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REGULATION (EEC) No 2861/71 OF THE COUNCIL**of 20 December 1971****concerning the application of Decision No 41/71 of the Council of Association provided for by the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community.****THE COMMISSION OF THE EUROPEAN COMMUNITIES,**

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof;

Having regard to the Internal Agreement¹ on the measures to be taken and the procedures to be followed for purposes of the application of the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community, and in particular Article 2 thereof;

Having regard to the proposal from the Commission;

Whereas a Convention of Association² between the European Economic Community and the African States and Madagascar associated with the Community was signed on 29 July 1969 and entered into force on 1 January 1971;

Whereas Regulation (EEC) No 1251/71³ brought into effect Decision No 36/71 of the Council of Association on the definition of the concept of 'originating products' for the application of Title I of the Convention of Association and on methods of administrative cooperation;

Whereas, however, a derogation has been made from that Decision, with effect from 1 December 1971, by Decision No 41/71 of the Council of Association in order to take into account the special situation of Mauritania with regard to fishery products;

Whereas, in accordance with Article 46 of that Convention, measures required for implementation of that Decision should be taken,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Decision No 36/71 on the Council of Association annexed to Regulation (EEC) No 1251/71, Decision No 41/71 of the Council of Association, annexed to this Regulation, shall apply.

Article 2

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

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

Done at Brussels, 20 December 1971.

For the Council

The President

M. PEDINI

¹ OJ No L 282, 28.12.1970, p. 44.

² OJ No L 282, 28.12.1970, p. 2.

³ OJ No L 135, 21.6.1971, p.1.

DECISION No 41/71

of the Council of Association derogating from the definition of the concept of 'originating products' in order to take into account the special situation of Mauritania with regard to fishery products

THE COMMITTEE OF ASSOCIATION,

Having regard to the Convention of Association between the European Economic Community and the African and Madagascar States associated with that Community signed at Yaoundé on 29 July 1969, and in particular Article 10 thereof;

Having regard to Decision No 36/71 of the Council of Association on the definition of the concept of 'originating products' for the application of Title I of the Convention of Association and on methods of administrative cooperation;

Having regard to Decision No 37/71 of the Council of Association authorizing the Committee of Association to amend or supplement Decision No 36/71;

Whereas Decision No 36/71 defines the concept of 'originating products' for the application of Title I of the Convention of Association and lays down the methods of administrative cooperation, in particular with regard to fishery products;

Whereas, however, in order to take into account the special situation of Mauritania and the fact that its fish preparation factories are supplied in part by fishermen from the Canaries residing in its territory, a derogation in favour of Mauritania should be made from the definition of origin laid down by the Decision referred to above,

HAS DECIDED:

Article 1

By way of derogation from the provisions of Decision No 36/71, fishery products caught in Mauritanian waters by fishermen from the Canaries resident in the territory of Mauritania, which have undergone processing (freezing, slicing or filleting) carried out exclusively in that country, shall, for the application of Title I of the Convention of Association, be considered as products originating in Mauritania.

Article 2

This derogation shall be limited to an annual quantity of 3 500 metric tons of fishery products, falling within

heading Nos 03.01 (excluding tuna, sardines and small sharks), 03.02 and 03.03 of the Common Customs Tariff.

Article 3

The necessary measures for the quantitative control of the exports referred to in Article 2 shall be taken by the Mauritanian authorities.

A.Y.1 movement certificates issued in pursuance of this Decision must bear the endorsement 'originating goods in accordance with Decision No 41/71 of the Council of Association'. This endorsement shall be entered in red ink in the space for 'remarks'.

Article 4

If imports made in pursuance of this derogation cause or threaten to cause difficulties leading to changes in the economic situation of a region within the Community, the Community may, in accordance with Article 16 (2) and (4) of the Yaoundé Convention, take or authorize the Member State concerned to take the necessary protective measures, including those for eliminating deflection of trade.

Article 5

The Associated States, the Member States and the Community shall, each respectively for its part, take the measures required for the implementation of this Decision.

Article 6

This Decision shall enter into force on 1 December 1971. It shall apply until 31 January 1975. However, Article 2 may if necessary be amended by a Decision of the Council of Association.

Done at Brussels, 23 November 1971.

The President of the Committee of Association
A.SISSOKO