

TARIFFS AND TRADE

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THIRD ACP-EEC CONVENTION OF LOMEOriginal: English/
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SpanishQuestions and Replies

The contracting parties were invited in GATT/AIR/2396 to submit questions in writing to the secretariat concerning the Third ACP-EEC Convention of Lomé. In response to the invitation, a number of comments were received and transmitted to the parties to the Convention. These comments and the reply prepared and submitted by the parties to the Convention, are reproduced hereunder. Other questions together with replies to them will be circulated as addenda to this document.

Comments

In the Report of the Working Party on the First Lomé Convention adopted by the Council of Representatives on 15 July 1976, some members of the Working Party said that it was difficult to judge at that time whether the trade provisions might endanger future trade liberalization in the interest of all developing countries. This has proved to be the case eleven years later, since the Lomé Convention has limited the possibilities of liberalization in the EEC market for non-ACP countries, because of the need to preserve the preferential margins existing in 1976. The Working Party should have material enabling it to analyse this aspect.

The Lomé Convention does not commit the EEC to granting trade preferences to ACP States other than tariff preferences (Article 130) and the non-application of quantitative restrictions (Article 131). It does not, therefore, cover internal taxes imposed by Community countries, since an internal excise tax does not have equivalent effects to a tariff, since it applies to products of domestic or foreign origin. To exempt some suppliers and not others from such a tax constitutes discrimination.

This applies both to the attempt to take a measure of this kind with regard to bananas in Italy and to any other similar action in future.

Reply

The Community and the ACP find it difficult to relate the comments on the application of the Lomé Convention to the facts.

The successive Lomé Conventions have not limited the possibilities of liberalization in the EEC market for non-ACP countries as can be verified by comparing the Common Customs Tariff, the various GSP schemes, or specific agreements with third countries as they were in 1976 and as they are today.

The Community does not and never has attempted to influence Member States to apply internal taxes in a discriminatory way in favour of ACP products, either within or outside the provisions of the Lomé Convention. In any event, the Community would point out that the particular case referred to no longer exists.