ACP-EEC Convention clearly reflect the will of the Parties to help raise living standards in developing countries and improve their economies in accordance with the aspirations of the international community towards the establishment of a more just and more balanced economic order.
**Question 3**

Article 4 of Protocol Number 6 provides that imports into a beneficiary ACP State "under a supply contract financed by the EC" shall not be "subject to customs duties, import duties, taxes or fiscal charges having equivalent effect". Do Parties to the Convention consider that this provision is consistent with Articles I, III and VIII of the GATT, particularly in light of paragraph 4 of Article 125 of the Convention?

**Reply to question 3**

The primary aim of financial and technical cooperation under the Convention is to promote the economic and social development of the ACP States. The financial aid in this case is a special type of aid where supply is often linked to finance. There is nothing new about this kind of aid, which is also extended to other countries, especially the least-developed countries. The fact that under a supply contract financed by the Community, there is no liability to customs duties, import duties, etc. cannot distort commercial competition where it does not exist, nor create a situation which is incompatible with the most-favoured-nation rule. Moreover, Article 125 (4) of the Convention makes provision, in exceptional cases, for participation by third countries in contracts financed by the Community. Hence, the compatibility of this aid with the GATT articles must be seen in the light of the Parties' objectives, which are to contribute towards the economic and social development of the ACP States and above all to help the least-developed, land-locked and island ACP States overcome the specific obstacles which hamper their development efforts.
Question 4
What do the Parties to the Convention think as to how the Convention can possibly affect the trade of developing countries other than the ACP countries?

Reply to question 4
In the case of an agreement which complies partly with the objectives of Article XXIV of the General Agreement, it is difficult to guarantee that other countries' trade will never be affected.
Question 5
Noting that the Convention provides for certain special ways of treatment in respect of the least-developed among the ACP countries (e.g., the STABEX financing is rendered as grants to the least developed, whereas it is extended as non-interest bearing credits to the rest of the ACP countries), what do the Parties to the Convention think of the possible impact which such special measures could have on the trade of least developed countries other than those in the ACP?

Reply to question 5
The ACP-EEC Convention provides for certain special regimes in favour of the least developed ACP States but they are few in the strictly speaking trade field and have no bearing on the trade of the other least developed countries. For instance, in the field of Stabex, since STABEX is meant to correct certain adverse situations after the commercial transactions involved have taken place, it seems illogical to suppose that STABEX can have repercussions on the trade of the least-developed countries which are not ACP States.

Finally, the Community has endeavoured to set up, for the least developed countries other than the ACP States, a trade regime (see the Community G.S.P.) giving them a tariff treatment comparable to that of the ACP States thus allowing 99.5% of Community imports from them to enter the Community market on a free access basis.

Question 6
Does the EC receive from any ACP State treatment more favourable than MFN treatment?

Reply to question 6
Article 9 of the Convention sets out the obligations of the ACP States. It does not stipulate any obligation for these States to give preferential treatment to the Community. However, some ACP States (Mauritius, Niger), in view of their domestic economic problems, have preferred to carry on maintaining the conditions of free trade that previously existed.
Question 7
Can the parties to the Convention give an assurance that the provisions of Title I, Chapter 1, Article 2 and Annex XXV regarding the maintenance of the competitive position of ACP States in situations in which their trade advantages in the Community market are affected by measures relating to general trade liberalization will not serve as impediments to the Community's efforts for increased liberalization of international trade?

Reply to question 7
The Community has always played a constructive role in past negotiations on general trade liberalization. Its recent contribution to the success of the multilateral trade negotiations (Tokyo Round) is proof of its continued efforts to liberalize international trade. Also while taking the interest of its partners into account and bearing in mind the commitment of the international community embodied in UN resolution 96 (IV) to the effect that "the generalized system of non reciprocal, non discriminatory preferences should be improved in favour of the developing countries taking into account the relevant interests of those developing countries enjoying special advantages as well as the need to find ways and means of protecting their interests", the Community participates every year in the liberalization of trade with the developing countries through its system of generalized preferences.

Question 8
Article 13 paragraph 4 of the Convention provides that certain ACP exports to the EC shall be subject to a monitoring system. Would Parties to the Convention provide the list of products subject to this provision?

Reply to question 8
No exports from ACP States are at present subject to the statistical surveillance mechanism provided for in Article 13 (4).
Question 9
In the GATT review of the first Lomé Convention, the EC responded that it had no plans to conclude other preferential trade agreements. With respect to Article 16, paragraph 4 of the second Convention, are there any plans to conclude any such preferential agreements and, if so, with whom?

Reply to question 9
The statement in the first part of the question is incorrect. As in the past (see replies to questions 9 and 10 in connexion with examination of the first ACP-EEC Convention, document L/4325), the Community will continue to comply fully with all its obligations under the General Agreement concerning notification, as well as those under Article 16(4), of the second Convention.

As to the question whether the Community intends to conclude other preferential agreements, and if so, with whom, the answer for the time being is no.
II. Product Coverage

Question 10
Under Article 2 of the Convention, the EC undertakes to apply "measures to ensure more favourable treatment than that granted to third countries benefitting from the MFN clause" for some products originating in ACP states:
(a) What are the products covered by this provision and what is the expected quantitative trade effect of this provision?
(b) What are the "measures" that will ensure more favourable treatment for these products?

Question 11
Article 2, paragraph 2(a) states that imports from ACP States of certain agricultural products covered by the CAP will be undertaken on more favourable terms than are applicable to imports from third countries.
1) What are the agricultural products that will be affected by Article 2, paragraph 2 (a) ; and what products were affected by similar provisions in the first Lomé Convention?
2) What are the terms (i.e. duties, charges having equivalent effects) that the EC will apply to these imports ? and how will these compare to the terms applied to the first Lomé Convention?

Question 12
What effect will the provisions of Title I, Chapter I, Article 2, paragraphs 2 (a) (b) (c) of the Convention relating to the preferential treatment accorded ACP States in agricultural products subject to the Community's Common Agricultural Policy have upon the trade of third countries in these products with the Community?
Replies to questions 10, 11 and 12


The measures applied and products covered are basically the same: total or partial relief from import charges (customs duties, levies); beef and veal; fish, crustaceans and molluscs; fresh, chilled, frozen or processed fruit and vegetables; oils and fats; maize, millet, grain sorghum, rice, products processed from cereals and rice; unmanufactured tobacco; live plants, flowers etc.; sugar; tapioca; goods processed from agricultural and other products, particularly tropical products.

In view of the complexity of any analysis of trade between the Community and the ACP States (60 countries) on the one hand, and of the Community and other third countries on the other, it would not seem to be possible to draw any conclusions from these figures about the impact of commercial measures in the ACP-EEC Convention on trade trends between third countries and the Community.
Question 13
What is the meaning of Article 1 of Protocol No. 4 on bananas? What type of customs measures are used against imports from third countries to ensure that traditional access for ACP States is maintained?

Reply to question 13
The customs measures applied to banana imports originating in third countries (other than the ACP States) consist of a 20% ad valorem tariff duty whereas the ACP bananas enter the EEC market duty free. No other type of customs measure is envisaged for the application of the provisions of Article 1 of Protocol No. 4. Therefore Article 1 of Protocol No. 4 means that the Community has undertaken not to impose on banana imports originating in the ACP States tariff measures that would put them in a less favourable situation than previously or presently.

Question 14
What effect will the provisions of Protocol No. 7 of the Convention relating to the Community's undertaking to purchase and import at guaranteed prices specific quantities of ACP sugar have upon the Community's sugar exports to third country markets?

Reply to question 14
Protocol No. 7, annexed to the 2nd Convention is the same text as Protocol No. 3 of the 1st Convention. Protocol No. 3 had been concluded for an indeterminate period of time and has therefore not been subject to negotiations for the renewal of the Lomé I Convention.
The undertaking to buy at guaranteed prices is applicable when the ACP States do not manage to sell, on the Community markets, the specified quantities at a freely negotiated price between buyers and sellers. Until now, the Community has never had to proceed to such purchases.
III. Trade Co-operation and Quantitative Restrictions

Question 15

With respect to the trade cooperation aspect of the Convention, given the fact that already under the First Convention the EEC guaranteed free access to its markets in respect of 99.5 per cent of the ACP's exports to the EEC, it would appear that improvements in the new Convention could not but be of a rather marginal scope, as seems to be the case, for instance, with respect to increases in import quotas vis-a-vis the ACPs of some products subject to quantitative restriction on the part of the EEC. In this connection:

1. How do the Parties to the Convention assess what has been achieved in this field under the First Convention?

2. What are the improvements made in this field in the new Convention, and what are the considerations on which these improvements were based?

Reply to question 15, part 1

With a view to promoting trade relations, the first ACP-EEC Convention emphasized the principle of non-reciprocal freedom of access to the Community market for ACP products. The Community therefore created a set of trade arrangements which was meant to provide maximum openings for exports from ACP States. The results of this policy have not always been positive, since export trends are affected by many other factors in addition to those taken into account in the tariff and non-tariff fields. In noting that the Community has a substantial balance of trade deficit vis-a-vis the ACP States, it can be seen that the main reason is the fluctuation of prices of commodities, including oil.

ACP-EEC trade is concentrated on a small number of ACP countries; five or six ACP countries provide more than 60% of Community imports from the ACP group.
A similar phenomenon of concentration is reflected in the breakdown of various products exported by ACP States: foodstuffs and energy-generating products, between them, account for virtually 70% of ACP exports. There was no significant change, therefore, in the pattern of ACP-EEC trade during the period of application of the Convention.

It was for this reason that the 2nd Convention included a range of additional measures which do not strictly come under the heading of trade policy in order to help the ACP States take greater advantage of this framework of possibilities.

Reply to question 15, part 2

Since the framework of possibilities set up under the first ACP-EEC Convention already provided free access for nearly all exports from the ACP States to the Community, only slight improvements were possible in that specific regard under the second Convention. At the request of the exporting ACP States, the following agricultural products* were added to the list of these for which more favourable treatment is given than that granted to third countries: carrots, onions, asparagus, certain kinds of mushrooms and certain kind of preserved tropical fruit. The quotas opened for tomatoes and beef meat were also increased. Moreover when imported into the French OD, maize originating in the ACP States is exempted from the levy.

Finally, a particular effort has been made in favour of an increase of trade promotion aid in order to enhance, in particular, the trade flows among the ACP States and to help the qualitative and quantitative increase of the production of the ACP States.
IV. Safeguard Measures

Question 16

What safeguard measures, if any, did the Community find it necessary to take during the period of applicability of the First Lomé Convention as per Article 10 of this Convention and carried over into Articles 12, 13 and 14 of the Second Lomé Convention?

Reply to question 16

During the period of application of the 1st Lomé Convention, the Community has not had to take safeguard measures as per article 10 of the Convention.

Question 17

Can the Parties to the Convention provide an assurance that Title I, Chapter I, Article 12, Paragraphs 3 and 4, relating to the conditions for the invocation of safeguard measures by the Community, do not imply an intention or obligation to shift any burden of adjustment on to the exports of third countries?

Reply to question 17

The conditions for the invocation of safeguard measures by the Community as per article 12 § 3,4 of Title I, Chapter 1, do not imply any intention or obligation to shift the burden of adjustment into the exports of Third Countries.
V. Rules of Origin

Question 18

Under Protocol No. 1 raw materials and semifabricated materials originating in the EC and the ACP are considered originating products of the ACP States once they are further processed in these countries, whereas the same products from third countries face content requirements.

1. Will this arrangement not cause trade diversion by depriving the ACP States of possible advantages in importing products or parts worked and processed in third countries?; and did trade diversion occur under similar provisions during Lomé I?

2. In the event that third countries consider that the rules of origin have prejudicial effects on their trade interests, will there be provisions for consultation or modification?

Reply to question 18, part 1

The purpose of the rules of origin is to ensure that the products defined as originating in the ACP States benefit from the free access provided for in the Convention.

These rules are largely the same as those in force under the 1st Lomé Convention; that is for products to be considered as originating from the ACP States, they must satisfy the following condition:

either (a) the products must be wholly originating in the ACP States;

and/or (b) processed products must meet the prerequisite conditions on working or processing of non-originating products that confers originating status.

For this purpose, the ACP States are considered as one territory so that successive processing can be undertaken in two or more ACP States and the final product exported to the Community as originating from the ACP States where the last processing took place.
Thus the cumulative rules of origin have a trade creation effect among the ACP States. In addition, they have a trade creation effect between the ACP States and third countries since an ACP State can, after adding the necessary level of processing, export the finished product to the Community as originating from the ACP States. The Community is not aware of any trade diversion that took place under Lomé I.

Reply to question 18, part 2

Third countries can still have their products processed in ACP States. When the products obtained comply with the criteria in Protocol 1, they have free access. If not, they enter the Community under the normal conditions accorded to third countries, which therefore do not suffer any injury. No consultations or amendments are envisaged.

Question 19

The origin rules of the Second ACP-EEC Convention of Lomé are in some details different from the origin rules applied by the EEC within its General System of Preferences. It would be interesting to know, whether the EEC has the intention to align - as a long term project - the GSP-origin rules to the origin rules of the Second ACP-EEC Convention of Lomé.

Reply to question 19

The Community has at present no long-term plans for aligning the GSP rules of origin on those of the second ACP-EEC Convention.
VI. STABEX

Question 20

With respect to STABEX:

1. Having regard to this system being the first of its kind undertaken between developed and developing countries aimed at lessening the instability in export earnings from primary products of the developing countries concerned, what are the views of the Parties to the Convention as to the extent to which the system has contributed to the stabilization and development of the ACPs' exports of primary products to the EEC?

2. As changes have been made in the new Convention with regard to such aspects as the amounts to be financed, the number of products to which the scheme is applicable, conditions under which it is applied and the period of repayment, what are the more important considerations which have led to these changes?

Reply to question 20, part 1

For the development of exports, the Convention provides means in its chapters on trade arrangements and trade promotion. However, the objective of the STABEX, as it has been laid down more precisely in Article 23 of the second Convention, is to remedy the harmful effects of the instability of export earnings and to support the ACP States' development efforts on a general basis. As paragraph 2 of this Article points out, this general objective is to be attained by directing the resources into the sector the product of which suffered from the shortfall. If this turns out not to be desirable, transfers, can, for the purpose of promoting diversification, be directed towards other appropriate sectors.
Therefore, the question to what extent the System has contributed to the stabilization of the ACPs' exports of each product covered depends entirely upon the use the recipient ACP State has made of the means. In this context, it should be recalled that Art. 20 of the first Convention stated that the ACP States were entirely free to decide how the resources will be used. As a result of the reports on use provided for in the same Article it may be said that roughly 1/3 of the total transfers have been invested into the sector which suffered from the shortfall, the remaining 2/3 have been affected to other sectors.

In order to evaluate the economic effects of the transfers on a micro- and macroeconomic basis, the Commission has asked 3 independent Institutes to prepare a study based on a sample of 10 ACP States. Results may be expected towards end of 1981.

Reply to question 20, part 2

Generally, the changes referred to aim at the strengthening, enlarging and improving of the System in the light of the experience made under the First Convention:
- the number of products has been increased by 8 in order to enlarge the coverage provided by the System on some agricultural products which are for some ACP States of major importance;
- for the same purpose, the thresholds of dependence and fluctuation have been lowered from 2,5 % to 2 % in the case of the least developed ACP States and from 7,5 % to 6,5 % in the case for the other ACP States;
- in order to take account in particular of the two elements above, funding has been increased by 44,7 % up to 550 million ECU;
- to avoid abrupt replenishment up to the total of the initial transfer, the relevant conditions now provide for a grace period of two years after establishment of the obligation and a phasing of the payment over a period of five years.
Question 21

What effect has the Lomé Convention had on the pattern of trade flows over time between the EEC and ACP States? More specifically, what percentage of EEC imports from the ACP States consisted of primary products (i.e. processed or partially processed commodities) in 1970 as compared to the most recent year for which statistics are available?

Reply to question 21

The first part of the question has already been asked in question 15, part 1. It is not really possible to answer the second part of the question for the following reasons:

- In 1970 there were 19 AASM associated with the Community (which had 6 Member States at that time).
- In 1979 there were 56 ACP States and 9 Member States of the Community.
- The export pattern of the 19 AASM members is different from that of the other ACP countries.
- Trade arrangements as between the AASM and the Community of Six and between the Commonwealth countries and the United Kingdom were different.
- The Community of Six and the three new Member States had different nomenclatures for classifying imported products.

Accordingly, no valid conclusions could be drawn from any attempt at comparison, although one should note the increase of trade flow from anglophone ACP States to the 6 members of the initial Community and the opening up of the markets of the 3 new member states to the francophone ACP States.
A. Statistical Questions on Trade Coverage - ACP Exports to the EEC

Question 22

What was the total value and percentage of imports into the EC of products originating in ACP States in each of the three most recent years for which statistics are available, in the following categories:

1. total imports
2. industrial imports (excluding petrocarbons)
3. petrocarbons
4. agricultural imports
### Evolution of ACP share in EEC imports

<table>
<thead>
<tr>
<th>EEC imports from third countries</th>
<th>1976 Mio ECU</th>
<th>share of ACP in %</th>
<th>1977 Mio ECU</th>
<th>share of ACP in %</th>
<th>1978 Mio ECU</th>
<th>share of ACP in %</th>
<th>1979 Mio ECU</th>
<th>share of ACP in %</th>
<th>1980 Mio ECU</th>
<th>share of ACP in %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total imports</td>
<td>159.596</td>
<td>6,6</td>
<td>171.743</td>
<td>7,3</td>
<td>178.386</td>
<td>6,7</td>
<td>218.121</td>
<td>6,8</td>
<td>271.566</td>
<td>7,0</td>
</tr>
<tr>
<td>of which ACP</td>
<td>10.472</td>
<td>6,6</td>
<td>12.461</td>
<td>7,3</td>
<td>11.865</td>
<td>6,7</td>
<td>14.836</td>
<td>6,8</td>
<td>18.923</td>
<td>7,0</td>
</tr>
<tr>
<td>of which Foodstuffs, drinks,</td>
<td>21.090</td>
<td>13,9</td>
<td>24.021</td>
<td>19,4</td>
<td>23.181</td>
<td>18,7</td>
<td>24.540</td>
<td>16,9</td>
<td>26.064</td>
<td>15,7</td>
</tr>
<tr>
<td>tobaccos</td>
<td>2.922</td>
<td>13,9</td>
<td>4.664</td>
<td>19,4</td>
<td>4.328</td>
<td>18,7</td>
<td>4.158</td>
<td>16,9</td>
<td>4.086</td>
<td>15,7</td>
</tr>
<tr>
<td>Energy products</td>
<td>49.059</td>
<td>6,9</td>
<td>49.187</td>
<td>7,1</td>
<td>46.551</td>
<td>7,4</td>
<td>62.094</td>
<td>9,3</td>
<td>89.111</td>
<td>10,3</td>
</tr>
<tr>
<td>of which ACP</td>
<td>3.362</td>
<td>6,9</td>
<td>3.493</td>
<td>7,1</td>
<td>3.444</td>
<td>7,4</td>
<td>5.752</td>
<td>9,3</td>
<td>9.180</td>
<td>10,3</td>
</tr>
<tr>
<td>of which crude oils</td>
<td>42.061</td>
<td>7,4</td>
<td>42.198</td>
<td>7,6</td>
<td>37.682</td>
<td>8,1</td>
<td>48.058</td>
<td>10,7</td>
<td>67.683</td>
<td>12,1</td>
</tr>
<tr>
<td>of which ACP</td>
<td>3.103</td>
<td>7,4</td>
<td>3.216</td>
<td>7,6</td>
<td>3.052</td>
<td>8,1</td>
<td>5.127</td>
<td>10,7</td>
<td>8.212</td>
<td>12,1</td>
</tr>
<tr>
<td>Primary commodities</td>
<td>22.130</td>
<td>10,4</td>
<td>22.934</td>
<td>10,9</td>
<td>21.965</td>
<td>10,6</td>
<td>27.275</td>
<td>9,9</td>
<td>30.054</td>
<td>9,2</td>
</tr>
<tr>
<td>of which ACP</td>
<td>2.303</td>
<td>10,4</td>
<td>2.502</td>
<td>10,9</td>
<td>2.332</td>
<td>10,6</td>
<td>2.709</td>
<td>9,9</td>
<td>2.765</td>
<td>9,2</td>
</tr>
<tr>
<td>Chemical products</td>
<td>7.037</td>
<td>1,9</td>
<td>7.839</td>
<td>2,7</td>
<td>8.727</td>
<td>1,4</td>
<td>10.839</td>
<td>2,1</td>
<td>11.966</td>
<td>4,0</td>
</tr>
<tr>
<td>of which ACP</td>
<td>131</td>
<td>1,9</td>
<td>212</td>
<td>2,7</td>
<td>124</td>
<td>1,4</td>
<td>229</td>
<td>2,1</td>
<td>481</td>
<td>4,0</td>
</tr>
<tr>
<td>Machines and transport equipment</td>
<td>21.300</td>
<td>0,2</td>
<td>24.518</td>
<td>0,2</td>
<td>29.560</td>
<td>0,3</td>
<td>33.782</td>
<td>0,2</td>
<td>41.391</td>
<td>0,3</td>
</tr>
<tr>
<td>of which ACP</td>
<td>43</td>
<td>0,2</td>
<td>44</td>
<td>0,2</td>
<td>78</td>
<td>0,3</td>
<td>79</td>
<td>0,2</td>
<td>130</td>
<td>0,3</td>
</tr>
<tr>
<td>Other manufactured products</td>
<td>35.227</td>
<td>3,7</td>
<td>39.258</td>
<td>3,6</td>
<td>43.853</td>
<td>2,9</td>
<td>53.622</td>
<td>2,9</td>
<td>64.345</td>
<td>2,7</td>
</tr>
<tr>
<td>of which ACP</td>
<td>1.293</td>
<td>3,7</td>
<td>1.405</td>
<td>3,6</td>
<td>1.266</td>
<td>2,9</td>
<td>1.545</td>
<td>2,9</td>
<td>1.741</td>
<td>2,7</td>
</tr>
</tbody>
</table>

The classification of the products which has been used in these tables has been set up according to the existing statistical possibilities and in the view to adopt a similar system to that applied for the external trade statistics given to the U.N. and in use for GATT studies (i.e. C.T.C.I. nomenclature).
Question 23

For each of the categories of imports into the EC from the ACP countries referred to in Question 22, what value and percentage in each of the three most recent years for which statistics are available:

1. were eligible for duty-free treatment under MFN
2. were eligible for duty-free treatment, preferential tariffs, or reduced tariffs under the GSP
3. were subject to customs duties including levies having equivalent trade effect
4. were subject to quantitative restrictions.

Question 24

For each of the last five years:

a) what was the total value in dollars of EC imports from ACP States?
b) what percentage of these imports were industrial products and what percentage agricultural products?

Question 25

For each of the last five years what was the percentage of ACP exports to the EC not subject to customs duties or charges having an equivalent effect -

a) under the EC GSP, and
b) under the terms of the Convention?
### Community imports from ACP

1. **value of imports classified according to the different tariff regimes applicable in the Community (million UCE)**

2. % of each of these categories in the total imports from ACP

3. ACP share in the total extra EEC imports for the same categories of products

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td><strong>CCT 0 duty</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6.267</td>
<td>63.8</td>
<td>10.6</td>
<td>6.614</td>
</tr>
<tr>
<td><strong>GSP 0 duty</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. without restrictions</td>
<td>71</td>
<td>0.7</td>
<td>9.0</td>
<td>70</td>
</tr>
<tr>
<td>2. with quantitative limits</td>
<td>405</td>
<td>4.1</td>
<td>3.6</td>
<td>454</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>476</td>
<td>4.8</td>
<td>4.0</td>
<td>524</td>
</tr>
<tr>
<td><strong>LOME 0 duty</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. without restrictions</td>
<td>2.599</td>
<td>26.5</td>
<td>32.0</td>
<td>4.196</td>
</tr>
<tr>
<td>2. with limits</td>
<td>21</td>
<td>0.2</td>
<td>42.5</td>
<td>26</td>
</tr>
<tr>
<td>3. partial exemption</td>
<td>77</td>
<td>0.8</td>
<td>9.7</td>
<td>87</td>
</tr>
<tr>
<td>4. specific cases (sugar)</td>
<td>378</td>
<td>3.8</td>
<td>57.4</td>
<td>393</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3.075</td>
<td>31.4</td>
<td>32.0</td>
<td>4.702</td>
</tr>
</tbody>
</table>

1980 figures will be given at a later date.

The figures enclosed in this table, and the ones in the tables on pages 24 and 25 result in the classification of the 106 most important products, which all together, represent, depending on the year, between 93 and 95 % of the EEC imports from the ACP countries.
Distribution of imports from ACP

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Food products for which CCT is 0.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food products for which the duty is 0 via the GSP.</td>
<td>455.123</td>
<td>563.238</td>
<td>382.715</td>
<td>369.391</td>
<td></td>
</tr>
<tr>
<td>Food products for which the ACP are completely exempted from tariff duties via Lomé</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- with limits</td>
<td>21.485</td>
<td>25.548</td>
<td>33.108</td>
<td>40.218</td>
<td></td>
</tr>
<tr>
<td>- for which the exemption is only partial for the ACP</td>
<td>76.770</td>
<td>86.739</td>
<td>71.026</td>
<td>110.364</td>
<td></td>
</tr>
<tr>
<td>- specific case. (sugar)</td>
<td>378.125</td>
<td>393.029</td>
<td>435.066</td>
<td>399.848</td>
<td></td>
</tr>
<tr>
<td>2. Energy products for which CCT is 0.</td>
<td>3.198.118</td>
<td>3.341.954</td>
<td>3.235.361</td>
<td>5.441.324</td>
<td></td>
</tr>
<tr>
<td>3. Primary commodities for which CCT is 0.</td>
<td>2.614.000</td>
<td>2.709.292</td>
<td>2.294.713</td>
<td>2.808.107</td>
<td></td>
</tr>
<tr>
<td>Primary commodities for which the duty is 0 via the GSP.</td>
<td>32.638</td>
<td>31.767</td>
<td>27.889</td>
<td>20.225</td>
<td></td>
</tr>
<tr>
<td>Primary commodities for which the ACP States are completely exempted from tariff duties via Lomé.</td>
<td>152.842</td>
<td>173.784</td>
<td>190.465</td>
<td>205.172</td>
<td></td>
</tr>
</tbody>
</table>
### Distribution of imports from ACP

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Chemical products for which the duty is 0 via GSP without reductions.</td>
<td>29.614</td>
<td>27.119</td>
<td>18.939</td>
<td>15.051</td>
<td></td>
</tr>
<tr>
<td>5. Machines and transport equipment.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6. Other manufactured products for which the duty is 0 via GSP with quantities limits.</td>
<td>404.613</td>
<td>454.407</td>
<td>570.792</td>
<td>869.605</td>
<td></td>
</tr>
</tbody>
</table>
B. Statistical Questions on Trade Coverage - ACP Imports from the EEC

Question 26

What was the total value and percentage of imports into ACP States of products originating in the EC in each of the three most recent years for which statistics are available, in the following categories:

1) Total imports
2) Industrial imports
3) Agricultural imports

Reply to question 26

ACP IMPORTS OF PRODUCTS ORIGINATING IN THE EEC IN THOUSAND US DOLLARS

<table>
<thead>
<tr>
<th></th>
<th>1975</th>
<th>1976</th>
<th>1977</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL IMPORTS</td>
<td>9,267,809 (57.0%) (2)</td>
<td>9,657,781 (55.3%)</td>
<td>10,954,271 (55.2%)</td>
</tr>
<tr>
<td>INDUSTRIAL IMPORTS</td>
<td>8,247,544 (61.0%)</td>
<td>8,671,084 (57.8%)</td>
<td>9,701,529 (57.1%)</td>
</tr>
<tr>
<td>AGRICULTURAL IMPORTS</td>
<td>1,020,265 (37.5%)</td>
<td>986,697 (40.0%)</td>
<td>1,262,742 (43.8%)</td>
</tr>
</tbody>
</table>

(1) The data in this table comprises of 32 ACP States for 1975, 27, ACP States for 1976 and 17 ACP States for 1977. No import data is available from the remaining 29 ACP States at the present time.

(2) The figures in brackets show the percentage of imports into the ACP States of products originating in the EEC as a percentage of total imports into the ACP States.
Question 27

What was the value (and percentage of total imports) in respect of the following categories of imports into the ACP States of products originating in the EC in each of the three most recent years for which statistics are available?

1) imports of products on which customs duties and levies were not imposed on an MFN basis,
2) imports of products on which customs duties and levies were imposed on an MFN basis,
3) imports of products on which preferential treatment was granted on a non-MFN basis. (While Article 7 in Lomé I and Article 9 in Lomé II do not require reciprocity, residual voluntary preferences remain in certain areas).

Reply to question 27, parts 1 and 2

The ACP Group was created by the Georgetown Agreement as an International and Legal Body. However, the ACP Group is not a common Customs Area. There are at present 61 ACP States, with each individual ACP State, except for regional groupings where these exist, applying its own rules and regulations on imports of products originating from other countries in accordance with the GATT rules. However, not all of the ACP States are members of the Contracting Parties to the GATT. Furthermore the ACP States have undertaken, under Article 10 of the Convention to submit their preferential tariffs to the Community but not to provide the type of statistical information required to reply to this question.

Therefore, while it is possible to obtain the value and percentage of total ACP imports of products originating in the Community, it is not possible to identify what products and therefore the value and the percentage of imports into the ACP States which did not attract customs duties and levies on an MFN basis and the value and percentage of imports into the ACP States that attracted customs duties and levies on an MFN basis.
Reply to Question 27, part 3

The ACP States have never been under any obligation whatever under either the Lomé I or Lomé II Convention to grant preferential treatment on imports of products originating in the Community on a non-MFN basis. However, some ACP States (Mauritius and Niger), in view of their domestic economic problems and taking into account their historical links with the Community, have preferred to carry on maintaining the conditions of free trade that previously existed between them and the Community.