

# GENERAL AGREEMENT ON TARIFFS AND TRADE

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ASSOCIATION BETWEEN THE EUROPEAN ECONOMIC COMMUNITY  
AND THE ASSOCIATED AFRICAN AND MALAGASY STATES

(Replies to questions)

Addendum

A consolidated list of questions put by contracting parties to the signatories of the Convention of Association between the European Economic Community and the associated African and Malagasy States and the replies received were distributed in document L/2277. Further questions transmitted to the secretariat and the replies received from the EEC and the associated African and Malagasy States are attached hereto.

GENERAL

Question 6 bis

Which provision of the General Agreement covers the Yaoundé Convention?

Answer

The Yaoundé Convention is covered by the provisions of Article XXIV of the General Agreement concerning free-trade areas (see also the answer to question No. 1 in document L/2277).

ARTICLES 3 and 6

Question 14 bis

Under Articles 3 and 6, the associated States accord identical tariff and non-tariff treatment to goods originating in any of the member States and in addition grant to such member States the "progressive abolition of customs duties and charges having an effect equivalent to such duties which that associated State applies to imports of these goods into its territory". This means that products from developing countries - other than associated States - which are contracting parties to GATT will have to compete in the markets of African States which are parties to the Convention with products from highly industrialized countries, while the latter products will, furthermore, enjoy duty-free treatment. Is this reasoning correct? In that case, what interpretation is to be attached to Article XXIV:4 of the General Agreement, which states that "the purpose of a customs union or of a free-trade area should be to facilitate trade between the constituent territories and not to raise barriers to the trade of other contracting parties with such territories"?

Answer

The elimination of customs duties and charges having an effect equivalent to such duties in trade in products originating in the constituent territories of free-trade areas is an essential characteristic and requirement of such areas. There is nothing to prevent a third country from requesting tariff negotiations with an associated country or group of countries forming a customs union if it wishes to obtain concessions. The lowering of a customs tariff calls for reciprocal concessions but in this case the question is within the competence of the associated State or States concerned, subject to the consultations provided for under Article 12 of the Convention. (See also the answer to question No. 7 in document L/2277.)

Question 14 ter

Would an associated State be able to accord to goods from third countries treatment similar to that which it grants to goods from the EEC member States under Articles 3 and 6?

Answer

The associated States intend to conduct their commercial policies for the good of their respective national interest, while observing their international obligations.

ARTICLE 11

Question 19 bis

Can the Community extend to third countries the treatment provided for under Article 11?

Answer

The import treatment to be determined by the Community under Article 11 of the Convention relates only to products originating in the associated African and Malagasy States.

Question 19 ter

Article 11 of the Convention states that "when drawing up its common agricultural policy, the Community shall take the interests of the associated States into consideration as regards products similar to and competitive with European products". This means that certain agricultural products from associated countries will benefit from a discriminatory preference as compared with third countries upon importation into EEC countries. If to this one adds that the mechanisms applied under the common agricultural policy have not been approved by the CONTRACTING PARTIES, which article of the General Agreement covers the foregoing, and in that case how should Article XXIV:4 of the General Agreement be interpreted?

Answer

The EEC considers that the mechanisms applied under the common agricultural policy are in conformity with the General Agreement. The establishment of free-trade areas between the EEC and each of the associated African and Malagasy States in the sense of Article XXIV of the General Agreement enables the Community to envisage for the associated African and Malagasy States a régime different from that applicable to third countries. (See also the answer to question No. 7 in document L/2277.)