SUPPLEMENTARY PROTOCOL A/SP.2/5/79 AMENDING THE PROTOCOL RELATING TO THE DEFINITION OF THE CONCEPT OF PRODUCTS ORIGINATING FROM MEMBER STATES

THE HIGH CONTRACTING PARTIES

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Rules of Origin of Community Goods

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Deposit and Entry into Force
SUPPLEMENTARY PROTOCOL A/SP.2/5/79
AMENDING THE PROTOCOL RELATING TO
THE DEFINITION OF THE CONCEPT OF
PRODUCTS ORIGINATING FROM MEMBER
STATES
THE HIGH CONTRACTING PARTIES

CONSIDERING the Protocol relating to the definition of products originating from Member States and especially Article II of the Protocol;

CONVINCED that the concept of ex-factory price before tax derives from the manufacturing process and is therefore a more appropriate factor to be used as the basis for the determination of the contribution of the resources from the Community to the value of a finished product than the concept of FOB price;

DESIRING to conclude a supplementary Protocol amending the Protocol relating to the definition of products originating from Member States;

HAVE AGREED AS FOLLOWS:

ARTICLE I

Rules of Origin of Community Goods

(i) Article II (i) (c) of the Protocol is hereby amended to read as follows:

"If the goods have been produced from material of a foreign or undetermined origin and having received in the process of production a value added of at least 35% of the ex-factory price before tax on the finished product"; and

(ii) Article II (3) of the Protocol is amended to read as follows:

"Any conditions of acceptance of goods originating in Member States for Community trade may be reviewed periodically by the Council who shall also determine the elements that constitute the ex-factory price before tax of a finished product and those that constitute value added"

ARTICLE II

Deposit and Entry into Force

1. This Supplementary Protocol shall enter into force provisionally upon signature by Heads of State and Government of Member States and definitively upon ratification by at least seven signatory States in accordance with the constitutional procedures applicable for each signatory State.

2. This Supplementary Protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies of this Supplementary Protocol to all Member States and notify them of the dates of deposits of the instruments of ratification and shall register this Supplementary Protocol with the
Organisation of African Unity, the United Nations and such Organisations as the Council shall determine.

3. This Supplementary Protocol shall be annexed to and shall form an integral part of the Treaty.

IN FAITH WHEREOF WE THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THIS SUPPLEMENTARY PROTOCOL

DONE AT DAKAR THIS 29TH DAY OF MAY, 1979 IN SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES BOTH TEXT BEING EQUALLY AUTHENTIC.

Signed
H.E. Colonel Mathieu KEREKOU
President of People’s Republic of Benin

Signed
H.E. Mr. Aristides PEREIRA
President of the Republic of Cape Verde

Signed
H.E. General Frederick William Kwasi AKUFFO
The Head of State and Chairman of the Supreme Military Council of Republic of Ghana

Signed
H.E. Dr. Lansana Beavogui
Prime Minister
For and on behalf of the Head of State and Commander-in-Chief of the People’s Revolutionary Armed Forces of President of the People’s Revolutionary Republic of Guinea

Signed
H.E. Mr. Luiz Cabral
President of the Republic of Guinea Bissau

Signed
H.E. General A. Sanguole LAMIZANA
President of the Republic of Upper Volta

Signed
H.E. Dr. William R. TOLBERT, Jr.
President of the Republic of Liberia

Signed
H.E. Mr. Felix HOUPOUET-BOIGNY
President of the Republic of Ivory-Coast

Signed
H.E. Alhaji Sir Dauda K. JAWARA
President of the Republic of Gambia

Signed
H.E. Mr. Moutaye MOHAMED
Minister of Finance and Commerce for and on behalf of the Chairman of the Military Committee of National Redemption of the Islamic Republic of Mauritania

Signed
H.E. Lt. Col. Seyni KOUNTCHE
Head of State and Chairman of the Supreme Military Council of the Republic of Niger

Signed
H.E. General Olusegun OBASANJO
Head of the Federal Military Government, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria

Signed
H.E. Mr. Leopold Sedar SENGHOR
President of the Republic of Senegal

Signed
H.E. Dr. Siaka STEVENS
President of the Republic of Sierra Leone
Signed
H.E. General Mousa TRAORE
Chairman of the Military Committee of National Liberation, President of the Republic of Mali

Signed
H.E. General Gnassingbe EYADEMA
President of the Republic of TOGO