

REGULATION C/REG.3/4/02
ESTABLISHING PROCEDURE FOR THE APPROVAL OF
ORIGINATING PRODUCTS TO BENEFIT UNDER THE
ECOWAS TRADE LIBERALISATION SCHEME

THE COUNCIL OF MINISTERS,

MINDFUL of articles 10, 11 and 12 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

RECOGNISING the need to facilitate the application and effectiveness of the ECOWAS trade liberalisation scheme;

BEARING IN MIND the directives of the Authority of Heads of State and Government issued at Lome on 10th December 1999 on the need for the coordination of the Integration Programmes of ECOWAS and the West African Economic and Monetary Union (UEMOA);

ALSO BEARING IN MIND the conclusions of the ECOWAS/UEMOA Ministerial Meetings held in Bamako on 28th and 29th January 2000 on the need for the harmonisation of the Trade Liberalisation Schemes of ECOWAS and UEMOA;

RECALLING its directives issued to the Executive Secretariat of ECOWAS on 12th December 2000, to elaborate and submit legal texts for the harmonisation of the Trade Liberalisation schemes of ECOWAS and UEMOA;

On the RECOMMENDATION of the Extraordinary meeting of the Trade, Customs, Taxation, Statistics, Money and Payments Commission held at Abuja, from 5th to 6th April, 2002;

E N A C T S

SECTION 1: APPROVAL PROCEDURE FOR ORIGINATING PRODUCTS

Article 1: Approval

Approval of originating industrial products to benefit under the intra-ECOWAS preferential trade regime shall be granted by an authority designated by each Member State on the recommendation of a National Approvals Committee (NAC) established for the purpose.

Article 2: Composition of the National Approvals Committee

The members of the National Approvals Committee shall be the representatives of the following Ministries, agencies and organizations:

- The Ministry of Trade
- The Ministry of Industry
- The Ministry of Finance (Department of Customs)
- The ECOWAS National Unit (or Ministry of Integration)
- The National Chamber of Commerce and Industry
- All such structures or institutions as may be deemed appropriate.

The Committee shall be presided over by the representative of the national authority designated to grant such approvals.

Article 3: Functions of the National Approvals Committee

The National Approvals Committee shall be responsible for the screening of applications, and the making of recommendations thereon to the designated authority of the Member State concerned.

Article 4: Applications to the National Approvals Committee

Industrial enterprises desiring to benefit under the trade liberalisation scheme shall complete an application form, the prototype of which is attached to this regulation, and submit it to the Chairperson of the National Approvals Committee.

Article 5: Screening of Applications for Approval

The Chairperson of the Committee shall convene meetings, in accordance with a preset timetable, for the purpose of screening applications received.

Enterprises fulfilling the conditions for approval shall be recommended for approval to the appropriate authority.

All applications must be processed and approval granted or denied within a period of three months.

Article 6: Notice of Approval

Member States shall transmit the list of approved products and the dossiers relating thereto, to the Executive Secretariat.

The Executive Secretariat shall transmit the list of approved products to the Member States.

Article 7: Enterprise Registration Number

Enterprises whose products have received approval shall be issued a seven-digit registration number.

The first three digits shall represent the country geographical code as defined by the United Nations; the four subsequent digits are the sequence number, representing the position of the enterprise within the Member State according to numerical order.

Article 8: Product Approval Number

Approved industrial enterprises and products shall be issued an eleven-digit approval number as indicated in the table hereunder:

PRODUCT APPROVAL NUMBER (11 digits)			
Enterprise Registration Number (7 digits)		Product Sequence Number	Year
Country code (3 digits)	Sequence Number of Enterprise (4 digits)		

SECTION 2: PROVISIONS COVERING THE TRANSITION PERIOD

Article 9

Industrial products whose ECOWAS origin is determined by the criterion of value-added, in accordance with the provisions of the protocol defining the concept of originating products, shall remain eligible for approval for a 3-year transition period under the conditions stated hereunder.

Article 10

Applications for approval to benefit from the preferential tariffs granted under the ECOWAS trade liberalisation scheme must be submitted on the form, the prototype of which is attached to this regulation.

Article 11

Applications for approval must be duly completed and submitted to the appropriate national authority.

Article 12

Applications for approval shall be screened, at the national level, within the time-limit stipulated in article 5 above, by a National Approvals Committee which shall authenticate the ECOWAS origin of the products submitted for approval.

Article 13

Successful applications shall be transmitted to the ECOWAS Executive Secretariat by the ECOWAS National Unit (or Ministry of Integration).

Article 14

The applications shall be scrutinized by the Trade, Customs, Taxation, Statistics, Money and Payments Commission, which shall recommend their approval by the Chairman of the Council of Ministers, who shall approve and sign on behalf of Council.

The Commission shall meet at least twice yearly to scrutinize applications for approval.

SECTION 3: FINAL PROVISIONS

Article 15

The prototype application form attached hereto shall replace all former application forms.

Article 16

The approval procedure for products of ECOWAS origin established by Decision C/DEC/3/6/88, dated 21/06/88, is hereby abrogated.

Article 17

This regulation shall be published by the Executive Secretariat in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers.

It shall also be published within the same time-frame by each Member State in its National Gazette.

DONE AT ABUJA, THIS 23RD DAY OF APRIL 2002

**DR. KADI SESAY
CHAIRMAN
FOR COUNCIL**