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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2236/78

of 25 September 1978

concerning the conclusion of the Agreements on the accession of the Republic of Cape Verde, Papua New Guinea and the Democratic Republic of Sao Tome and Principe to the Lomé Convention

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 238 thereof,

Having regard to the recommendation from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas three Agreements on the accession of the Republic of Cape Verde, Papua New Guinea and the Democratic Republic of Sao Tome and Principe to the ACP-EEC Convention of Lomé ⁽²⁾, hereinafter referred to as the 'Convention', and a Final Act were signed in Brussels on 28 March 1977 by these States and the European Economic Community;

Whereas these Agreements should be concluded,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreements on the accession of the Republic of Cape Verde, Papua New Guinea and the Democratic

Republic of Sao Tome and Principe to the Convention, and the Final Act and declarations annexed thereto, are hereby approved on behalf of the European Economic Community.

The texts referred to in the first paragraph are annexed to this Regulation.

Article 2

The President of the Council, as regards the Community, shall deposit the act of notification of the approval of the Agreements, in accordance with Article 3 (2) of the Agreement on the accession of Papua New Guinea, and with Article 4 (2) of the Agreements on the accession of the Republic of Cape Verde and the Democratic Republic of Sao Tome and Principe ⁽³⁾.

Article 3

Save where otherwise provided, any mention of the ACP States in the acts of the Institutions of the Community shall also refer to the Republic of Cape Verde, Papua New Guinea and the Democratic Republic of Sao Tome and Principe.

Article 4

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

⁽¹⁾ OJ No C 85, 10. 4. 1978, p. 48.

⁽²⁾ OJ No L 25, 30. 1. 1976, p. 2.

⁽³⁾ The date of entry into force of the Agreements will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

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

Done at Brussels, 25 September 1978.

For the Council

The President

J. ERTL

AGREEMENT

on the accession of the Republic of Cape Verde to the ACP-EEC Convention of Lomé

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European Economic Community, signed at Rome on
25 March 1957 (hereinafter called the 'Treaty'), whose States are hereinafter called 'Member States',

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,

of the other part,

HAVING REGARD to the Treaty establishing the European Economic Community,

HAVING REGARD to the ACP-EEC Convention of Lomé, signed at Lomé on 28 February 1975
(hereinafter called the 'Convention'), and in particular Article 90 thereof,

WHEREAS the Republic of Cape Verde has applied to accede to the Convention;

WHEREAS the ACP-EEC Council of Ministers has approved this application;

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Joseph VAN DER MEULEN,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

HER MAJESTY THE QUEEN OF DENMARK:

Erik B. LYRTOFT-PETERSEN,
Minister-Counsellor,
Permanent Representation to the European Communities;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Walter KITTEL,
Minister Plenipotentiary,
Deputy Permanent Representative to the European Communities;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Luc de La BARRE de NANTEUIL,
Ambassador of France,
Permanent Representative to the European Communities;

THE PRESIDENT OF IRELAND:

Brendan DILLON,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Paolo Massimo ANTICI,
Minister Plenipotentiary,
Deputy Permanent Representative to the European Communities;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Jean DONDELINGER,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Luxembourg;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

E. J. KORTHALS ALTES,
Minister Plenipotentiary,
Deputy Permanent Representative to the European Communities;

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

Sir Donald MAITLAND, C.M.G., O.B.E.,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Sir Donald MAITLAND, C.M.G., O.B.E.,
Ambassador,
Permanent Representative of the United Kingdom,
Chairman of the Permanent Representatives Committee;
Claude CHEYSSON,
Member of the Commission of the European Communities;

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE:

José BRITO,
State Secretary for cooperation and planning;

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

1. Under this Agreement, the Republic of Cape Verde, hereinafter called 'Cape Verde', shall accede to the Convention.

2. Save as otherwise provided in this Agreement, the Convention and the decisions and other implementing measures taken by the institutions of the Convention shall apply to Cape Verde.

Article 2

For the purpose of the application of Article 7 (2) (a) of the Convention, Cape Verde shall not discriminate among the Member States as from the date of entry into force of this Agreement.

Regarding the obligation to grant to the Community treatment no less favourable than the most-favoured-nation treatment, Cape Verde shall have a transitional period of two years and six months from the date on which this Agreement is signed in which to make the appropriate adjustments to its customs tariff.

Article 3

The time limits laid down by the Convention and calculated from the entry into force of the Convention shall, for the purpose of application to Cape Verde, be calculated from the entry into force of this Agreement.

Article 4

1. As regards the Community, this Agreement shall be validly concluded by a decision of the Council of the

European Communities taken in accordance with the provisions of the Treaty and notified to the Parties.

It will be ratified by the Signatory States in accordance with their respective constitutional requirements.

2. The instruments of ratification and the act of notification of the conclusion of this Agreement shall be deposited, as concerns Cape Verde, with the Secretariat of the Council of the European Communities and, as concerns the Community and the Member States, with the Secretariat of the ACP States. The Secretariats shall forthwith give notice thereof to the Signatory States and the Community.

Article 5

This Agreement shall enter into force on the first day of the second month following the date of deposit of the instruments of ratification of the Member States and of Cape Verde, and of the act of notification of the conclusion of this Agreement by the Community.

Article 6

The Protocol annexed to this Agreement shall form an integral part thereof.

Article 7

This Agreement, drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities and the Secretariat of the ACP States, which shall both transmit a certified copy to the Government of each of the Signatory States.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne aftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.

Udfærdiget i Bruxelles, den otteogtyvende marts nitten hundrede og syvoghalvfjerds.

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

Done at Brussels on the twenty-eighth day of March in the year one thousand nine hundred and seventy-seven.

Fait à Bruxelles, le vingt-huit mars mil neuf cent soixante-dix-sept.

Fatto a Bruxelles, addì ventotto marzo millenovecentosettantasette.

Gedaan te Brussel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour Sa Majesté le roi des Belges

Voor Zijne majesteit de Koning der Belgen

J. Van der Meulen

For Hendes Majestæt Danmarks Dronning

C. Lyngby-Rasmussen

Für den Präsidenten der Bundesrepublik Deutschland

W. Ritter

Pour le président de la République française

J. M. L.

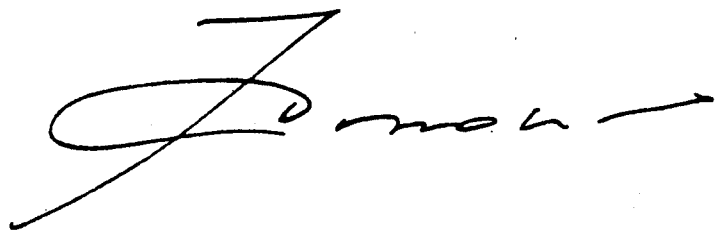
For the President of Ireland

Brendan Dillon

Per il presidente della Repubblica italiana

Paolo M. Arturi

Pour son Altesse Royale le grand-duc de Luxembourg



Voor Hare Majesteit de Koningin der Nederlanden



For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

Donald Maitland

For Rådet for De europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Donald Maitland

C. Cheyrou

Pour le président de la république du Cap-Vert



PROTOCOL**concerning the transitional arrangements for the issue of certificates of origin****THE HIGH CONTRACTING PARTIES**

HAVE AGREED UPON THE FOLLOWING PROVISIONS, WHICH ARE ANNEXED TO THE AGREEMENT:

Goods which conform to the provisions of Protocol 1 to the ACP-EEC Convention of Lomé on the concept of 'originating' products and which, on the date of entry into force of the Agreement, are being either transported or held in the Community or in an ACP State in temporary storage, in bonded warehouses or in free zones (including free ports and free warehouses) may be allowed to benefit under the provisions of the Agreement, subject to the submission to the customs authorities in the importing State, within four months of the said date, of:

- (a) a movement certificate EUR.1 issued retrospectively by the customs authorities in the exporting State, or
- (b) a certificate of origin issued by the competent authorities in that State,

and, in either case, any documents which provide supporting evidence of direct transport.

FINAL ACT

The Plenipotentiaries of

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

The Plenipotentiary of

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,

of the other part,

meeting at Brussels on 28 March 1977 for the purpose of signing the Agreement on the accession of the Republic of Cape Verde to the ACP-EEC Convention of Lomé,

HAVE ADOPTED THE FOLLOWING TEXTS:

the Agreement on the accession of the Republic of Cape Verde to the ACP-EEC Convention of Lomé and the Protocol on the transitional arrangements for the issue of certificates of origin.

The Plenipotentiary of the President of the Republic of Cape Verde has stated that the Republic of Cape Verde associates itself with the following declarations, in so far as they continue to apply:

- the Joint Declaration on fishing activities annexed to the ACP-EEC Convention of Lomé,
- the Joint Declarations contained in Annexes I to XIII of the Final Act of the ACP-EEC Convention of Lomé.

He has also taken note of the declarations contained in Annexes XIV to XXIV of the Final Act of the ACP-EEC Convention of Lomé and the following declarations by the European Economic Community:

I. Declaration by the Community on the entry into force of the Accession Agreement

1. The Community considers that it is highly desirable that the Agreement of Accession to the Lomé Convention signed with the Republic of Cape Verde should enter into force on the same date as the other Accession Agreements signed this day with the Democratic Republic of Sao Tome and Principe and Papua New Guinea.

To this end it intends to carry out the procedures provided for in Article 4 of the said Agreement on the same date for all three Accession Agreements.

2. In view of the fact that the Lomé Convention is due to expire on 1 March 1980 and that in accordance with Article 91 thereof the parties to the Convention should, 18 months before that date, enter into negotiations in order to examine what provisions shall subsequently govern relations between them, the Community considers that the accession of the new States to the Convention should become effective within a reasonable period.

Consequently, if any of the three States which have today signed an Agreement of Accession to the Lomé Convention has not deposited its instrument of ratification within the following 18 months, the Community reserves the right to take all necessary measures, in particular to permit the Accession Agreements signed by the State or States which have already deposited an instrument of ratification to enter into force separately.'

II. Measures to permit immediate application of certain financial provisions upon entry into force of the Agreement

'In the field of financial and technical cooperation, the European Economic Community will take measures, with particular reference to the programming of aid, such as to permit the effective application of the relevant provisions of the Convention as soon as the Agreement on the accession of the Republic of Cape Verde to the ACP-EEC Convention of Lomé enters into force.'

Udfærdiget i Bruxelles, den otteogtyvende marts nitten hundrede og syvoghalvfjerds.

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

Done at Brussels on the twenty-eighth day of March in the year one thousand nine hundred and seventy-seven.

Fait à Bruxelles, le vingt-huit mars mil neuf cent soixante-dix-sept.

Fatto a Bruxelles, addì ventotto marzo millenovecentosettantasette.

Gedaan te Brussel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour Sa Majesté le roi des Belges

Voor Zijne Majesteit de Koning der Belgen

J. van der Meulen

For Hendes Majestæt Danmarks Dronning



Für den Präsidenten der Bundesrepublik Deutschland

W. Fritzsche

Pour le président de la République française

J. M. L.

For the President of Ireland

Brendan Dillon

Per il presidente della Repubblica italiana

Paolo M. Aniasi

Pour Son Altesse Royale le grand-duc de Luxembourg

J. M. L.

Voor Harer Majesteit de Koningin der Nederlanden

W. Fritzsche

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

Donald Maitland

For Rådet for De europæiske Fællesskaber
Für den Rat der Europäischen Gemeinschaften
For the Council of the European Communities
Pour le Conseil des Communautés européennes
Per il Consiglio delle Comunità europee
Voor de Raad van de Europese Gemeenschappen

Donald Maitland
C. C. Heyman _____

Pour le président de la république du Cap-Vert

[Signature]

AGREEMENT**on the accession of Papua New Guinea to the ACP-EEC Convention of Lomé**

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European Economic Community, signed at Rome on
25 March 1957 (hereinafter called the 'Treaty'), whose States are hereinafter called 'Member States',

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE HEAD OF STATE OF PAPUA NEW GUINEA

of the other part,

HAVING REGARD to the Treaty establishing the European Economic Community,

HAVING REGARD to the ACP-EEC Convention of Lomé, signed at Lomé on 28 February 1975
(hereinafter called the 'Convention'), and in particular Article 90 thereof,

WHEREAS Papua New Guinea has applied to accede to the Convention;

WHEREAS the ACP-EEC Council of Ministers has approved this application;

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Joseph VAN DER MEULEN,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

HER MAJESTY THE QUEEN OF DENMARK:

Erik B. LYRTOFT-PETERSEN,
Minister-Counsellor,
Permanent Representative to the European Communities;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Walter KITTEL,
Minister Plenipotentiary,
Deputy Permanent Representative to the European Communities;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Luc de La BARRE de NANTEUIL,
Ambassador of France,
Permanent Representative to the European Communities;

THE PRESIDENT OF IRELAND:

Brendan DILLON,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Paolo Massimo ANTICI,
Minister Plenipotentiary,
Deputy Permanent Representative to the European Communities;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Jean DONDELINGER,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Luxembourg;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

E. J. KORTHALS ALTES,
Minister Plenipotentiary,
Deputy Permanent Representative to the European Communities;

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND:

Sir Donald MAITLAND, C.M.G., O.B.E.,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Sir Donald MAITLAND, C.M.G., O.B.E.,
Ambassador,
Permanent Representative of the United Kingdom,
Chairman of the Permanent Representatives Committee;

Claude CHEYSSON,
Member of the Commission of the European Communities;

THE HEAD OF STATE OF PAPUA NEW GUINEA:

Peter Dickson DONIGI,
Chargé d'Affaires;

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

1. Under this Agreement, Papua New Guinea shall accede to the Convention.

2. Save as otherwise provided in this Agreement, the Convention and the decisions and other implementing measures taken by the institutions of the Convention shall apply to Papua New Guinea.

Article 2

The time limits laid down by the Convention and calculated from the entry into force of the Convention shall, for the purpose of application to Papua New Guinea, be calculated from the entry into force of this Agreement.

Article 3

1. As regards the Community, this Agreement shall be validly concluded by a decision of the Council of the

European Communities taken in accordance with the provisions of the Treaty and notified to the Parties.

It will be ratified by the Signatory States in accordance with their respective constitutional requirements.

2. The instruments of ratification and the act of notification of the conclusion of this Agreement shall be deposited, as concerns Papua New Guinea, with the Secretariat of the Council of the European Communities and, as concerns the Community and the Member States, with the Secretariat of the ACP States. The Secretariats shall forthwith give notice thereof to the Signatory States and the Community.

Article 4

This Agreement shall enter into force on the first day of the second month following the date of deposit of the

instruments of ratification of the Member States and of Papua New Guinea, and of the act of notification of the conclusion of this Agreement by the Community.

Article 5

The Protocol annexed to this Agreement shall form an integral part thereof.

Article 6

This Agreement, drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities and the Secretariat of the ACP States, which shall both transmit a certified copy to the Government of each of the Signatory States.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne aftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.

Udfærdiget i Bruxelles, den otteogtyvende marts nitten hundrede og syvoghalvfjerds.

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

Done at Brussels on the twenty-eighth day of March in the year one thousand nine hundred and seventy-seven.

Fait à Bruxelles, le vingt-huit mars mil neuf cent soixante-dix-sept.

Fatto a Bruxelles, addì ventotto marzo millenovecentosettantasette.

Gedaan te Brussel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour Sa Majesté le roi des Belges

Voor Zijne Majesteit de Koning der Belgen

J. Van der Meulen

For Hendes Majestæt Danmarks Dronning

C. Gyldenfeldt-Rasmussen

Für den Präsidenten der Bundesrepublik Deutschland

W. Ritter

Pour le président de la République française

J. M. L.

For the President of Ireland

Brendan Dillon

Per il presidente della Repubblica italiana

Paolo M. Aniasi

Pour Son Altesse Royale le grand-duc de Luxembourg

J. J. J.

Voor Hare Majesteit de Koningin der Nederlanden

W. J. J.

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

Donald Maitland

For Rådet for De europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Donald Maitland
C. Cheyrou

For the Head of State of Papua New Guinea

Donag

PROTOCOL**concerning the transitional arrangements for the issue of certificates of origin****THE HIGH CONTRACTING PARTIES**

HAVE AGREED UPON THE FOLLOWING PROVISIONS, WHICH ARE ANNEXED TO THE AGREEMENT:

Goods which conform to the provisions of Protocol 1 to the ACP-EEC Convention of Lomé on the concept of 'originating' products and which, on the date of entry into force of the Agreement, are being either transported or held in the Community or in an ACP State in temporary storage, in bonded warehouses or in free zones (including free ports and free warehouses) may be allowed to benefit under the provisions of the Agreement, subject to the submission to the customs authorities in the importing State, within four months of the said date, of:

- (a) a movement certificate EUR.1 issued retrospectively by the customs authorities in the exporting State, or
- (b) a certificate of origin issued by the competent authorities in that State,

and, in either case, any documents which provide supporting evidence of direct transport.

FINAL ACT

The Plenipotentiaries of

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

The Plenipotentiary of

THE HEAD OF STATE OF PAPUA NEW GUINEA,

of the other part,

meeting at Brussels on 28 March 1977 for the purpose of signing the Agreement on the
accession of Papua New Guinea to the ACP-EEC Convention of Lomé,

HAVE ADOPTED THE FOLLOWING TEXTS:

the Agreement on the accession of Papua New Guinea to the ACP-EEC Convention of Lomé
and the Protocol on the transitional arrangements for the issue of certificates of origin.

The Plenipotentiary of the Head of State of Papua New Guinea has stated that Papua New
Guinea associates itself with the following declarations, in so far as they continue to apply:

- the Joint Declaration on fishing activities annexed to the ACP-EEC Convention of
Lomé,
- the Joint Declarations contained in Annexes I to XIII of the Final Act of the ACP-EEC
Convention of Lomé.

He has also taken note of the declarations contained in Annexes XIV to XXIV of the Final
Act of the ACP-EEC Convention of Lomé and the following declarations by the European
Economic Community:

I. Declaration by the Community on the entry into force of the Accession Agreement

- '1. The Community considers that it is highly desirable that the Agreement of Acces-
sion to the Lomé Convention signed with Papua New Guinea should enter into

force on the same date as the other Accession Agreements signed this day with the Democratic Republic of Sao Tome and Principe and the Republic of Cape Verde.

To this end it intends to carry out the procedures provided for in Article 3 of the said Agreement on the same date for all three Accession Agreements.

2. In view of the fact that the Lomé Convention is due to expire on 1 March 1980 and that in accordance with Article 91 thereof the parties to the Convention should, 18 months before that date, enter into negotiations in order to examine what provisions shall subsequently govern relations between them, the Community considers that the accession of the new States to the Convention should become effective within a reasonable period.

Consequently, if any of the three States which have today signed an Agreement of Accession to the Lomé Convention has not deposited its instrument of ratification within the following 18 months, the Community reserves the right to take all necessary measures, in particular to permit the Accession Agreements signed by the State or States which have already deposited an instrument of ratification to enter into force separately.'

II. Measures to permit immediate application of certain financial provisions upon entry into force of the Agreement

'In the field of financial and technical cooperation, the European Economic Community will take measures, with particular reference to the programming of aid, such as to permit the effective application of the relevant provisions of the Convention as soon as the Agreement on the accession of Papua New Guinea to the ACP-EEC Convention of Lomé enters into force.'

Udfærdiget i Bruxelles, den otteogtyvende marts nitten hundrede og syvoghalvfjerds.

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

Done at Brussels on the twenty-eighth day of March in the year one thousand nine hundred and seventy-seven.

Fait à Bruxelles, le vingt-huit mars mil neuf cent soixante-dix-sept.

Fatto a Bruxelles, addì ventotto marzo millenovecentosettantasette.

Gedaan te Brussel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour Sa Majesté le roi des Belges

Voor Zijne Majesteit de Koning der Belgen

J. Van der Meulen

For Hendes Majestæt Danmarks Dronning

B. Gynter - Attala

Für den Präsidenten der Bundesrepublik Deutschland

H. / Rittel

Pour le président de la République française

J. M. L.

For the President of Ireland

Brendan Dillon

Per il presidente della Repubblica italiana

Paolo M. Artigiani

Pour Son Altesse Royale le grand-duc de Luxembourg

J. M. L.

Voor Hare Majesteit de Koningin der Nederlanden

H. M. L.

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

Donald Maitland

For Rådet for De europæiske Fællesskaber
Für den Rat der Europäischen Gemeinschaften
For the Council of the European Communities
Pour le Conseil des Communautés européennes
Per il Consiglio delle Comunità europee
Voor de Raad van de Europese Gemeenschappen

Jonara Maitland

C. Cheymon

For the Head of State of Papua New Guinea

Donag

AGREEMENT

on the accession of the Democratic Republic of Sao Tome and Principe to the ACP-EEC
Convention of Lomé

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European Economic Community, signed at Rome on
25 March 1957 (hereinafter called the 'Treaty'), whose States are hereinafter called 'Member States',

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE,

of the other part,

HAVING REGARD to the Treaty establishing the European Economic Community,

HAVING REGARD to the ACP-EEC Convention of Lomé, signed at Lomé on 28 February 1975
(hereinafter called the 'Convention'), and in particular Article 90 thereof,

WHEREAS the Democratic Republic of Sao Tome and Principe has applied to accede to the Con-
vention;

WHEREAS the ACP-EEC Council of Ministers has approved this application;

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Joseph VAN DER MEULEN,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

HER MAJESTY THE QUEEN OF DENMARK:

Erik B. LYRTOFT-PETERSEN,
Minister-Counsellor,
Permanent Representative to the European Communities;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Walter KITTEL,
Minister Plenipotentiary,
Deputy Permanent Representative to the European Communities;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Luc de La BARRE de NANTEUIL,
Ambassador of France,
Permanent Representative to the European Communities;

THE PRESIDENT OF IRELAND:

Brendan DILLON,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Paolo Massimo ANTICI,
Minister Plenipotentiary,
Deputy Permanent Representative to the European Communities;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Jean DONDELINGER,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Luxembourg;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

E. J. KORTHALS ALTES,
Minister Plenipotentiary,
Deputy Permanent Representative to the European Communities;

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

Sir Donald MAITLAND, C.M.G., O.B.E.,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Sir Donald MAITLAND, C.M.G., O.B.E.,
Ambassador,
Permanent Representative of the United Kingdom,
Chairman of the Permanent Representative Committee;
Claude CHEYSSON,
Member of the Commission of the European Communities;

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE:

Leonel MARIO DALVA,
Minister for Foreign Affairs;

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

1. Under this Agreement, the Democratic Republic of Sao Tome and Principe, hereinafter called 'Sao Tome and Principe', shall accede to the Convention.

2. Save as otherwise provided in this Agreement, the Convention and the decisions and other implementing measures taken by the institutions of the Convention shall apply to Sao Tome and Principe.

Article 2

For the purpose of the application of Article 7 (2) (a) of the Convention, Sao Tome and Principe shall not discriminate among the Member States as from the date of entry into force of this Agreement.

Regarding the obligation to grant to the Community treatment no less favourable than the most-favoured-nation treatment, Sao Tome and Principe shall have a transitional period of two years and six months from the date on which this Agreement is signed in which to make the appropriate adjustments to its customs tariff.

Article 3

The time limits laid down by the Convention and calculated from the entry into force of the Convention shall, for the purpose of application to Sao Tome and Principe, be calculated from the entry into force of this Agreement.

Article 4

1. As regards the Community, this Agreement shall be validly concluded by a decision of the Council of the European Communities taken in accordance with the provisions of the Treaty and notified to the Parties.

It will be ratified by the Signatory States in accordance with their respective constitutional requirements.

2. The instruments of ratification and the act of notification of the conclusion of this Agreement shall be deposited, as concerns Sao Tome and Principe, with the Secretariat of the Council of the European Communities and, as concerns the Community and the Member States, with the Secretariat of the ACP States. The Secretariats shall forthwith give notice thereof to the Signatory States and the Community.

Article 5

This Agreement shall enter into force on the first day of the second month following the date of deposit of the instruments of ratification of the Member States and of Sao Tome and Principe, and of the act of notification of the conclusion of this Agreement by the Community.

Article 6

The Protocol annexed to this Agreement shall form an integral part thereof.

Article 7

This Agreement, drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the ACP States, which shall both transmit a certified copy to the Government of each of the Signatory States.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne aftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.

Udfærdiget i Bruxelles, den otteogtyvende marts nitten hundrede og syvoghalvfjerds.

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

Done at Brussels on the twenty-eighth day of March in the year one thousand nine hundred and seventy-seven.

Fait à Bruxelles, le vingt-huit mars mil neuf soixante-dix-sept.

Fatto a Bruxelles, addì ventotto marzo millenovecentosettantasette.

Gedaan te Brussel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour Sa Majesté le roi des Belges

Voor Zijne Majesteit de Koning der Belgen

J. Van der Meulen

For Hendes Majestæt Danmarks Dronning

C. Lyngby-Rasmussen

Für den Präsidenten der Bundesrepublik Deutschland

W. Rüttel

Pour le président de la République française

J. M. L.

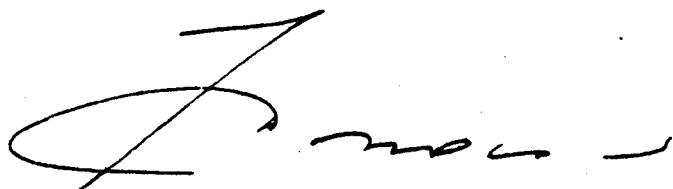
For the President of Ireland

Brendan Dillon

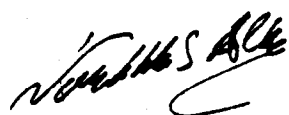
Per il presidente della Repubblica italiana

Paolo M. Aniasi

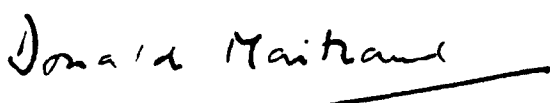
Pour Son Altesse Royale le grand-duc de Luxembourg



Voor Hare Majesteit de Koningin der Nederlanden



For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland



For Rådet for De europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

For the Council of the European Communities

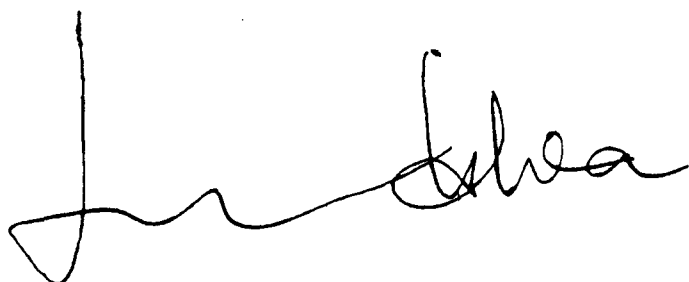
Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen



Pour le président de la republique démocratique de São Tomé et Prince



PROTOCOL

concerning the transitional arrangements for the issue of certificates of origin

THE HIGH CONTRACTING PARTIES

HAVE AGREED UPON THE FOLLOWING PROVISIONS, WHICH ARE ANNEXED TO THE AGREEMENT:

Goods which conform to the provisions of Protocol 1 to the ACP-EEC Convention of Lomé on the concept of 'originating' products and which, on the date of entry into force of the Agreement, are being either transported or held in the Community or in an ACP State in temporary storage, in bonded warehouses or in free zones (including free ports and free warehouses) may be allowed to benefit under the provisions of the Agreement, subject to the submission to the customs authorities in the importing State within four months of the said date, of:

- (a) a movement certificate EUR.1 issued retrospectively by the customs authorities in the exporting State, or
- (b) a certificate of origin issued by the competent authorities in that State,

and, in either case, any documents which provide supporting evidence of direct transport.

FINAL ACT

The Plenipotentiaries of

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

The Plenipotentiary of

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE,

of the other part,

meeting at Brussels on 28 March 1977 for the purpose of signing the Agreement on the accession of the Democratic Republic of Sao Tome and Principe to the ACP-EEC Convention of Lomé,

HAVE ADOPTED THE FOLLOWING TEXTS:

the Agreement on the accession of the Democratic Republic of Sao Tome and Principe to the ACP-EEC Convention of Lomé and the Protocol on the transitional arrangements for the issue of certificates of origin.

The Plenipotentiary of the President of the Democratic Republic of Sao Tome and Principe has stated that the Democratic Republic of Sao Tome and Principe associates itself with the following declarations, in so far as they continue to apply:

- the Joint Declaration on fishing activities annexed to the ACP-EEC Convention of Lomé,
- the Joint Declarations contained in Annexes I to XIII of the Final Act of the ACP-EEC Convention of Lomé.

He has also taken note of the declarations contained in Annexes XIV to XXIV of the Final Act of the ACP-EEC Convention of Lomé and the following declarations by the European Economic Community:

I. Declaration by the Community on the entry into force of the Accession Agreement

1. The Community considers that it is highly desirable that the Agreement of Accession to the Lomé Convention signed with the Democratic Republic of Sao Tome and

Principe should enter into force on the same date as the other Accession Agreements signed this day with the Republic of Cape Verde and Papua New Guinea.

To this end it intends to carry out the procedures provided for in Article 4 of the said Agreement on the same date for all three Accession Agreements.

2. In view of the fact that the Lomé Convention is due to expire on 1 March 1980 and that in accordance with Article 91 thereof the parties to the Convention should, 18 months before that date, enter into negotiations in order to examine what provisions shall subsequently govern relations between them, the Community considers that the accession of the new States to the Convention should become effective within a reasonable period.

Consequently, if any of the three States which have today signed an Agreement of Accession to the Lomé Convention has not deposited its instrument of ratification within the following 18 months, the Community reserves the right to take all necessary measures, in particular to permit the Accession Agreements signed by the State or States which have already deposited an instrument of ratification to enter into force separately.'

II. Measures to permit immediate application of certain financial provisions upon entry into force of the Agreement

'In the field of financial and technical cooperation, the European Economic Community will take measures, with particular reference to the programming of aid, such as to permit the effective application of the relevant provisions of the Convention as soon as the Agreement on the accession of the Democratic Republic of Sao Tome and Principe to the ACP-EEC Convention of Lomé enters into force.'

Udfærdiget i Bruxelles, den otteogtyvende marts nitten hundrede og syvoghalvfjerds.

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

Done at Brussels on the twenty-eighth day of March in the year one thousand nine hundred and seventy-seven.

Fait à Bruxelles, le vingt-huit mars mil neuf cent soixante-dix-sept.

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Gedaan te Brussel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour Sa Majesté le roi des Belges

Voor Zijne Majesteit de Koning der Belgen

J. van der Meulen

For Hendes Majestæt Danmarks Dronning

B. Gyssels

Für den Präsidenten der Bundesrepublik Deutschland

W. Rüttel

Pour le président de la République française

J. de Noutel

For the President of Ireland

Brendan Dillon

Per il presidente della Repubblica italiana

Paolo M. Anile

Pour Son Altesse Royale le grand-duc de Luxembourg

J. Mon

Voor Hare Majesteit de Koningin der Nederlanden

W. de Koning

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

Donald Maitland

For Rådet for De europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Jonala Maitland

C. Chagnon

Pour le président de la république démocratique de São Tomé et Prince

Juliano