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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3225/80

of 25 November 1980

on the conclusion of the Second ACP-EEC Convention signed at Lomé on 31 October 1979

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 the Second ACP-EEC Convention between the African, Caribbean and Pacific States, on the one part, and the European Community and its Member States, of the other part, signed at Lomé on 31 October 1979, should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The Second ACP-EEC Convention, the Protocols annexed thereto, the declarations annexed to Protocol 7

and the declarations annexed to the Final Act are hereby approved on behalf of the European Economic Community.

The texts of the Convention, the Protocols and the Final Act are annexed to this Regulation.

Saint Vincent and the Grenadines shall be considered a signatory State to the Convention by virtue of the act of signature which is also annexed to this Regulation.

Article 2

The President of the Council shall, as regards the Community, deposit the act of notification of the conclusion of the Convention, as provided for in Article 183 thereof ⁽²⁾.

Article 3

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, 25 November 1980.

For the Council

The President

Colette FLESCH

⁽¹⁾ OJ No C 327, 15. 12. 1980, p. 69.

⁽²⁾ The date of entry into force of the Second ACP-EEC Convention will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

SECOND ACP-EEC CONVENTION

signed at Lomé on 31 October 1979

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, hereinafter referred
to as 'the Community', signed at Rome on 25 March 1957, whose States are hereinafter referred to as
'the Member States';

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE HEAD OF STATE OF THE BAHAMAS,

THE HEAD OF STATE OF BARBADOS,

THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF BENIN,

THE PRESIDENT OF THE REPUBLIC OF BOTSWANA,

THE PRESIDENT OF THE REPUBLIC OF BURUNDI,

THE PRESIDENT OF THE UNITED REPUBLIC OF CAMEROON,

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC,

THE PRESIDENT OF THE FEDERAL ISLAMIC REPUBLIC OF THE COMOROS,

THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF THE CONGO,

THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST,

THE PRESIDENT OF THE REPUBLIC OF JIBUTI,

THE PRIME MINISTER AND MINISTER OF EXTERNAL AFFAIRS OF THE INDEPENDENT STATE OF DOMINICA,

THE CHAIRMAN OF THE PROVISIONAL MILITARY ADMINISTRATIVE COUNCIL AND OF THE COUNCIL OF MINISTERS AND COMMANDER-IN-CHIEF OF THE REVOLUTIONARY ARMY OF ETHIOPIA,

HER MAJESTY THE QUEEN OF FIJI,

THE PRESIDENT OF THE GABONESE REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF THE GAMBIA,

THE PRESIDENT OF THE REPUBLIC OF GHANA,

THE HEAD OF STATE OF GRENADA,

THE PRESIDENT OF THE REPUBLIC OF GUINEA,

THE PRESIDENT OF THE COUNCIL OF STATE OF GUINEA BISSAU,

THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL GUINEA,

THE PRESIDENT OF THE REPUBLIC OF GUYANA,

THE PRESIDENT OF THE REPUBLIC OF UPPER VOLTA,

THE HEAD OF STATE OF JAMAICA,

THE PRESIDENT OF THE REPUBLIC OF KENYA,

THE PRESIDENT OF THE REPUBLIC OF KIRIBATI,

HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO,

THE PRESIDENT OF THE REPUBLIC OF LIBERIA,

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF MADAGASCAR,

THE PRESIDENT OF THE REPUBLIC OF MALAWI,

THE PRESIDENT OF THE REPUBLIC OF MALI,

THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA,

HER MAJESTY THE QUEEN OF MAURITIUS,

THE PRESIDENT OF THE REPUBLIC OF NIGER,

THE HEAD OF THE FEDERAL GOVERNMENT OF NIGERIA,

THE HEAD OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA,

THE PRESIDENT OF THE REPUBLIC OF RWANDA,

THE PRESIDENT OF THE REPUBLIC OF SAINT LUCIA,

THE HEAD OF STATE OF WESTERN SAMOA,

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

THE PRESIDENT OF THE REPUBLIC OF SENEGAL,

THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES,

THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE,

THE PRESIDENT OF THE INDEPENDENT STATE OF SOLOMON ISLANDS,

THE PRESIDENT OF THE SOMALI DEMOCRATIC REPUBLIC, PRESIDENT OF THE SUPREME
REVOLUTIONARY COUNCIL,

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE SUDAN,

THE PRESIDENT OF THE REPUBLIC OF SURINAM,

HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND,

THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA,

THE PRESIDENT OF THE REPUBLIC OF CHAD,

THE PRESIDENT OF THE REPUBLIC OF TOGO,

HIS MAJESTY KING TAUFU'AHAU TUPOU IV OF TONGA,

THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO,

HER MAJESTY THE QUEEN OF TUVALU,

THE PRESIDENT OF THE REPUBLIC OF UGANDA,

THE PRESIDENT OF THE REPUBLIC OF ZAIRE,

THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,

whose States are hereinafter called 'the ACP States',

of the other part,

HAVING REGARD to the Treaty establishing the European Economic Community, hereinafter referred to as 'the Treaty', and to the Georgetown Agreement constituting the group of African, Caribbean and Pacific States;

ANXIOUS to reinforce, on the basis of complete equality between partners and in their mutual interest, close and continuing cooperation in the spirit of international solidarity;

RESOLVED to intensify their efforts together for the economic development and social progress of the ACP States, and to ensure the greater well-being of their populations;

WISHING to demonstrate their common desire to maintain and develop the friendly relations existing between their countries, in accordance with the principles of the United Nations Charter;

RESOLVED to continue and intensify their efforts to establish a model for relations between developed and developing States which is compatible with the aspirations of the international community towards the establishment of a new, more just and more balanced international economic order;

RESOLVED to promote, having regard to their respective levels of development, trade cooperation between the ACP States and the Community and to provide a sound basis therefor in conformity with their international obligations;

CONSCIOUS of the need to develop cooperation and trade among the ACP States as a whole and the particular need to accelerate economic cooperation and development within and between the regions of the ACP States;

CONSCIOUS of the particular importance of the agricultural and rural development of the ACP States and of the need to intensify efforts to that end;

DESIROUS of safeguarding the interests of the ACP States whose economies depend to a considerable extent on the export of commodities and of developing their resources;

ANXIOUS to promote the industrial development of the ACP States through increased cooperation between these States and the Member States;

ACKNOWLEDGING the need for special treatment to be accorded to the least-developed ACP States and for special measures to be introduced in favour of the land-locked and island ACP States in order to help them overcome the specific difficulties with which they are faced;

CONSCIOUS of the need to establish adequate machinery for widest possible consultations, with a view to promoting ACP-ECC cooperation;

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

HIS MAJESTY THE KING OF THE BELGIANS:

Mr Paul NOTERDAEME,
Ambassador,
Permanent Representative to the European Communities;

HER MAJESTY THE QUEEN OF DENMARK:

Mr Niels ERSBØLL,
State Secretary,
Ambassador,
Ministry of Foreign Affairs;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Mr Klaus von DOHNANYI,
Minister of State,
Ministry of Foreign Affairs;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr Robert GALLEY,
Minister for Cooperation,

Mr Pierre BERNARD-REYMOND,
State Secretary,
Ministry of Foreign Affairs;

THE PRESIDENT OF IRELAND:

Mr Michael O'KENNEDY,
Minister for Foreign Affairs of Ireland;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

The Honourable Guiseppe ZAMBERLETTI,
Under-Secretary of State for Foreign Affairs;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Mr Jean DONDELINGER,
Ambassador,
Permanent Representative of Luxembourg to the European Communities;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr D.F. VAN DER MEI,
Secretary of State,
Ministry of Foreign Affairs;

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

The Honourable Douglas Richard HURD, CBE,
Member of Parliament,
Minister of State for Foreign and Commonwealth Affairs;

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Mr Michael O'KENNEDY,
President-in-Office of the Council of the European Communities,
Minister for Foreign Affairs of Ireland;

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

THE HEAD OF STATE OF THE COMMONWEALTH OF THE BAHAMAS:

H.E. Mr R.F. Anthony ROBERTS,
High Commissioner for the Commonwealth of the Bahamas in London;

THE HEAD OF STATE OF BARBADOS:

The Honourable Harold Bernard St JOHN, QC, MP,
Deputy Prime Minister and Minister of Trade, Tourism and Industry;

THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF BENIN:

Mr André ATCHADE,
Minister for Trade and Tourism;

THE PRESIDENT OF THE REPUBLIC OF BOTSWANA:

Mr Archibald MOOKETSA MOGWE,
Minister of External Affairs;

THE PRESIDENT OF THE REPUBLIC OF BURUNDI:

Mr Donatien BIHUTE,
Minister for Planning;

THE PRESIDENT OF THE UNITED REPUBLIC OF CAMEROON:

Mr Robert NAAH,
Deputy Minister for Economic Affairs and Planning;

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE:

Mr Abilio Augusto MONTERO DUARTE,
Minister for Foreign Affairs;

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC:

Mr Jean-Pierre LE BOUDER,
Minister for Cooperation, Planning, General Statistics, Companies and Consultancy Bureaux on
Projects relating *inter alia* to the Organization and Promotion of Agro-Industrial Operations;

THE PRESIDENT OF THE FEDERAL ISLAMIC REPUBLIC OF THE COMOROS:

Mr Ali MROUDJAE,
Minister for Foreign Affairs and Cooperation;

THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF THE CONGO:

Mr Elenga NGAPORO,
Minister for Trade;

THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST:

Mr Abdoulaye KONE,
Minister for Economic Affairs, Financing and Planning;

THE PRESIDENT OF THE REPUBLIC OF JIBUTI:

H.E. Mr Ahmed Ibrahim ABDI,
Ambassador Extraordinary and Plenipotentiary of the Republic of Jibuti to the French
Government and to the European Economic Community;

THE PRIME MINISTER AND MINISTER OF EXTERNAL AFFAIRS OF THE
COMMONWEALTH OF DOMINICA:

Mr Arden SHILLINGFORD,
High Commissioner of Dominica in London;

THE CHAIRMAN OF THE PROVISIONAL MILITARY ADMINISTRATIVE COUNCIL AND OF
THE COUNCIL OF MINISTERS AND COMMANDER-IN-CHIEF OF THE REVOLUTIONARY
ARMY OF ETHIOPIA:

Mr Teferra WOLDE-SEMAIT,
Minister of Finance;

HER MAJESTY THE QUEEN OF FIJI:

Mr Satya Nand NANDAN,
Ambassador Extraordinary and Plenipotentiary,
Head of the Mission of Fiji to the European Communities;

THE PRESIDENT OF THE GABONESE REPUBLIC:

Mr Michel ANCHOUEY,
Minister for Planning, Development, Regional Planning and Tourism;

THE PRESIDENT OF THE REPUBLIC OF THE GAMBIA:

Mr Mohamadu CADI CHAM,
Minister of Finance and Trade;

THE PRESIDENT OF THE REPUBLIC OF GHANA:

H.E. Mr Amon NIKOI,
Minister of Finance and Economic Planning;

THE HEAD OF STATE OF GRENADA:

Mr Fennis AUGUSTINE,
High Commissioner for Grenada in London;

THE PRESIDENT OF THE REPUBLIC OF GUINEA:

Mr N'Faly SANGARE,
Minister Delegate to the European Communities;

THE PRESIDENT OF THE COUNCIL OF STATE OF GUINEA BISSAU:

H.E. Dr Vasco CABRAL,
State Commissioner for Economic Coordination and Planning;

THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL GUINEA:

Lieut. Cristino Seriche MALABO BIOCO,
Member of the Supreme Military Council;

THE PRESIDENT OF THE REPUBLIC OF GUYANA:

Mr Samuel Rudolph INSANALLY,
Guyana's Permanent Representative to the European Economic Community;

THE PRESIDENT OF THE REPUBLIC OF UPPER VOLTA:

Mr Georges SANOGO,
Minister for Planning and Cooperation;

THE HEAD OF STATE OF JAMAICA:

H.E. Mr Donald RAINFORD,
Ambassador Extraordinary and Plenipotentiary of Jamaica to the European Communities;

THE PRESIDENT OF THE REPUBLIC OF KENYA:

Mr Joseph MULIRO,
Permanent Secretary,
Ministry of Agriculture;

THE PRESIDENT OF THE REPUBLIC OF KIRIBATI:

The Honourable Douglas Richard HURD, CBE, MP,
Minister of State for Foreign and Commonwealth Affairs of the United Kingdom of Great
Britain and Northern Ireland;

HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO:

The Honourable Morena MAKHAOLA LEROTHOLI;

THE PRESIDENT OF THE REPUBLIC OF LIBERIA:

The Honourable D. Franklin NEAL,
Minister of Planning and Economic Affairs;

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF MADAGASCAR:

H.E. Mr Justin RARIVOSON,
Minister for Economic Affairs and Trade;

THE PRESIDENT OF THE REPUBLIC OF MALAWI:

The Honourable Stott Zondwayo JERE, MP,
Minister for Trade, Industry and Tourism;

THE PRESIDENT OF THE REPUBLIC OF MALI:

H.E. Mr Alioune Blondin BEYE,
Minister for Foreign Affairs and International Cooperation;

THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA:

Mr Abdellah OULD DADDAH,
Ambassador Extraordinary and Plenipotentiary,
Representative of the Islamic Republic of Mauritania to the European Communities;

HER MAJESTY THE QUEEN OF MAURITIUS:

The Honourable Sir Sateam BOOLELL, Knight,
Minister for Agriculture, Natural Resources and the Environment;

THE PRESIDENT OF THE REPUBLIC OF NIGER:

Mr Mai MAIGENA,
Minister for Economic Affairs, Trade and Industry;

THE HEAD OF THE FEDERAL GOVERNMENT OF NIGERIA:

H.E. Mr P. Ayodele AFOLABI,
Ambassador Extraordinary and Plenipotentiary,
Head of the Mission of the Federal Republic of Nigeria to the European Communities;

THE HEAD OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA:

Mr Frederick Bernard Carl REIHER,
Ambassador to the European Communities;

THE PRESIDENT OF THE REPUBLIC OF RWANDA:

Mr Ambroise MULINDANGABO,
Minister for Planning;

THE PRESIDENT OF THE REPUBLIC OF SAINT LUCIA:

Mr George William ODLUM,
Deputy Prime Minister,
Minister for Foreign Affairs and Trade;

THE HEAD OF STATE OF WESTERN SAMOA:

The Honourable Filipo VAOVASAMANAIA,
Minister for Finance;

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

Mrs Maria de AMORIM,
Minister for Foreign Affairs and Cooperation;

THE PRESIDENT OF THE REPUBLIC OF SENEGAL:

Mr Ousmane SECK,
Minister for Finance and Economic Affairs;

THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES:

Mr Maxime FERRARI,
Minister for Planning and Development;

THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE:

The Honourable Dr I.M. FOFANA,
Minister for Trade and Industry;

THE PRESIDENT OF THE INDEPENDENT STATE OF SOLOMON ISLANDS:

The Honourable Douglas Richard HURD, CBE, MP,
Minister of State,
Ministry of Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and
Northern Ireland

THE PRESIDENT OF THE SOMALI DEMOCRATIC REPUBLIC, PRESIDENT OF THE SUPREME
REVOLUTIONARY COUNCIL:

H.E. Mr Omar Salah AHMED,
Ambassador Extraordinary and Plenipotentiary,
Representative of the Somali Democratic Republic to the European Communities;

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE SUDAN:

Mr IZZ EL DIN HAMID,
Minister of State in the Council of Ministers;

THE PRESIDENT OF THE REPUBLIC OF SURINAM:

Mr Ludwig C. ZUIVERLOON,
Minister of Economic Affairs;

HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND:

Mr DZABULUMJIVA H.S. NHLABATSI,
Deputy Minister for Works, Power and Communications;

THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA:

Mr Alphonse M. RULEGURA,
Minister for Trade;

THE PRESIDENT OF THE REPUBLIC OF CHAD:

Mr Issaka Ramat AL HAMDOUN,
Chargé d'affaires a.i.
Brussels Embassy of the Republic of Chad;

THE PRESIDENT OF THE REPUBLIC OF TOGO:

Mr Koudjolou DOGO,
Minister for Planning, Industrial Development and Administrative Reform;

HIS MAJESTY KING TAUFU'AHU TUPOU IV OF TONGA:

H.R.H. Crown Prince TUPOUTO'A,

THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO:

H.E. Mr Eustace SEIGNORET,
High Commissioner (London);

HER MAJESTY THE QUEEN OF TUVALU:

Mr Satya Nand NANDAN,
Ambassador Extraordinary and Plenipotentiary,
Head of the Mission of Fiji to the European Communities;

THE PRESIDENT OF THE REPUBLIC OF UGANDA:

The Honourable Ateker EJALU,
Minister of Regional Cooperation;

THE PRESIDENT OF THE REPUBLIC OF ZAIRE:

Mr KIAKWAMA Kia KIZIKI,
State Commissioner for the Economy, Industry and Trade;

THE PRESIDENT OF THE REPUBLIC OF ZAMBIA:

Mr Remi CHISUPA, MP,
Minister of Commerce and Industry;

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

HAVE AGREED AS FOLLOWS:

TITLE I

TRADE COOPERATION

Article 1

In the field of trade cooperation, the object of this Convention is to promote trade between the ACP States and the Community, taking account of their respective levels of development, and also between the ACP States themselves.

In the pursuit of this objective, particular regard will be had to the need to secure effective additional benefits for the trade of the ACP States with the Community, in order to accelerate the growth of their trade and in particular of the flow of their exports to the Community and in order to improve the conditions of access for their products to the market of the Community, so as to ensure a better balance in the trade of the Contracting Parties.

To this end the Contracting Parties shall apply the provisions of this Title and the other appropriate measures under Titles V, VI and VII.

Chapter 1

Trade arrangements

Article 2

1. Products originating in the ACP States shall be imported into the Community free of customs duties and charges having equivalent effect.
2. (a) Products originating in the ACP States:
 - listed in Annex II to the Treaty when they come under a common organization of the market within the meaning of Article 40 of the Treaty, or
 - subject, on import into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy,

shall be imported into the Community notwithstanding the general arrangements applied in respect of third countries, in accordance with the following provisions:

- (i) those products shall be imported free of customs duties for which Community provisions in force at the time of import do not provide, apart from customs duties, for the application of any other measure relating to their import;
 - (ii) for products other than those referred to under (i), the Community shall take the necessary measures to ensure more favourable treatment than that granted to third countries benefiting from the most-favoured-nation clause for the same products.
- (b) If, during the application of this Convention, the ACP States request that new lines of agricultural production or agricultural products which are not the subject of specific arrangements upon the entry into force of this Convention should benefit from such arrangements, the Community shall examine these requests in consultation with the ACP States.
- (c) The arrangements referred to in subparagraph (a) shall enter into force at the same time as this Convention and shall remain applicable for its duration.

If, however, during the application of this Convention, the Community:

- subjects one or more products to common organization of the market or to specific rules introduced as a result of the implementation of the common agricultural policy, it reserves the right to adapt the import treatment for these products originating in the ACP States, following consultations within the Council of Ministers. In such cases, the provisions of subparagraph (a) shall be applicable,
- modifies the common organization of the market in a particular product or the specific rules introduced as a result of the implementation of the common agricultural policy, it reserves the right to modify the arrangements laid down for products originating in the ACP States, following consultations within the Council of Ministers. In such cases, the Community undertakes to ensure that products originating in the ACP States continue to enjoy an advantage comparable to that previously enjoyed in relation to products originating in third countries benefiting from the most-favoured-nation clause.

- (d) Where the Community envisages concluding a preferential agreement with third States it shall

inform the ACP States thereof. Consultations shall take place, where the ACP States so request in order to safeguard their interests.

Article 3

1. The Community shall not apply to imports of products originating in the ACP States any quantitative restrictions or measures having equivalent effect.

2. Paragraph 1, however, shall not prejudice the import treatment applied to the products referred to in the first indent of Article 2 (2) (a).

The Community shall inform the ACP States when residual quantitative restrictions are eliminated in respect of any of these products.

Article 4

The provisions of this chapter shall not preclude any commitments which the Contracting Parties might have to enter into within the framework of International Community Agreements.

Consultations shall take place on this subject when Contracting Parties envisage concluding such Agreements with a view to taking into consideration the respective interests of all the Contracting Parties.

Article 5

1. The provisions of Article 3 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals and plants; the protection of national treasures possessing artistic, historic or archeological value or the protection of industrial and commercial property.

2. Such prohibitions or restrictions shall not in any case constitute a means of arbitrary discrimination or a disguised restriction on trade generally.

3. In cases where the implementation of the measures referred to in paragraph 1 affect the interests of one or more ACP States, consultations shall be held at the request of the latter with a view to reaching a satisfactory solution.

Article 6

The treatment applied to imports of products originating in the ACP States may not be more favourable than that applied to trade among the Member States.

Article 7

Where new measures or measures stipulated in programmes adopted by the Community for the approximation of laws and regulations in order to facilitate the movement of goods are likely to affect the interests of one or more ACP States the Community shall, prior to adopting such measures, inform the ACP States thereof through the Council of Ministers.

In order to enable the Community to take into consideration the interests of the ACP States concerned, consultations shall be held at the request of the latter with a view to reaching a satisfactory solution.

Article 8

1. Where existing rules or regulations of the Community adopted in order to facilitate the movement of goods affect the interests of one or more ACP States or where these interests are affected by the interpretation, application or administration of such rules or regulations, consultations shall be held at the request of the ACP States concerned with a view to reaching a satisfactory solution.

2. With a view to finding a satisfactory solution, the ACP States may also bring up within the Council of Ministers any other problems relating to the movement of goods which might result from measures taken or envisaged by the Member States.

3. The competent institutions of the Community shall to the greatest possible extent inform the Council of Ministers of such measures.

Article 9

1. In view of their present development needs, the ACP States shall not be required for the duration of this Convention to assume in respect of imports of products originating in the Community, obligations corresponding to the commitments entered into by the Community in respect of imports of the products originating in the ACP States, under this Chapter.

2. (a) In their trade with the Community, the ACP States shall not discriminate among the Member States, and shall grant to the Community treatment no less favourable than the most-favoured-nation treatment.

(b) The most-favoured-nation treatment referred to in subparagraph (a) shall not apply in respect of trade or economic relations between ACP States or between one or more ACP States and other developing countries.

Article 10

Unless it has already done so under the terms of the ACP-EEC Convention of Lomé, each Contracting Party shall communicate its customs tariff to the Council of Ministers within a period of three months following the entry into force of this Convention. Each Contracting Party shall also communicate any subsequent amendments to its tariff as and when they come into force.

Article 11

1. The concept of 'originating products' for the purposes of implementing this chapter, and the methods of administrative cooperation relating thereto, are defined in Protocol 1.

2. The Council of Ministers may adopt any amendment to Protocol 1.

3. Where the concept of 'originating products' has not yet been defined for a given product in implementation of paragraph 1 or 2, each Contracting Party shall continue to apply its own rules.

Article 12

1. If, as a result of applying the provisions of this Chapter, serious disturbances occur in a sector of the economy of the Community or of one or more of its Member States, or jeopardize their external financial stability, or if difficulties arise which may result in a deterioration in a sector of the economy of the Community or of a region thereof, the Community may take, or may authorize the Member State concerned to take, safeguard measures. These measures, their duration and their methods of application shall be notified immediately to the Council of Ministers.

2. The Community and its Member States undertake not to use safeguard measures or other means for protectionist purposes or to hamper structural development.

3. These safeguard measures shall be restricted to those which would least disturb trade between the Contracting Parties in implementing the objectives of the Convention and must not exceed the scope of what is strictly necessary to remedy the difficulties that have arisen.

4. Safeguard measures shall, at the time of their application, take account of the existing level of the ACP exports concerned to the Community and their potential for development.

Article 13

1. Prior consultations shall take place concerning the application of the safeguard clause, both when such measures are first adopted and when such measures are extended. The Community shall provide the ACP States with all the information necessary for such consultations and shall provide the necessary data from which to determine to what extent imports from an ACP State or ACP States of a specific product have caused the effects mentioned in Article 12 (1).
2. Where consultations have taken place, safeguard measures, or arrangements jointly agreed upon by the ACP States concerned and the Community, shall enter into force thereafter.
3. However, the prior consultations provided for in paragraphs 1 and 2 shall not prevent any immediate decisions which the Community or its Member States, in accordance with Article 12 (1), might take where special factors have necessitated these decisions.
4. In order to facilitate the examination of facts that may cause market disturbances a mechanism shall be instituted designed to ensure statistical surveillance of certain ACP exports to the Community.
5. The Contracting Parties undertake to hold regular consultations with the view to finding satisfactory solutions to problems which might result from the application of the safeguard clause.

Article 14

The Council of Ministers shall, at the request of any Contracting Party concerned, consider the economic and social effects of the application of the safeguard clause.

Article 15

When safeguard measures are being taken, modified or removed, particular attention will be paid to the interests of the least-developed, land-locked and island ACP States.

Article 16

In order to ensure effective implementation of the provisions of this Convention in the field of trade cooperation, the Contracting Parties agree to inform and consult each other.

In addition to the cases for which consultations are specifically provided in Articles 1 to 15, consultations shall also take place, at the request of the Community

or of the ACP States, and in accordance with the conditions provided for in the rules of procedure in Article 168, particularly in the following cases:

1. where Contracting Parties envisage taking any trade measures affecting the interests of one or more Contracting Parties under this Convention, they shall inform the Council of Ministers thereof. Consultations shall take place, where the Contracting Parties concerned so request, in order to take account of their respective interests;
2. if, during the application of this Convention, the ACP States consider that agricultural products covered by Article 2 (2) (a) other than those subject to special treatment should benefit from such treatment, consultations may take place within the Council of Ministers;
3. where a Contracting Party considers that obstacles to the movement of goods arise as a result of the existing rules of another Contracting Party or the interpretation, application or administration thereof;
4. where the Community envisages concluding a preferential agreement with third States, it shall inform the ACP States thereof. Consultations shall take place, where the ACP States so request, in order to safeguard their interests;
5. where the Community or the Member States take safeguard measures in accordance with Article 12, consultations on these measures may take place within the Council of Ministers, where the Contracting Parties concerned so request, notably with a view to ensuring compliance with Article 12 (3).

Chapter 2

Special undertakings on rum and bananas

Article 17

Until the entry into force of a common organization of the market in spirits and notwithstanding the provisions of Article 2 (1), entry into the Community of products of subheading 22.09 C I — rum, arrack, tafia — originating in the ACP States shall be governed by the provisions of Protocol 5.

Article 18

In order to permit the improvement of the conditions under which bananas originating in the ACP States are produced and marketed, the Contracting Parties agree to the objectives set out in Protocol 4.

Article 19

This Chapter and Protocols 4 and 5 shall not apply to relations between the ACP States and the French overseas departments.

Chapter 3

Trade promotion

Article 20

With a view to attaining the objectives set in Article 1, the Contracting Parties shall implement trade promotion measures from the production stage to the final stage of distribution. The object is to ensure that the ACP States derive maximum benefit from the provisions of this Convention in the fields of trade, agricultural and industrial cooperation and can participate under the most favourable conditions in the Community, domestic, regional and international markets by diversifying the range and increasing the value and volume of ACP exports.

Article 21

The trade promotion measures provided for in Article 20 shall include the provision of technical and financial assistance for achieving the following objectives:

- (a) the establishment and/or improvement of the structure of organizations, centres or firms involved in the development of the trade of ACP States and the assessment of their staffing requirements, financial management and working methods;
- (b) basic training, management training, and vocational training of technicians in fields related to the development and promotion of national and international trade;
- (c) product policy inclusive of research, processing, quality guarantee and control, packaging and presentation;

- (d) development of supportive infrastructure, including transport and storage facilities, in order to facilitate the flow of exports from ACP States;
- (e) advertising;
- (f) establishing, promoting and improving cooperation among economic operators in ACP States and between such operators and those in the Member States of the Community and in third countries and introducing appropriate measures to promote such cooperation;
- (g) carrying out and making use of market research and marketing studies;
- (h) collecting, analysing and disseminating quantitative and qualitative trade information and facilitating free access to existing or future information systems or bodies in the Community and in the ACP States;
- (i) participation by the ACP States in fairs, exhibitions and, in particular, specialized international shows, the list of which shall be drawn up in consultation with the ACP States, and the organization of trade events;
- (j) special assistance to small- and medium-sized undertakings for product identification and development, market outlets and joint marketing ventures;
- (k) the participation of the least-developed ACP States in the various trade promotion activities envisaged shall be encouraged by special provisions *inter alia* the payment of travel expenses of personnel and costs of transporting articles and goods that are to be exhibited, on the occasion of their participation in fairs and exhibitions.

Article 22

In addition to the appropriations which, within the framework of the national indicative programme referred to in Article 109 may be allocated by each ACP State to the financing of trade promotion activities on the basis of their development aims and priorities, the contribution of the Community to the financing of this type of activity, on a regional basis, could reach — within the framework of the regional development cooperation programmes mentioned in Article 133 — a sum of 40 million European units of account (hereinafter referred to as 'EUA').

TITLE II

EXPORT EARNINGS FROM COMMODITIES

Chapter 1

Stabilization of export earnings

Article 23

1. With the aim of remedying the harmful effects of the instability of export earnings and to help the ACP States overcome one of the main obstacles to the stability, profitability and sustained growth of their economies, to support their development efforts and to enable them in this way to ensure economic and social progress for their peoples by helping to safeguard their purchasing power, a system shall be operated to guarantee the stabilization of earnings derived from the ACP States' exports to the Community of products on which their economies are dependent and which are affected by fluctuations in price or quantity or both these factors.

2. In order to attain these objectives, transfers must be devoted to maintaining financial flows in the sector in question or, for the purpose of promoting diversification, directed towards other appropriate sectors and used for economic and social development.

Article 24

Export earnings to which the stabilization system applies shall be those accruing from the export by each ACP State to the Community of each of the products on the following list, in the drawing up of which account has been taken of factors such as employment, deterioration of the terms of trade between the Community and the ACP State concerned and the level of development of that ACP State.

Article 25

1. The following products shall be covered:

NIMEXE Codes

1. Groundnuts, shelled or not	12.01-31 to 12.01-35
2. Groundnut oil	15.07-74 and 15.07-87
3. Cocoa beans	18.01-00
4. Cocoa paste	18.03-10 to 18.03-30
5. Cocoa butter	18.04-00
6. Raw or roasted coffee	09.01-11 to 09.01-17
7. Extracts, essences or concentrates of coffee	21.02-11 to 21.02-15
8. Cotton, not carded or combed	55.01-10 to 55.01-90
9. Cotton linters	55.02-10 to 55.02-90
10. Coconuts	08.01-71 to 08.01-75
11. Copra	12.01-42
12. Coconut oil	15.07-29, 15.07-77 and 15.07-92
13. Palm oil	15.07-19, 15.07-61 and 15.07-63
14. Palm nut and kernel oil	15.07-31, 15.07-78 and 15.07-93
15. Palm nuts and kernels	12.01-44
16. Raw hides and skins	41.01-11 to 41.01-95
17. Bovine cattle leather	41.02-05 to 41.02-98
18. Sheep and lamb skin leather	41.03-10 to 41.03-99
19. Goat and kid skin leather	41.04-10 to 41.04-99
20. Wood in the rough	44.03-20 to 44.03-99

21. Wood roughly squared or half-squared, but not further manufactured	44.04-20 to 44.04-98
22. Wood sawn lengthwise, but not further prepared	44.05-10 to 44.05-79
23. Fresh bananas	08.01-31
24. Tea	09.02-10 to 09.02-90
25. Raw sisal	57.04-10
26. Vanilla	09.05-00
27. Cloves — whole fruit, cloves and stems	09.07-00
28. Sheep's or lambs' wool, not carded or combed	53.01-10 to 53.01-40
29. Fine animal hair of Angora goats — mohair	53.02-95
30. Gum arabic	13.02-91
31. Pyrethrum — flowers, leaves, stems, peel and roots; saps and extracts from pyrethrum	12.07-10 and 13.03-15
32. Essential oils, not terpeneless, of cloves, of niaouli and of ylang-ylang	33.01-23
33. Sesame seed	12.01-68
34. Cashew nuts and kernels	08.01-77
35. Pepper	09.04-11 and 09.04-70
36. Shrimps and prawns	03.03-43
37. Squid	03.03-68
38. Cotton seeds	12.01-66
39. Oil-cake	23.04-01 to 23.04-99
40. Rubber	40.01-20 to 40.01-60
41. Peas	07.01-41 to 07.01-43, 07.05-21 and 07.05-61
42. Beans	07.01-45 to 07.01-47, 07.05-25 and 07.05-65
43. Lentils	07.05-30 and 07.05-70
44. Iron ore (ores, concentrates, and roasted iron pyrites)	26.01-12 to 26.01-18

2. Exports of iron ores (ores, concentrates, roasted iron pyrites) from sites being worked when this Convention is signed shall be covered by Articles 23 to 47 for a period limited to the first five financial years of this system.

Upon expiry of that period, iron ore shall be wholly covered by Articles 49 to 59.

3. Upon presentation of each transfer request the ACP State shall choose between the following systems:

- (a) each product listed in Article 25 (1) shall constitute a product within the meaning of Articles 27, 29, 36, 37, 38, 39, 42, 43 and 44;
- (b) product groups 1 and 2, 3 to 5, 6 and 7, 8 and 9, 10 to 12, 13 to 15, 16 to 19 and 20 to 22 shall each constitute a product within the meaning of Articles 27, 29, 36, 37, 38, 39, 42, 43 and 44.

Article 26

If, 12 months after the entry into force of this Convention, one or more products not contained in the list in Article 25, but upon which the economies of one or more ACP States depend to a considerable extent, are affected by sharp fluctuations, the Council of Ministers shall decide, not later than six months after the presentation of a request by the ACP State or States concerned, whether or not to include the said product or products in the list.

Article 27

If so requested by one or more ACP States in respect of one or more of the products listed in Article 25, the Council of Ministers may decide, on the basis of a report established by the Commission of the European Communities, hereinafter referred to as 'the Commission', in liaison with the requesting ACP State or States, to apply the system to exports of the products in question from the said ACP State or States to other ACP States.

Article 28

Each ACP State concerned shall certify that the products to which the system applies have originated in its territory within the meaning of Article 2 of Protocol 1.

Article 29

The system shall apply to the earnings derived from an ACP State's exports of the products listed in Article 25 if, during the year preceding the year of application, earnings from the export of each product to all destinations, re-exports excluded, represented at least 6.5 % of its total export earnings from their goods. The percentage shall be 5 % for sisal.

Article 30

1. The system shall be implemented in respect of the products listed in Article 25 where they are:

- (a) released for home use in the Community, or
- (b) brought under the inward processing arrangements there in order to be processed.

2. The statistics used to implement the system shall be:

- (a) those obtained by cross-checking Community and ACP State statistics, account being taken of fob values, or

- (b) those obtained by multiplying the unit values for the exports of the ACP State in question, as given in that ACP State's statistics, by the quantities imported by the Community, as shown in Community statistics.

3. When submitting the transfer request for each product, the requesting ACP State shall choose one of the two systems set out above.

Article 31

For the purposes specified in Article 23, the Community shall allocate to the system, for the duration of this Convention, an amount of 550 million EUA to cover all its commitments under the system. This amount shall be managed by the Commission.

Article 32

1. The overall amount referred to in Article 31 shall be divided into a number of equal annual instalments corresponding to the number of years of application.

2. Whatever balance remains at the end of each of the first four years of application of the Convention shall be carried forward automatically to the following year.

Article 33

The resources available for each year of application are made up of the sum of the following elements:

- 1. the annual instalment, reduced by any amounts used under Article 34 (1);
- 2. the sums carried forward under Article 32 (2);
- 3. the amounts replenished under Articles 42 and 43;
- 4. any amounts made available under Article 34 (1).

Article 34

In the case of an insufficiency of funds for a year of application the Council of Ministers, on the basis of a report submitted to it by the Commission, may:

- 1. authorize, for each year except the last, the use in advance of a maximum of 20 % of the following year's instalment;
- 2. reduce the amount of the transfers to be made.

Article 35

Before the expiry of the period referred to in Article 31, the Council of Ministers shall decide on the use of any balance remaining from the overall amount established in Article 31, as well as on the conditions for further use of any amounts still to be replenished by the ACP States under Articles 42 and 43, following the expiry of the period referred to in Article 31.

Article 36

1. In order to implement the system a reference level shall be calculated for each ACP State and for each product.
2. This reference level shall correspond to the average of export earnings in the four years preceding each year of application.
3. Where, however, an ACP State:
 - starts processing a product traditionally exported in the raw state, or
 - begins exporting a product which it did not traditionally produce,

the system may be put into operation on the basis of a reference level calculated on the three years preceding the year of application.

Article 37

An ACP State shall be entitled to request a transfer if, on the basis of the results of a calendar year, its actual earnings, as defined in Article 30, from its exports of each product to the Community and, in the cases referred to in Article 27, to other ACP States or, in the cases referred to in Article 46 (3), to all destinations, are at least 6.5 % below the reference level.

Article 38

1. Requests for transfers shall be inadmissible in the following cases:
 - (a) if the request is presented after 31 March of the year following the year of application;
 - (b) if it emerges from the examination of the request, to be undertaken by the Commission in conjunction with the ACP State concerned, that the fall in earnings from exports to the Community is the result of a trade policy of that ACP State concerned adversely affecting exports to the Community in particular.
2. Requests for transfers may also be declared inadmissible if it emerges from the request, after

consultations, that the requesting ACP State has recorded earnings from its exports to all destinations during the year of application in excess of the average of its export earnings to all destinations in the four years preceding the year of application for each product for which a request has been made.

Article 39

1. Every request for transfer shall be addressed to the Commission, which shall examine it in conjunction with the ACP State concerned.
2. The difference between the reference level and actual earnings, plus 1 % for statistical errors and omissions, shall constitute the basis of the transfer.
3. Should examination of the trend of the requesting ACP State's exports to all destinations and of the production of the product in question and of demand in the Community reveal significant changes, consultations shall take place between the Commission and the requesting State to determine whether those changes are such as to affect the amount of the transfer, and if so to what extent.

Article 40

1. The Commission shall adopt a transfer decision on completion of the examination carried out in conjunction with the requesting ACP State.
2. For each transfer a transfer agreement shall be concluded between the Commission and the ACP State concerned.
3. The Commission and the ACP State concerned shall take such steps as are required to ensure that transfers are made rapidly. To that end, provision shall be made for the payment of advances.
4. The amounts transferred shall not bear interest.

Article 41

1. The recipient ACP State shall decide how the resources will be used, subject to compliance with the objectives laid down in Article 23.
2. During the examination of the request, and in any case before the transfer agreement is signed, the requesting ACP State shall give the Commission some indication of the probable use to which the transfer will be put.
3. Within the 12 months following the signing of the transfer agreement the recipient ACP State shall inform the Commission of the use to which the funds transferred have been put.

Article 42

Subject to the provisions of Article 46 (1) (c), ACP States which have received transfers shall, in accordance with the provisions of Article 43, contribute during the seven years following the year in which the transfer was paid, to the replenishment of the resources made available for the system by the Community.

Article 43

1. Where the trend of the export earnings derived from the product which sustained the drop in export earnings that gave rise to the transfer so permits, the ACP State concerned shall help replenish the resources of the system.

2. For the purposes of paragraph 1, the Commission shall determine:

- at the beginning of each year during the seven years following the year during which the transfer was paid,
- until such time as the whole amount of the transfer has been paid back into the system,
- in accordance with the provisions of Article 30,

whether, for the preceding year:

- (a) the unit value of the product under consideration exported to the Community was higher than the average unit value during the four years prior to the preceding year;
- (b) the quantity of the same product actually exported to the Community was at least equal to the average of the quantities exported to the Community during the four years prior to the preceding year;
- (c) the earnings for the year and the product in question amount to at least 106.5 % of the average of earnings from exports to the Community during the four years prior to the preceding year.

3. If the three conditions set out in paragraph 2 are fulfilled simultaneously, the ACP State shall contribute to the system an amount equal to the difference between the actual earnings derived in the preceding year from exports to the Community and the average of earnings from exports to the Community during the four years prior to the preceding year, but in no case shall the amount of the contribution towards the replenishment of the resources of the system exceed the transfer in question.

4. This amount shall be contributed to the system at the rate of one fifth per year after a period of deferment of two years beginning in the year during which the obligation to contribute towards replenishment was established.

5. Should examination of the trend of exports to all destinations and of production of the product in

question in the ACP State concerned as well as of demand in the Community reveal significant changes, consultations shall be held between the Commission and the ACP State concerned in order to establish whether these changes are such as to justify a contribution to the replenishment of the resources of the system, and if so to what extent.

Where such justification exists, the ACP State shall contribute to the system, under the conditions set out in paragraph 4, the amount determined in the consultations.

6. On the basis of decisions taken by the Council of Ministers pursuant to Article 27, exports to other ACP States shall be added to the exports to the Community referred to in this Article.

Article 44

If, on expiry of the seven-year period referred to in Article 42, the resources have not been fully replenished, the Council of Ministers, taking into consideration in particular the situation of and prospects for the balance of payments, exchange reserves and foreign indebtedness of the ACP State concerned, may decide that:

- the sums outstanding are to be replenished wholly or partially, in one or more instalments,
- rights to repayment are to be waived.

Article 45

1. In order to ensure that the stabilization system functions efficiently and rapidly, statistical and customs cooperation shall be instituted between each ACP State and the Commission.

2. The ACP States and the Commission shall adopt by mutual agreement any measures facilitating *inter alia* the exchange of necessary information, the submission of requests for transfers, the provision of information concerning the use of transfers, the implementation of the replenishment provisions and of any other aspect of the system by means of the widest possible use of standard forms.

Article 46

1. For the ACP State listed in Article 155 (3) (a):

- (a) the percentage fixed in Article 29 shall be 2 %;
- (b) the percentage fixed in Article 37 shall be 2 %;
- (c) no contribution shall be required towards the replenishment of the resources made available to the system.

2. In the application of Articles 24, 34 and 37 the special difficulties of the ACP States referred to above shall be taken into account.

3. In the case of certain ACP States which do not send the bulk of their exports to the Community, the Council of Ministers may decide, by way of derogation from Articles 24 and 30, that the system shall apply to their exports of the products in question whatever their destination. The system shall then operate on the basis of the export statistics of the ACP State in question.

Article 47

1. For the ACP States listed in Article 155 (3) (b) and (c):

(a) the percentage fixed in Article 29 shall be 2 %;

(b) the percentage fixed in Article 37 shall be 2 %.

2. In the application of Article 24 the special difficulties of the above ACP States shall be taken into account.

Chapter 2

Special undertakings on sugar

Article 48

1. In accordance with Article 25 of the ACP-EEC Convention of Lomé and with Protocol 3 annexed to

that Convention, the Community has undertaken for an indefinite period, notwithstanding the other provisions of this Convention, to purchase and import, at guaranteed prices, specific quantities of cane sugar, raw or white, which originates in the ACP States producing and exporting cane sugar and which those States have undertaken to deliver to it.

2. The conditions for the implementation of Article 25 of the ACP-EEC Convention of Lomé have been laid down by Protocol 3 referred to in paragraph 1. The text of this Protocol is annexed to this Convention as Protocol 7.

3. The provisions of Article 12 of this Convention shall not apply within the framework of the said Protocol.

4. For the purpose of Article 8 of the said Protocol, the institutions established by the Convention may be used during the period of application of this Convention.

5. The provisions of Article 8 (2) of the said Protocol shall apply in the event of this Convention ceasing to be operative.

6. The declarations contained in Annexes XIII, XXI and XXII of the Final Act of the ACP-EEC Convention of Lomé are reaffirmed and their provisions shall continue to apply. These declarations are annexed as such to this Convention.

7. This Article and the Protocol 3 referred to in paragraph 1 shall not apply to relations between the ACP States and the French overseas departments.

TITLE III

MINERAL PRODUCTS

Chapter 1

Project and programme aid

Article 49

With a view to contributing towards the creation of a more solid basis for the development of the ACP States whose economies are largely dependent on the mining sectors and in particular towards helping them cope with a decline in their capacity to export mining products to the Community and the corresponding decline in their export earnings, a system shall be

established to assist these States in their efforts to remedy the harmful effects on their income of serious temporary disruptions affecting those mining sectors and beyond the control of the ACP States concerned.

Article 50

1. The system laid down in Article 49 shall apply to the following products:

- copper, including associated production of cobalt,
- phosphates,
- manganese,

- bauxite and alumina,
- tin,
- roasted iron pyrites and iron ore, whether or not in agglomerate form (including pellets), excluding, during the period mentioned in Article 25 (2), the cases referred to in that Article.

2. If, not sooner than 12 months following the entry into force of this Convention, one or more products not contained in the above list, but upon which the economies of one or more ACP States depend to a considerable extent, are affected by serious disturbance, the Council of Ministers shall decide, not later than six months after the presentation of a request by the ACP State or States concerned, whether or not to include the said product or products in the list.

Article 51

1. For the purpose specified in Article 49, and for the period of application of this Convention, a special financing facility shall be set up to which the Community shall allocate an overall amount of 280 million EUA to cover all its commitments under this system.

- (a) This amount shall be managed by the Commission.
- (b) This overall amount shall be divided into a number of equal annual instalments corresponding to the number of years of application. Each year, except the last, the Council of Ministers, on the basis of a report submitted to it by the Commission, may authorize, where required, a maximum of 50 % of the following year's instalment to be used in advance.
- (c) Whatever balance remains at the end of each year of application of this Convention, except the last, shall be carried over automatically to the following year.
- (d) If the resources available for any year of application are insufficient, the amounts due shall be reduced accordingly.
- (e) The resources available for each year of application shall be made up of the following elements:
 - the annual instalment, reduced by any amounts used under (b) above,
 - the sums carried over under (c) above.

2. Before the expiry of the period referred to in Article 188, the Council of Ministers shall decide on the allocation of any balances remaining from the overall amount referred to in this Article.

Article 52

1. Possible recourse to the means of financing available under the special facility provided for in Article 51 shall

be open to the countries eligible under Article 53 when, for a product covered by Article 50 and exported to the Community, a substantial fall is recorded, or can be expected over the following months, in their capacity to produce, or to export, or in their export earnings to such an extent as to seriously affect the development policy of the ACP State concerned by seriously compromising the profitability of an otherwise viable and economic line of production, thus preventing it from renewing at a normal rate or maintaining the production plant or export capacity.

2. The possible recourse referred to above shall also be available when a substantial fall in the production or export capacity is experienced, or is foreseen, owing to accidents and serious technical mishaps or grave political events, whether internal or external.

3. A substantial fall in production or export capacity shall be taken to mean 10 %.

Article 53

1. An ACP State which, during the preceding four years, has, as a general rule, derived at least 15 % of its export earnings from a product covered by Article 50 may apply for financial aid from the resources allocated to the special financing facility if the conditions laid down in Article 52 are fulfilled.

2. However, for the States listed in Article 155 (3), the figure stipulated in the first paragraph shall be 10 %.

3. The application for aid shall be made to the Commission, which shall examine it in conjunction with the ACP State concerned. The fact that the conditions have been fulfilled shall be established by common accord between the Community and the ACP State. Notification thereof by the Commission to the ACP State shall entitle the latter to Community aid from the special financing facility.

Article 54

1. The aid referred to in Article 53 shall be directed to the objectives defined in Article 49.

2. The amount of this aid to finance projects or programmes shall be determined by the Commission in the light of the funds available under the special financing facility, the nature of the projects or programmes proposed by the ACP States concerned and the possibilities for co-financing. In determining the amount, account shall be taken of the scale of the reduction in production or export capacity and of the losses of earnings suffered by the ACP States and corresponding to those identified in Article 52.

3. Under no circumstances may a single ACP State be eligible for more than 50 % of the funds available under an annual instalment.

4. The procedures applicable to assistance in the above circumstances and the implementing arrangements shall be as provided for under Title VII; they shall take account of the need for rapid implementation of the aid.

Article 55

1. To permit the implementation of precautionary measures to halt deterioration of production plant during the appraisal or implementation of these projects or programmes, the Community may grant an advance to any ACP State which so requests. This possibility shall not exclude recourse by the ACP State concerned to the emergency aid provided for in Article 137.

2. Since an advance is granted as a means of pre-financing projects or programmes, which it precedes or to which it is preparatory, account shall be taken of the importance and nature of those projects or programmes when the amount of advance is fixed.

3. The advance shall take the form of supplies or of the provision of services, or of cash payments if this arrangement is considered more appropriate.

4. It shall be incorporated in the amount earmarked for Community operations in the form of projects or programmes at the time when the financing agreement relating to such operations is signed.

Article 56

Aid granted from the special financing facility shall be reimbursed on the same terms and conditions as special loans, account being taken of the provisions adopted in favour of the States listed in Article 155 (3).

Chapter 2

Development of the mining and energy potential of the ACP States

Article 57

The Community shall be prepared to give its technical and financial assistance to help with the exploitation of the ACP States' mining and energy potential in accordance with the procedures peculiar to each of the instruments at its disposal and according to the provisions of this Convention.

Article 58

At the request of one or more ACP States the Community will carry out technical assistance activities to strengthen their scientific and technical capacity in the fields of geology and mining in order that they may derive greater benefit from available know-how and direct their research and exploration programmes accordingly.

Where appropriate, the Community will also give its technical and financial assistance to the establishment of national or regional exploration funds in the ACP States.

In the sphere of research and investment preparatory to the launching of mining and energy projects, the Community may give assistance in the form of risk capital, possibly in conjunction with contributions of capital from the ACP States concerned and other sources of financing in accordance with the procedures laid down in Article 105.

Article 59

The European Investment Bank, hereinafter called 'the Bank' may, in accordance with its Statute, commit its own resources on a case-by-case basis beyond the amount fixed in Article 95 in mining investment projects and energy investment projects recognized by the ACP State concerned and by the Community as being of mutual interest.

TITLE IV

INVESTMENTS

Article 60

The Community and the Member States shall endeavour to implement measures to encourage their economic operators to participate in the industrial

development efforts of the ACP States, and shall encourage such economic operators to comply with the development objectives and priorities and the appropriate laws and regulations of the ACP States.

Article 61

Each ACP State shall take such steps as are necessary to promote effective cooperation within the framework of this Title with the Community and the Member States or with economic operators or nationals of Member States who comply with the development objectives and priorities of the host ACP State.

Article 62

Each ACP State shall endeavour to give as clear an indication as possible of its priority areas for industrial cooperation and the form it would like such cooperation to take.

Article 63

The Contracting Parties recognize the importance of investment for the promotion of their development cooperation and acknowledge in this respect the need to take such steps as would promote such investment in areas considered mutually desirable.

Article 64

The Contracting Parties agree that the treatment of investment coming from Member States to the ACP States shall be governed by the provisions of the joint declaration contained in Annex IX of the Final Act.

TITLE V

INDUSTRIAL COOPERATION

Article 65

The Community and the ACP States, acknowledging the pressing need to promote the industrial development of the ACP States, agree to take all measures necessary to bring about effective industrial cooperation.

Article 66

Industrial cooperation between the Community and the ACP States shall have the following objectives:

- (a) to promote new relations of dynamic complementarity in the industrial field between the Community and the ACP States, notably by establishing new industrial and trade links between the industries of the Community and those of the ACP States;
- (b) to promote development and diversification of all types of industry in the ACP States and to foster in this respect cooperation at both regional and inter-regional levels;
- (c) to promote the establishment of integral industries capable of creating links between various industrial sectors in the ACP States in order to provide those States with the basis on which the build-up of their technology will principally rely;
- (d) to encourage the complementarity between industry and other sectors of the economy, in particular agriculture, by developing agro-allied industries in order to slow down the rural exodus, stimulate food and other production activities as well as to promote the establishment of further natural resource-based industries;
- (e) to facilitate the transfer of technology and to promote the adaptation of such technology to the specific conditions and needs of the ACP States, and to help the ACP States to identify, evaluate and select technologies required for their development and to develop their efforts to increase their capacity in applied research for adaptation of technology, and for training in industrial skills at all levels;
- (f) to foster the participation of nationals of ACP States in all the types of industry that are being developed in their countries;
- (g) to contribute as far as possible to the creation of jobs for nationals of the ACP States, to the supply of national and external markets and to the procurement of foreign exchange earnings for those States;
- (h) to facilitate the overall industrial development of the ACP States, in particular their production of manufactured goods, by taking due account of their specific needs in the formulation of policies designed to adjust the industrial structures of the Community to changes occurring at the world level;
- (i) to encourage the establishment in the ACP States of joint ACP-EEC industrial ventures;
- (j) to encourage and promote the establishment and reinforcement of industrial, business and trade associations in the ACP States which would contribute to the full utilization of the internal

resources of those States with a view to developing their national industries;

- (k) to assist in the establishment and operation of institutions in the ACP States for the provision of regulatory and advisory services to industry;
- (l) to strengthen the existing financial institutions and bring about conditions favourable to capital borrowing for the stimulation of the growth and development of industries in ACP States, including the promotion of the basic rural small- and medium-scale and labour-intensive industries.

Article 67

In order to attain the objectives set out in Article 66 the Community shall help to carry out, by all the means provided for in the Convention, programmes, projects and schemes submitted to it on the initiative or with the agreement of the ACP States in the fields of industrial training, small- and medium-sized industries, local processing of ACP raw materials, technology cooperation, industrial infrastructures, trade promotion, energy cooperation and industrial information and promotion.

Article 68

The Community shall provide by all the means available under financial and technical cooperation necessary assistance in the field of industrial training including that related to industrial investments, in particular of the Community and its Member States with a view to enabling ACP States to acquire, develop and adapt technological skills that are essential to their industrial growth and to the improvement of the quality of life of their peoples.

To this end the Community shall, on the basis of requests of ACP States, provide effective assistance in the evaluation of needs and the execution of appropriate schemes such as:

- (a) the posting of nationals of ACP States in technical institutions and other appropriate institutes of higher learning;
- (b) the setting-up and operation at national or regional level of ACP training and research institutes or centres;
- (c) the establishment and implementation of programmes involving specialized industrial training for ACP nationals at all levels and the organization

of practical training courses and attachments in undertakings and industries both in the Community and in the ACP States;

- (d) the establishment and promotion of activities aimed at the consolidation of appropriate indigenous technologies and the acquisition of relevant foreign technologies, in particular those of other developing countries;
- (e) the promotion of exchange and other forms of cooperation between universities and specialized institutes in the Community and in the ACP States.

Article 69

The Community shall contribute to the establishment and development of all types of small- and medium-sized industries identified by the ACP States as important in terms of their development objectives through financial and technical cooperation schemes adapted to the specific needs of such industries in these States and through encouragement, by appropriate incentives, of the transfer of relevant resources from Community private undertakings *inter alia* through joint ventures between small- and medium-sized industries of the Community and of the ACP States. These schemes shall cover *inter alia*:

1. the evaluation of the development potential of the small- and medium-sized industries sector;
2. the setting-up and strengthening of information, promotion, advisory, supervisory and credit institutions as well as facilities for the promotion of external and internal marketing;
3. the creation of appropriate infrastructure and industrial estates;
4. the provisions of basic and advanced training;
5. the setting-up of adequate structures aimed at appropriate technological transfer, adaptation and innovation;
6. the identification of possibilities for subcontracting and facilitating the implementation thereof;
7. the financing of schemes for small- and medium-sized industries.

Article 70

In the framework of overall cooperation with respect to industrial development, special emphasis will be placed on the domestic processing of ACP raw materials with a view to achieving a larger and equitable share of

processed raw materials in both production and exports of the ACP States. In this context, account will be taken, where appropriate, of specific sectoral requirements, with adequate attention being paid to the food processing sector. The Community will contribute through the various means of financial and technical cooperation to:

1. the promotion, development and financing of processing industries in the ACP States;
2. feasibility studies;
3. the evaluation of processing possibilities and the provision of information on processing technologies;
4. the promotion within the Community and other markets of the exports of ACP processed products.

Article 71

With a view to assisting the ACP States to strengthen their indigenous capacity for scientific and technological development and to facilitating the acquisition, transfer and adaptation of technology on terms that will seek to bring about the greatest possible benefits and minimize costs, the Community, through the instruments of financial and technical cooperation is prepared *inter alia* to contribute to:

- (a) the establishment and strengthening of industry-related scientific and technical infrastructures in the ACP States;
- (b) the definition and implementation of research and development programmes;
- (c) the identification and creation of possibilities of collaboration among research institutes, institutions of higher learning and undertakings of ACP States, the Community, the Member States and other countries;
- (d) the identification, evaluation and acquisition of technology including the negotiation on favourable terms and conditions of foreign technology, patents and other industrial property, in particular through financing and/or through other suitable arrangements with firms and institutions within the Community;
- (e) the provision of advisory services to ACP States for the preparation of regulations governing the transfer of technology and for the supply of available information, in particular on the terms and conditions of technology contracts, the types and sources of technology, and the experience of ACP States and other countries with the use of certain technologies;
- (f) the promotion of technology cooperation between ACP States and between them and other developing

countries in order to make best use of any particularly appropriate scientific and technical facilities those States may possess.

Article 72

The Community shall contribute by all the means available under financial and technical cooperation to the setting-up and the extension in the ACP States of the infrastructure necessary for industrial development, particularly in the fields of transport and communications, energy, research and adaptation of technology, industrial training and the location of industries.

Article 73

1. The Community shall contribute to the setting-up and the extension in the ACP States of undertakings in particular in the following fields:

- (a) integral industries capable of creating linkages between the different sectors of the economy;
- (b) industries processing the ACP State's natural resources;
- (c) industries linked to the development of agriculture and the promotion of agricultural produce;
- (d) any other line of production which may increase value added locally, have a favourable effect on employment or the trade balance, facilitate the diversification or regional balance of industry or foster industrial or inter-regional cooperation.

2. Community financing shall take the form, as a matter of priority, of loans from the Bank and risk capital, which are the specific financing methods for industrial undertakings. The methods for employment of risk capital are defined in Title VII with the purpose of their adaptation to the particular difficulties inherent in the financing of industrial undertakings in the ACP States.

Article 74

In order to enable the ACP States to obtain full benefit from the trade arrangements and other provisions of this Convention, trade promotion schemes shall be carried out to encourage the marketing of industrial products of ACP States both in Community and in other external markets, and also in order to stimulate and develop trade in industrial products among the ACP States, in accordance with the provisions of Article 93.

Article 75

Programmes, projects or schemes undertaken in the field of industrial cooperation and involving Community financing shall be implemented in accordance with Title VII, taking into account the particular characteristics of operations in the industrial sector.

Article 76

1. The Community and the ACP States recognize the mutual benefits of cooperation in the field of energy. With a view to developing the conventional and non-conventional energy potential and the self-sufficiency of the ACP States, the Community will assist *inter alia* in the following areas:

- (a) preparation of inventories on energy resources and demand, adequate attention being paid to non-commercial energy demand;
- (b) implementation of alternative energy strategies in programmes and projects that will take special account of the experience of the ACP States and cover *inter alia* wind, solar, geothermal and hydro-energy sources;
- (c) development of the investment potential for the exploration and development of national and regional energy sources as well as the development of sites of exceptional energy production enabling the establishment of energy-intensive industry;
- (d) strengthening of the management and control of the ACP States of their energy resources in terms of their development objectives by all the means provided for in this Convention;
- (e) establishment of a rural energy programme with emphasis on rural energy technologies and energy planning that meet basic needs;
- (f) promotion of research, adaptation and dissemination of appropriate technology as well as the training needed to meet energy-related manpower needs;
- (g) production in the ACP States of equipment for the production and distribution of energy as well as the application of energy-saving techniques;
- (h) implementation of measures that will minimize the negative impact of energy production on the environment as well as promote environmentally positive projects;
- (i) conservation of existing and future energy resources of the ACP States, whether conventional or non-conventional.

2. Programmes projects or schemes undertaken in the field of energy cooperation and involving Community financing shall be implemented in accordance with Title VII.

In relation to research and experimental projects as well as exploration and development projects of mutual interest, the resources provided for under Title VII may be supplemented by:

- (a) other Community financial and technical resources;
- (b) actions aimed at the mobilization of public and private capital, notably co-financing.

Article 77

1. Industrial information and promotion activities will be undertaken so as to ensure and intensify regular information exchanges and the organization of the necessary contacts in the industrial field between the Community and the ACP States.

2. These industrial information and promotion activities could have in particular the following aims:

- (a) to gather and disseminate all relevant information concerning trends in industrial policies in the Community, the ACP States and the world at large, and on the conditions of and possibilities for industrial development in the ACP States;
- (b) to organize at the request of the Community or of the ACP States meetings to review the subjects mentioned under (a);
- (c) to organize and facilitate all other forms of contacts and meetings between industrial policy-makers, promoters and economic operators from the Community and the ACP States;
- (d) to carry out studies and appraisals aimed at pinpointing practical opportunities for industrial cooperation with the Community in order to promote the industrial development of the ACP States, and at facilitating the implementation of such schemes;
- (e) to contribute, through appropriate technical cooperation schemes, to the setting up, launching and running of the ACP States' industrial promotion bodies;
- (f) to facilitate access to and use of documentary and other data sources available in the Community.

Article 78

1. A Committee on Industrial Cooperation supervised by the Committee of Ambassadors shall:

- (a) review progress in the implementation of the overall programme of industrial cooperation resulting from this Convention and, where appropriate, submit recommendations to the Committee of Ambassadors;
- (b) examine problems and policy issues in the field of industrial cooperation submitted to it by the ACP States or by the Community, and undertake where necessary its own evaluations of these matters with a view to suggesting appropriate solutions;
- (c) organize, at the request of the Community or of the ACP States, a review of trends in industrial policies of the ACP States, and of the Member States as well as developments in the world industrial situation with a view to exchanging information necessary for improving industrial cooperation and facilitating the industrial development of the ACP States;
- (d) guide, supervise and control the activities of the Centre for Industrial Development referred to in Article 79, and report to the Committee of Ambassadors and, through it, to the Council of Ministers;
- (e) perform such other functions as may be assigned to it by the Committee of Ambassadors.

2. The composition of the Committee on Industrial Cooperation and the detailed rules for its operation shall be determined by the Council of Ministers.

Article 79

The Centre for Industrial Development, set up under Article 36 of the ACP-EEC Convention of Lomé, shall help within the framework of the provisions and principles of this Title to establish and strengthen industrial undertakings in the ACP States, particularly by encouraging initiatives by economic operators of the Community and the ACP States.

As a practical operational instrument, the Centre for this purpose shall assist in the promotion of viable industrial projects that meet the needs of ACP States and take special account of the importance of internal and external market opportunities, the processing of raw materials and the use of local materials for manufacturing. Such activity will be undertaken in close cooperation with the ACP States, the Member States, as well as the Commission and the Bank within their respective powers.

In its programme on industrial promotion, special emphasis shall be placed on the identification and exploitation of the possibilities of joint ventures and subcontracting as well as of the potential of small- and medium-sized industries. Adequate attention shall also be paid to the development and consolidation of regional industrial projects.

In its effort to help in establishing and strengthening industrial undertakings in the ACP States the Centre shall adopt appropriate measures within the limits of its resources and its functions in the field of transfer and development of technology, industrial training and information.

Article 80

1. In order to attain its objective, the Centre shall:

- (a) gather and disseminate all relevant information on the conditions and opportunities for industrial cooperation as well as organize and facilitate contacts and meetings of all kinds between Community and ACP States' industrial policy-makers, promoters and economic and financial operators;
- (b) supply information as well as specific advisory services and expertise, including feasibility studies, for the purpose of accelerating the establishment of industrial undertakings required by the ACP States and ensuring viability of existing undertakings; the Centre will, if necessary, assist in the follow-up and implementation;
- (c) identify and evaluate, on the basis of needs indicated by ACP States, opportunities for industrial training to meet requirements of already existing as well as projected industrial undertakings in ACP States, taking into account the various facilities available for conducting and financing such training schemes and, where appropriate, assist in their implementation;
- (d) identify, evaluate and supply information and advice on the acquisition, the adaptation and development of appropriate industrial technology, including technological infrastructure, relating to concrete projects of interest to the ACP States;
- (e) identify and provide information where necessary on possible sources of finance.

2. In the implementation of its functions, the Centre will pay attention to the special problems of least-developed, land-locked and island ACP States.

Article 81

1. The Committee on Industrial Cooperation shall be the supervisory authority of the Centre.
2. The Centre shall be headed by a director assisted by a deputy director both of whom shall be appointed by the Committee. The Committee shall adopt the arrangements applicable to the staff of the Centre.
3. An Advisory Council shall have the task of advising and assisting the Centre in the programming and development of its industrial activities. The Advisory Council shall be consulted by the director, when appropriate, on any proposed operations and on important matters arising from the activities of the Centre. It may also, on its own initiative, make any suggestion or submit to the director any question that it deems useful. It shall give its opinion on the annual programme of work, budget and general report.
4. The Advisory Council of the Centre shall be composed of persons with experience in the industrial field especially in the manufacturing sector. They shall be chosen on a personal basis on the grounds of their qualifications from nationals of the States which are party to this Convention and shall be appointed by the Committee under the conditions laid down by it.
5. The budget of the Centre, together with the opinion of the Advisory Council, shall be examined and adopted

by the Committee on Industrial Cooperation. The Committee shall adopt the financial regulation of the Centre. The Community shall contribute to the financing of this budget by means of a separate allocation up to a ceiling of 25 million EUA taken from the resources earmarked under Article 133 for the financing of regional cooperation projects.

6. Two auditors shall check the financial management of the Centre.

7. The statutes and rules of the procedure of the Centre shall be adopted by the Council of Ministers on a proposal by the Committee of Ambassadors after the entry into force of this Convention.

Article 82

Within the framework of the implementation of the provisions of this Title, the Community shall meet the special needs and problems of the least-developed, land-locked and island ACP States, according to the priorities which these States establish *inter alia* for the processing of their raw materials, the development, transfer and adaptation of technology, the development of small- and medium-sized industries, the development of their infrastructure and energy and mineral resources, and adequate training in the scientific, technological and technical fields.

TITLE VI

AGRICULTURAL COOPERATION

Article 83

1. The basic objective of agricultural cooperation between the Community and the ACP States must be to assist the latter in their efforts to resolve problems relating to rural development and the improvement and expansion of agricultural production for domestic consumption and export and problems they may encounter with regard to security of food supplies for their populations.
2. Accordingly, cooperation in rural development shall contribute in particular, within the general objectives of financial and technical cooperation:
 - (a) to a higher standard of living for the rural population, in particular by raising incomes and

creating jobs, by means of increasing agricultural production generally;

- (b) to reinforcing the security of the food supplies of the ACP States and to satisfying their nutritional requirements, particularly by improving the quantity and quality of food production;
- (c) to improving the productivity of and diversifying rural activities, in particular through the transfer of appropriate technology and rational use of crop and livestock resources while protecting the environment;
- (d) to local exploitation of agricultural produce, in particular through the processing of crops and livestock products in the countries concerned;

- (e) to the social and cultural development of the rural community, in particular through integrated health and educational schemes;
- (f) to increasing the populations' capacity for self-development, notably, through greater control over their technical and economic environment.

Article 84

In order to help attain the objectives referred to in Article 83, cooperation schemes in the field of rural development shall take the form *inter alia* of:

- (a) integrated rural development projects involving in particular peasant family holdings and cooperatives and also fostering craft and trading activities in rural areas;
- (b) different kinds of hydro-agricultural improvement schemes using available water resources; village water-engineering microprojects, stabilization of water courses and land development involving partial or total water control;
- (c) projects for crop protection, preservation and storage and for marketing agricultural products designed to bring about conditions giving farmers an incentive to produce;
- (d) the establishment of agro-industrial units combining primary agricultural production, processing, and the preparation, packaging and marketing of the finished product;
- (e) stock-farming projects; protection, exploitation and improvement of livestock and the development of livestock products;
- (f) fishery and fish farming projects: exploitation of natural resources and development of new products; preservation and marketing of products;
- (g) exploitation and development of forestry resources for production or environmental protection purposes;
- (h) the implementation of measures to raise the standard of living in rural areas, for example by improving the social infrastructure, drinking water supply and communication networks;
- (i) such applied agronomic and livestock research projects as prove necessary prior to or in the course of the implementation of agricultural cooperation schemes;
- (j) training schemes at all levels for national supervisory staff who will have to take over responsibility for the planning, execution and management of rural development operations and applied agronomic and livestock research projects.

Article 85

Rural cooperation schemes as defined in Article 84 shall form part of the development policy of the ACP States in accordance with the options and priorities to be determined by the ACP States themselves. The financial and technical resources from the Community required for the execution of such schemes as stated in indicative programmes shall be additional to the ACP States' own resources and shall be put to use in accordance with the provisions of Title VII.

Article 86

For the purpose of implementing the cooperation schemes referred to in Article 84 and in order to improve the efficiency of the different departments of the ACP States, both national and inter-State, that deal with rural development, the latter may call on technical assistance in the form of individual experts or consultancy teams, in particular for the following tasks:

- the formulation of rural development policies,
- the identification and preparation of projects in that field,
- project execution, management and evaluation,
- applied research activities,
- the training of national personnel.

Technical assistance shall be provided within the framework of terms of reference specifying the tasks to be accomplished for a period determined in accordance with the provisions of Title VII. Assistance schemes must form part of national indicative programmes or of regional programmes.

Article 87

1. In order to enable the ACP States to derive greater advantage from the opportunities for inter-State action and cooperation in rural development, the Community is ready to contribute from regional cooperation appropriations to initiatives devised and put into effect by two or more ACP States, involving production, research or training projects.

2. Assistance for cooperation in this field shall be provided preferably through existing national or inter-State organizations, in accordance with the provisions and procedures relating to regional cooperation.

Article 88

1. A Technical Centre for Agricultural and Rural Cooperation shall be established.

The Centre shall be at the disposal of the ACP States' authorities responsible for agricultural development in order to provide them with better access to information, research, training and innovations in the agricultural and rural field. In matters within its powers it shall act in close cooperation with the institutions and bodies referred to in this Convention or in the declarations annexed hereto.

2. The functions of the Centre shall be:

- (a) to ensure, in particular when requested by the ACP States, the dissemination of scientific and technical information relating to particular questions of agricultural development raised by those States;
- (b) to direct to the bodies qualified to deal with them the ACP States' requests in respect of specific techniques or their adaptation in the field of agriculture;
- (c) to help make scientific publications on agricultural matters available to the ACP States' agronomic research institutions and provide them with access to data banks;
- (d) to facilitate the flow of information on the programming of agronomic research in accordance with priority development requirements;
- (e) to bring about meetings between research workers, planners and development personnel so as to improve the exchange of experience gained on matters relating to specific ecological zones and particular topics;
- (f) to foster the exchange of information and the results of field work between the bodies specializing in the various aspects of tropical agriculture and the rural community;
- (g) to help facilitate the adaptation of available information to the needs of extension work and development;
- (h) to facilitate access by the ACP States' training and extension personnel to the information they need to carry out their tasks;
- (i) to direct requests for specific training to the relevant existing bodies;
- (j) in general, to help facilitate access by the ACP States to the results of work by the national, regional and international bodies, particularly those located in the Community and in the ACP States, technically qualified in agricultural and rural development matters and to maintain contact with those bodies.

3. In order to determine appropriate solutions to the problems encountered by the ACP States, in particular for the purpose of improving their access to information, technical innovations and research in the field of rural development, the Centre shall arrange meetings of delegates from the ACP States' and Member States' organizations specializing in applied agronomic research relating in particular to tropical agriculture and/or questions of rural development, such organizations having been approved by the Committee of Ambassadors or the bodies which it has delegated.

- 4. (a) The Committee of Ambassadors shall be the supervising authority for the Centre.
- (b) The Centre shall be headed by a director appointed by the Committee of Ambassadors as from the entry into force of this Convention.
- (c) The director of the Centre shall report on its activities to the Committee of Ambassadors.
- (d) The detailed rules of operation and procedures for the adoption of the Centre's budget shall be laid down by the Committee of Ambassadors. The budget shall be financed in accordance with the procedures laid down in the Convention in respect of financial and technical cooperation. The director of the Centre shall be aided by a staff recruited within the limits of the budgetary establishment adopted by the Committee of Ambassadors.

Article 89

Food aid is a temporary measure and the ultimate aim of ACP States is to become self-sufficient in food production.

The Community and the ACP States will seek better ways of combining, as far as possible, any food-aid measures on behalf of any ACP State that are decided upon unilaterally by the Community in accordance with the specific rules and criteria for the allocation of this type of aid, with schemes carried out using the resources provided for in this Convention.

Article 90

In the implementation of the provisions of this Title special priority shall be accorded to the specific problems and difficulties of the least-developed ACP States, particularly in the areas of production, processing, training, research, transport, marketing, packaging and the establishment of storage infrastructure.

TITLE VII

FINANCIAL AND TECHNICAL COOPERATION

Chapter 1

General provisions

Article 91

1. The objective of financial and technical cooperation shall be to promote the economic and social development of the ACP States on the basis of the priorities laid down by those States and in the mutual interest of the parties.

2. This cooperation shall complement the efforts of the ACP States and shall be in keeping with them. It shall relate to the preparation, financing and implementation of projects and programmes that contribute to the economic and social development of the ACP States and whose nature is adapted to the needs and characteristics of each of those States.

3. It should help the least-developed, land-locked and island ACP States to overcome the specific obstacles which hamper their development efforts.

4. It should encourage the regional cooperation of the ACP States.

Article 92

1. Financial and technical cooperation shall take account of the need to comply with the conditions specific to each State, especially as regards its development policy, the strategies to be followed, the priorities it has set itself, its potential and its own resources.

2. In this context, projects and programmes shall help achieve some or all of the following effects:

- (a) to give the ACP States the means of improving and gaining more control over the conditions of their economic and social development;
- (b) to contribute to the sustained and harmonious growth of the ACP States' economies by raising the quantity and quality of their production and, hence, their national income, and by correcting structural imbalances, through the diversification and integration of their economies;

(c) to raise the standard of living of the ACP States' population;

(d) to enable the ACP States faced with serious economic and social difficulties of an exceptional nature resulting from natural disasters or extraordinary circumstances having comparable effects to benefit from emergency aid;

(e) to enable thus the establishment of more balanced economic relations between the ACP States and the rest of the world and greater participation by those States in international trade.

3. The implementation of financial and technical cooperation calls for real and effective participation by the ACP States and the Community, at all levels, in the management and operation of the instruments of financial and technical cooperation and the concurrent and ex-post evaluation of the projects and programmes of such cooperation, as laid down in Article 108.

Article 93

1. Projects and programmes may involve:

- capital projects, including the support costs and running costs defined in Articles 152 and 153,
- technical cooperation.

2. The projects and programmes may, within the framework of the priorities adopted at the programming level as well as within the framework of regional cooperation, apply *inter alia* to:

- (a) rural development, industrialization, craft development, energy, mining, tourism and economic and social infrastructure;
- (b) structural improvement of the productive sectors of the economy;
- (c) protection of the environment;
- (d) prospecting and exploration and exploitation of natural resources;
- (e) training, applied scientific research and applied technology, technological adaptation or innovation and the transfer of technology;
- (f) industrial promotion and information;

- (g) marketing and sales promotion;
- (h) promotion of small- and medium-sized national undertakings;
- (i) micro-projects for grassroots development.

3. The funds provided may be used to cover external costs and local expenditure required for the execution of projects and programmes.

4. Financial and technical cooperation may cover current administrative, maintenance and operating expenses which are the responsibility of the ACP States or any other recipients only on the conditions laid down in Articles 152 and 153.

5. In order to take account of the specific problems facing the land-locked ACP States because of their geographical position, the Community shall accord priority to:

- (a) such studies, projects, programmes and training and technical assistance schemes presented by the land-locked States as make it possible to reduce the particular difficulties resulting from their land-locked situation, notably transport, communication and energy supply problems;
- (b) the research needed for the development of energy and mining resources and, where necessary, for carrying out relevant capital projects.

6. The Community, recognizing the special problems of island ACP States and in particular their transport and communication difficulties, within their territories, among themselves, and with the Community, shall give priority attention to appropriate measures aimed at:

- (a) promoting, in the field of air and sea transport, the movement of goods and persons;
- (b) developing sea fishing activities;
- (c) contributing, if necessary, towards exploration for and development of energy resources;
- (d) reducing the adverse effects of the special difficulties of those States which are further handicapped by reason of their distant location from their overseas markets, internal fragmented physical character, and their particular susceptibility to natural disasters.

Article 94

1. The following shall be eligible for financial and technical cooperation:

- (a) ACP States;
 - (b) regional or inter-state bodies to which one or more ACP States belong and which are authorized by the said States;
 - (c) joint bodies set up by the Community and the ACP States and authorized by the latter to attain certain specific objectives, notably in the spheres of agricultural, industrial and trade cooperation.
2. The following shall also be eligible for financial and technical cooperation, subject to the agreement of the ACP State or States concerned, in respect of projects or programmes approved by the latter:
- (a) public or semi-public development agencies of the ACP States, and in particular their development banks;
 - (b) local authorities and private bodies working in the countries concerned for their economic and social development;
 - (c) undertakings carrying out their activities in accordance with industrial and business management methods and formed as companies or firms of an ACP State within the meaning of Article 161;
 - (d) groups of producers that are nationals of the ACP States or like bodies, and, where no such groups or bodies exist, the producers themselves;
 - (e) for training purposes, award holders and trainees.

Chapter 2

Financial resources and methods of financing

Article 95

For the duration of the Convention, the overall amount of the Community's financial assistance shall be 5 227 million EUA.

This amount shall comprise:

1. 4 542 million EUA from the European Development Fund hereinafter referred to as 'the Fund', allocated as follows:
 - (a) for the purposes set out in Articles 91 and 92, 3 712 million EUA, consisting of:
 - 2 928 million EUA in the form of grants,

- 504 million EUA in the form of special loans,
- 280 million EUA in the form of risk capital;

(b) for the purposes set out in Title II, up to 550 million EUA in the form of transfers for the stabilization of export earnings;

(c) for the purposes set out in Title III, Chapter 1, a special financing facility up to 280 million EUA;

2. for the purposes set out in Articles 91 and 92, up to 685 million EUA in the form of loans from the Bank, made from its own resources in accordance with the terms and conditions provided for in its Statute. These loans shall carry, under the conditions laid down in Article 104, a 3 % interest rate subsidy, the cost of which shall be charged against the amounts of aid provided for in 1 (a).

Article 96

At the request of the ACP States and by consent of the parties the financial resources of the Community may be applied to co-financing, where that permits an increase in the financial flows to the ACP States and supports their efforts to harmonize international cooperation for their development. Special consideration shall be given in particular to:

- (a) large projects which cannot be financed by any one source of financing alone;
- (b) projects in which participation by the Community and input of its project expertise might facilitate the participation of other financing institutions;
- (c) projects for which diversification of financing might be advantageous, from the point of view of the terms of financing or the cost of the investment, and particularly projects of a social nature;
- (d) projects of a regional or inter-regional nature.

Article 97

Co-financing may take the form of joint or parallel financing. Preference shall be given to the solution that is best from a cost and efficiency viewpoint.

Article 98

With the agreement of the parties concerned, and without prejudice to the particular rules of each financing institution, necessary measures shall be taken to coordinate and harmonize operations of the

Community and of the other co-financing bodies during the preparation and implementation of the project or programme being co-financed in order to avoid an increase in the number of procedures to be implemented by the ACP States and to allow those procedures to be made more flexible.

Article 99

With the agreement of the ACP State concerned, the Community may provide the other co-financing bodies with administrative help, should they so desire, in order to facilitate the implementation of the project or programme being co-financed.

Article 100

At the request of the ACP State in question and with the agreement of the other parties concerned the Commission or the Bank may act as a leading or coordinating agency for projects part-financed by them.

Article 101

1. Projects or programmes may be financed by grant, or by special loan, or by risk capital, or by loans from the Bank from its own resources, or jointly by two or more of these means of financing.

2. The financing of productive investment projects in industry, agro-industry, tourism, mining and energy production linked with investment in those sectors shall be borne in the first place by loans from the Bank from its own resources and by risk capital.

3. For resources of the Fund which are managed by the Commission the means of financing shall be fixed jointly in accordance with the level of development and the geographical, economic and financial situation of the ACP State or States concerned, so as to ensure the best use of available resources. Account may also be taken of their economic and social impact.

4. For resources managed by the Bank, the means of financing shall be fixed in accordance with the nature of the project, the prospects for its economic and financial return and the stage of development and economic and financial situation of the ACP State or States concerned. Account shall be taken in addition of factors guaranteeing the servicing of repayable aid.

Article 102

Special loans shall be made for a duration of 40 years, with a grace period of 10 years. They shall bear interest at the rate of 1 % per annum.

Article 103

1. Grants or special loans may be accorded to an ACP State or may be channelled by that State to a final recipient.

2. In the latter case, the terms on which the money may be made available by the ACP State to the final recipient shall be laid down in the financing agreement.

3. Any profit accruing to the ACP State because it receives either a grant or a loan for which the interest rate or the repayment period is more favourable than that of the final loan shall be used by the ACP State for development purposes on the conditions laid down in the financing agreement.

4. Taking account of a request of the ACP State concerned, the Bank may, in accordance with Article 101, grant finance which it shall administer either directly to the final recipient, via a development bank, or via the ACP State concerned.

Article 104

1. Scrutiny by the Bank of eligibility of projects and the provision of loans from its own resources shall be effected in conjunction with the ACP State or States concerned in accordance with the rules, conditions and procedures provided for in the Bank's Statute and in this Convention, consideration being given to the economic and financial situation of the ACP State or States concerned and to the factors which guarantee the servicing of repayable aid.

2. The duration of loans made by the Bank from its own resources shall be governed by terms stipulated on the basis of the economic and financial characteristics of the project, but may not exceed 25 years.

3. The rate of interest shall be the rate charged by the Bank at the time of signing of each loan contract. This rate shall be reduced by 3 % by means of an interest rate subsidy, except where loans are intended for investment in the oil sector.

This interest rate subsidy shall, however, be automatically adjusted so that the interest rate actually borne by the borrower will be neither less than 5 % nor more than 8 %.

4. The aggregate amount of interest rate subsidies, calculated in terms of its value at the time of the

signature of the loan contract at a rate and according to detailed rules to be laid down by the Community, shall be charged against the amount of grant aid specified in Article 95 and shall be paid direct to the Bank.

Article 105

1. In order to enable projects to be carried out in industry, agro-industry, mining, tourism, and, in exceptional circumstances, transport and telecommunications, and in energy production linked with investment in those sectors, the Community may grant financial assistance in the form of risk capital where they are of general interest to the economy of the ACP State or States concerned.

2. Risk capital assistance may be used *inter alia* for:

(a) increasing directly or indirectly the own resources or resources assimilated thereto of public, semi-public or private undertakings and granting quasi-capital assistance to such undertakings;

(b) financing specific studies for the preparation and the drawing up of projects and providing assistance to undertakings during the start-up period;

(c) financing research and investment in preparation for the launching of projects in the mining and energy sectors.

3. To attain these objectives the Community may acquire temporary minority holdings in the capital of the undertakings concerned or in that of institutions for financing development in the ACP States. Such holdings may be acquired in conjunction with a loan from the Bank or with another form of risk-capital assistance. As soon as the conditions are met they shall be transferred, preferably to nationals or institutions of the ACP States.

4. Quasi-capital assistance may also take the form of:

(a) subordinated loans, which shall be redeemed and in respect of which interest, if any, shall be paid only after other bank claims have been settled;

(b) conditional loans, the repayment or duration of which shall be governed by terms laid down when the loan is made. Conditional loans may be made directly, with the agreement of the ACP State concerned, to a given firm. They may also be granted to an ACP State or to institutions in the ACP States specializing in development financing to

enable them to acquire a holding in the capital of undertakings operating in the sectors referred to in paragraph 1, where such an operation comes under the financing of preparatory or new productive investments and may be supplemented by other Community financing, possibly together with other sources of financing, as a co-financing operation;

- (c) loans made to development financing institutions in the ACP States, where the characteristics of their activities and management so permit. Such loans may be used for onlending to other firms and acquiring holdings in other undertakings.

5. The terms of the quasi-capital assistance referred to in paragraph 4 shall be determined case by case by reference to the characteristics of the projects financed. However, the terms on which quasi-capital assistance is granted shall generally be more favourable than those for subsidized loans from the Bank. The interest rate shall not be greater than that on subsidized loans.

6. Where the assistance referred to in this Article is granted to consultancy firms or is used to finance research or investment in preparation for the launching of a project, it may be incorporated in any capital assistance to which the promoting company may be entitled if the project is carried out.

Article 106

1. Special treatment shall be accorded to the least-developed ACP States when determining the volume of the financial resources which such States may expect from the Community for the purpose of their indicative programmes.

In addition, account shall be taken of the particular difficulties of the land-locked or island ACP States.

2. These financial resources shall be combined with particularly favourable terms of financing, having regard to the economic situation and the nature of the needs specific to each State. They shall consist essentially of grants and, in appropriate cases, of special loans or risk capital.

3. Special loans for the least-developed ACP States shall be made for a duration of 40 years with a grace period of 10 years. They shall bear an interest rate of 0.75 % per annum.

4. The Community shall as a matter of priority facilitate access for the least-developed ACP States to risk capital assistance administered by the Bank.

5. Loans from the Bank's own resources may also be granted in the least-developed ACP States, having regard to the criteria laid down in Article 104.

Article 107

At the request of the least-developed ACP States, the Community may, under the conditions laid down in Article 139 (4), lend assistance in studying solutions to their indebtedness, debt-servicing and balance-of-payments problems.

Chapter 3

ACP and EEC responsibilities

Article 108

1. Operations financed by the Community shall be implemented by the ACP States and the Community in close cooperation, the concept of equality between the partners being recognized.

2. The ACP States shall be responsible for:

- (a) defining the objectives and priorities on which the indicative programmes drawn up by them shall be based;
- (b) choosing the projects and programmes which they decide to put forward for Community financing;
- (c) preparing and presenting to the Community the dossiers of projects and programmes;
- (d) preparing, negotiating and concluding contracts;
- (e) implementing projects and programmes financed by the Community;
- (f) managing and maintaining operations carried out in the context of financial and technical cooperation.

3. If requested by the ACP States, the Community may provide them with technical assistance in performing the tasks referred to in paragraph 2. It shall examine in particular specific measures for alleviating the particular difficulties encountered by the least-developed, land-locked and island ACP States in the implementation of their projects and programmes.

4. The ACP States and the Community shall bear joint responsibility for:

- (a) defining, within the joint institutions, the general policy and guidelines of financial and technical cooperation;
- (b) adopting the indicative programmes of Community aid;
- (c) appraising projects and programmes, and examining the extent to which they fit the objectives and priorities and comply with the provisions of the Convention;
- (d) taking the necessary implementing measures to ensure equality of conditions for participation in invitations to tender and contracts;
- (e) evaluating the effects and results of projects and programmes completed or under way;
- (f) ensuring that the projects and programmes financed by the Community are executed in accordance with the arrangements decided upon and with the provisions of the Convention.

5. The Community shall be responsible for preparing and taking financing decisions on projects and programmes.

6. (a) An ACP-EEC Committee shall be set up within the Council of Ministers to study, in general terms and on the basis of specific examples, suitable measures to improve the implementation of financial and technical cooperation, notably by accelerating and streamlining procedures.

(b) The Committee shall be composed, on a basis of parity, of representatives of the ACP States and of the Community appointed by the Council of Ministers, or their authorized representatives. It shall meet every quarter and at least once a year at ministerial level.

A representative of the Bank shall be present at Committee meetings.

(c) The Council of Ministers shall lay down the Committee's rules of procedure in particular the conditions for representation and the number of members of the Committee, the detailed arrangements for their deliberations and the conditions for holding the chair.

(d) Within the powers delegated to it by the Council of Ministers the Committee shall carry out the following tasks:

- (i) it shall collect information on existing procedures relating to the implementation of financial and technical cooperation and give any necessary clarification on these procedures;

(ii) it shall examine, at the request of the Community or of the ACP States, any specific difficulties which may arise in the course of implementing such financial and technical cooperation;

(iii) it shall inform the Council of Ministers in the annual report referred to in subparagraph (f), of any comments and suggestions on the annual report referred to in Article 119;

(iv) it shall submit to the Council of Ministers any suggestions likely to lead to improvement or acceleration in the implementation of financial and technical cooperation;

(v) it shall examine any problems in connection with the implementation of the timetables of commitments, execution and payments as provided for in Article 110, with a view to facilitating the removal of any difficulties and bottlenecks discovered at different levels;

(vi) it shall carry out such other tasks entrusted to it by the Council of Ministers.

(e) With the agreement of the Committee of Ambassadors, the Committee may convene meetings of experts to study periodically the causes of any difficulties or bottlenecks which may arise in implementing financial and technical cooperation. These experts shall suggest to the Committee possible ways of removing such difficulties and bottlenecks.

(f) The Committee shall examine the annual report on the management of Community financial and technical aid, which shall be forwarded to it by the Commission pursuant to Article 119 (2). It shall draw up, for the attention of the Council of Ministers, recommendations and resolutions relating to measures directed towards attainment of the objectives of financial and technical cooperation, within the framework of the powers conferred upon it by that Council. It shall draw up an annual report giving details of progress, which shall be examined by the Council at its annual meeting on the definition of the policy and guidelines for financial and technical cooperation referred to in Article 119.

7. Where the financing of projects within the Bank's sphere of competence is concerned, the arrangements and procedures for implementing financial and technical cooperation, as set out in Chapters 4, 6, 7 and 8, may, in coordination with the ACP States concerned, be adapted to take account of the nature of the projects financed by the Bank and to permit it, within the framework of the procedures laid down by its Statute, to act in accordance with the objectives of this Convention.

Chapter 4

Programming, appraisal, implementation
and evaluation

Article 109

1. The schemes financed by the Community, which are complementary to the ACP States' own efforts, shall be integrated into the economic and social development plans and programmes of the said States and shall tie in with the development objectives and priorities which they set both at national and regional level.

2. At the beginning of the period covered by this Convention, financial and technical cooperation shall be programmed so as to enable:

- (a) each ACP State to have the clearest and earliest possible indication, before the indicative programme is drawn up, of the amount of the financial assistance administered by the Commission and from which it may benefit during that period and of the terms and conditions which may be attached thereto;
- (b) the Contracting Parties to ensure that optimum use is made of the different instruments and means of cooperation provided for in this Convention; in order to attain the objectives of financial and technical cooperation;
- (c) the Community to know the development objectives and priorities set by each ACP State and the projects and programmes which the ACP States decide to put forward for financing in the framework of their objectives and priorities.

3. An indicative programme shall be adopted by mutual agreement between the Community and each ACP State on the basis of proposals made by that State. The programme shall set out:

- (a) the guidelines and scope of financial and technical cooperation as they emerge from the exchange of views between the representatives of the ACP State and those of the Community;
- (b) the ACP State's objectives and priorities for which the Community's financial support is seen as particularly appropriate;
- (c) specific projects and programmes, where they have been clearly identified, to achieve the development objectives. These projects and programmes together with those subsequently identified in the light of the objectives and priorities written into the indicative programme, shall then be appraised in accordance with Article 112.

4. In the light of these various aspects, an optimum rate of commitment shall be determined under the conditions set out in Article 110.

5. The indicative programmes shall be sufficiently flexible to take account of any changes occurring in the economic situation of each of the ACP States, and any modifications of their initial priorities and objectives. Each programme may be revised at the request of the ACP State concerned. In any case, it shall be reviewed at least once during the period covered by this Convention.

6. These programmes shall not cover the emergency aid referred to in Article 137 or the measures for stabilizing export earnings referred to in Title II.

7. When the indicative programme of an ACP State is drawn up, its representatives and those of the Community shall hold an exchange of views on the ACP State's priorities and objectives at regional level. Note shall be taken of specific projects and programmes enabling these objectives to be attained in the context of regional cooperation.

Article 110

1. (a) When the Fund's resources administered by the Commission are programmed the optimum pace for overall commitments, year by year, shall be worked out with the ACP State concerned in the light of the various constraints on the parties and priorities to be observed by them.

(b) This optimum pace shall be determined in such a way that the overall amount of sums to be committed each year is distributed as evenly as possible throughout the period of application of this Convention.

(c) Any balance remaining from the Fund that has not been committed by the end of the last year of the application of this Convention will be utilized until it has been exhausted, in accordance with the same conditions as those laid down in this Convention.

2. Where the ACP State has presented a complete project dossier within the meaning of the second subparagraph of Article 111 (1), an advance timetable for appraisal, lasting until the stage when the financing proposal is drawn up, shall be adopted by the Commission and the ACP State concerned.

3. The financing proposal shall contain an advance timetable for the technical and financial implementation

of the project, which shall be reproduced in the financing agreement and deal with the duration of the different phases of implementation.

4. A comparative account of commitments and payments shall be drawn up each year by the national authorizing officer and the Commission delegate to determine the causes of delays recorded in the execution of the indicative timetable so that the necessary remedial measures can be proposed.

Article 111

1. (a) Preparation of the dossiers of projects or programmes proposed under the indicative programmes shall be the responsibility of the ACP States concerned or of other beneficiaries approved by them.

(b) The dossiers must contain all the information necessary for the appraisal of the project.

(c) Where so requested the Community may provide assistance for drawing up the dossiers.

2. Such dossiers shall be officially transmitted to the Community by the ACP States or the other beneficiaries specified in Article 94 (1). Where the beneficiaries specified in Article 94 (2) are concerned, the express agreement of the State or States concerned shall be required.

3. All projects or programmes transmitted officially in accordance with paragraph 2 shall be brought to the attention of the Community body responsible for taking financing decisions.

Article 112

1. (a) Project and programme appraisal shall be undertaken in close collaboration between the Community and the ACP States or any other beneficiaries,

(b) The various aspects of the projects and programmes shall be appraised, in particular economic, social, technical, financial and administrative aspects.

(c) Appraisal should ensure that the projects and programmes really meet the criteria defined in paragraph 2.

2. The criteria used for appraising projects and programmes shall be as follows:

(a) projects and programmes must correspond to the objectives and priorities of the ACP State. They

must take account of national efforts and of other resources of external origin and dovetail with them and the provisions of this Convention;

(b) the effectiveness of projects and programmes shall be assessed by means of an analysis comparing the means to be employed with the effects expected from the technical, social, economic and financial aspects; possible variants shall be examined;

(c) projects and programmes shall be assessed for their viability from the viewpoint of the different economic agents involved, be they the State, an undertaking or local communities. This part of the appraisal procedure is to ascertain that the project will produce the expected effects in a period considered normal for the type of scheme concerned.

It is also to make sure that any staff and other resources, in particular financial, necessary for operating and maintaining the capital projects and for covering any incidental project costs are actually available locally.

This shall be achieved by establishing forward budgets and assessing the opportunities for adapting the project to local constraints and resources;

(d) appraisal of the economic return shall be directed at the various effects expected of the project, notably the physical, economic, social and financial effects, if possible on the basis of a cost-benefit analysis;

(e) appraisal must take account of the non-quantifiable effects of projects, and particular attention shall be paid to the effects of the project on the environment.

3. The specific difficulties and constraints peculiar to the least-developed ACP States which affect the effectiveness, viability and economic return of projects and programmes shall be taken into account when the said projects and programmes are appraised.

Article 113

1. The conclusions of the appraisal shall be summarized in a financing proposal, which shall serve as the basis for the Community's decision.

2. The financing proposals, drawn up by the relevant departments of the Community, shall be transmitted to the ACP States concerned.

3. (a) Where the Community body responsible for delivering an opinion on projects fails to deliver

a favourable opinion, the relevant departments of the Community shall consult the representatives of the ACP State or States concerned on further action to be taken, in particular on the advisability of submitting the dossier afresh, possibly in a modified form, to the relevant Community body.

- (b) Before that body gives its final opinion, the representatives of the ACP State or States concerned shall, at their request, be heard by the Community representatives on that body in order to be able to state their grounds for the project.

4. Should the final opinion delivered by that body not be favourable, the competent departments of the Community shall consult afresh with the representatives of the ACP State or States concerned so as to find out whether the project should be submitted as it stands to the Community bodies or whether it should be withdrawn or modified.

5. In the event of the ACP State considering that the project should be submitted as it stands to the decision-making body of the Community, that State may communicate any facts which appear necessary to supplement the information available to that body before the final decision. It may also, before a decision is taken by that body, be heard by the President and the members of the Council of the European Communities in order to submit information additional to that mentioned above.

6. Where the Community's decision-making bodies are unable to pass a project for financing, the ACP State concerned shall be informed of the reasons for such a decision.

Article 114

1. With a view to accelerating the procedures, financing proposals may deal with multiannual programmes or overall amounts where the financing concerns:

- (a) sets of training schemes;
- (b) micro-project programmes;
- (c) sets of technical cooperation and trade promotion schemes.

Financing decisions on individual schemes and projects shall be taken within the framework of such programmes and overall amounts.

2. In the same spirit, decisions on projects and programmes involving a limited amount may be taken by accelerated procedure.

3. Any measures required to streamline and speed up procedures shall be taken in respect of all projects and programmes implemented under this Convention.

Article 115

1. In respect of the Fund's resources administered by the Commission, for any project or programme on which a financing decision has been taken a financing agreement shall be drawn up between the Commission, acting on behalf of the Community, and the ACP State or States concerned. The agreement shall specify in particular the details of the Fund's financial commitment and the arrangements for and terms of the financing. A timetable for commitments and payments shall be annexed to the financing agreement.

2. In addition, for any project or programme financed by a special loan, a loan contract shall be drawn up between the Commission, acting on behalf of the Community, and the borrower.

Article 116

Any unexpended balance left upon closure of the accounts of projects or programmes financed from the Fund's resources administered by the Commission shall accrue to the ACP State concerned and shall be so specified in the Fund's books. It may be used in the manner laid down in this Convention for the financing of projects and programmes.

Article 117

1. (a) Cost overruns incurred during the implementation of projects or programmes financed from the Fund's resources administered by the Commission shall be borne by the ACP State or States concerned, subject to the following provisions.

(b) However, the financing agreements for all projects shall make provision for appropriations to cover cost increases and contingencies.

(c) The ACP States may also set aside a reserve for this purpose in their indicative programmes.

2. As soon as it appears that cost overruns are likely to be incurred, the national authorizing officer shall so inform the chief authorizing officer through the Commission delegate. The chief authorizing officer shall on this occasion be informed of the measures the national authorizing officer intends to take in order to cover such cost overruns, whether by reducing the scale

of the project or programme or by calling on national or other non-Community resources.

3. If it appears impossible to reduce the scale of the project or programme or to cover the cost overruns by drawing on national or other non-Community resources, the Community body responsible for taking the financing decisions may, in each case, take a supplementary commitment decision and finance the relevant expenditure.

4. Without prejudice to the arrangements provided for in paragraphs 2 and 3, the national authorizing officer shall, in coordination with the chief authorizing officer, use the unexpended balances referred to in Article 116 for covering cost overruns on a project or programme, within the limits of a ceiling set at 15 % of the financial commitment for the project or programme concerned.

Article 118

1. (a) Evaluation may be undertaken during the implementation of projects and programmes. The ACP States concerned and the Community shall draw up a joint progress report, at agreed intervals, on the various aspects of the project and its results.
- (b) Such a report may serve to re-orient the project during implementation if a joint decision is taken to this effect.
2. (a) The ACP States concerned and the Community shall organize the joint evaluation of completed projects and programmes. Evaluation shall concern the results, by comparison with the objectives, and also the administration, operation and maintenance of the schemes. The two parties shall study the results of such evaluations.
- (b) The relevant authorities of the Community and of the ACP States concerned shall each take the appropriate measures called for by the results of the evaluation work.

Chapter 5

Policy and guidelines

Article 119

1. The Council of Ministers shall examine at least once a year whether the objectives of financial and technical cooperation are being attained and shall also examine

the general problems resulting from implementation of that cooperation. This examination shall also cover regional cooperation and measures in favour of the least-developed, land-locked and island ACP States.

2. To this end the Commission shall submit to the Council of Ministers an annual report on the management of Community financial and technical aid. This report, which shall be drawn up in collaboration with the Bank for the parts of the report which concern it, shall be forwarded to the ACP-EEC Committee referred to in Article 108 (6). It shall in particular show the position as to the commitment, implementation and use of the aid, broken down by type of financing and by recipient State, and the results of work done to evaluate projects and programmes.

3. This information shall be accompanied by the results of the work of the ACP-EEC Committee referred to in Article 108 (6) on the general problems of improving the implementation of financial and technical cooperation and by the reports drawn up by groups of experts whom the Council of Ministers may periodically instruct to study the causes of, and means of eliminating, any difficulties or bottlenecks on either side.

4. On the basis of the information referred to in paragraphs 2 and 3, the Council of Ministers shall define the policy and guidelines of financial and technical cooperation and shall adopt resolutions on the measures to be taken by the Community and the ACP States in order to ensure that the objectives of such cooperation are attained.

Chapter 6

Execution of financial and technical cooperation

Article 120

The ACP States, and the other beneficiaries authorized by them in accordance with Article 94, shall implement the projects and programmes financed by the Community.

Accordingly, they shall be responsible in particular for preparing negotiating and concluding the necessary contracts for the implementation of the operations.

Article 121

1. The Commission shall appoint the chief authorizing officer of the Fund, who shall ensure that financing decisions are carried out and shall be responsible for

managing the Fund's resources. Taking account in particular of the advance timetables for commitments and payments referred to in Article 110, the chief authorizing officer shall accordingly commit, clear and authorize expenditure, and keep the accounts of commitments and authorizations.

2. In close cooperation with the national authorizing officer, the chief authorizing officer shall ensure equality of conditions for participations in invitations to tender, and see to it that there is no discrimination and that the tender selected is economically the most advantageous. In this connection the chief authorizing officer shall approve the dossiers before invitations to tender are issued, receive the result of the examination of the tenders and approve the proposal for the placing of the contract, subject to the powers exercised by the Commission delegate under Article 123.

3. Subject to the powers exercised by the national authorizing officer under Article 122 (4), the chief authorizing officer shall take any adaptation measures and commitment decisions necessary to ensure the proper execution of approved projects and programmes under the best economic and technical conditions.

Article 122

1. (a) The government of each ACP State shall appoint a national authorizing officer to represent the authorities of that officer's country in all operations financed from the Fund's resources administered by the Commission.

(b) The national authorizing officer may delegate some of these functions and shall inform the chief authorizing officer of any such delegation.

2. In addition to the functions of the national authorizing officer in connection with the preparation, submission and appraisal of projects, that officer shall:

- (a) ensure, in close cooperation with the chief authorizing officer, that there is equality of conditions for participation in invitations to tender, that there is no discrimination and that the tender which is economically the most advantageous is chosen;
- (b) prepare invitation to tender dossiers and submit them to the delegate for agreement before issuing invitations to tender;
- (c) issue invitations to tender;
- (d) receive tenders, preside over the examination of tenders, decide the outcome of the said examination and transmit it to the delegate with a proposal for the placing of the contract;

(e) sign contracts and riders thereto and estimates, and notify the Commission delegate thereof.

3. The national authorizing officer shall clear and authorize expenditure within the limits of the funds assigned, taking account, in particular, of the advance timetables for commitments and payments referred to in Article 110. The national authorizing officer shall remain responsible for the funds entrusted to him until the Commission authorizes the operations for the execution of which the funds were entrusted to him.

4. During the implementation of projects, and subject to the requirement to inform the Commission delegate, the national authorizing officer shall take any adaptation measures necessary to ensure the proper execution of approved projects or programmes under the best economic and technical conditions.

Accordingly, the national authorizing officer shall decide on:

- (a) technical adjustments and alterations on matters of detail, so long as they do not affect the technical solutions adopted and remain within the limits of the provision for minor adjustments;
- (b) minor alterations to estimates during implementation;
- (c) transfers from item to item within estimates;
- (d) changes of site for multiple-unit projects where justified on technical or economic grounds;
- (e) imposition or remission of penalties for delay;
- (f) acts discharging guarantors;
- (g) purchase of goods, irrespective of their origin, on the local market;
- (h) use of construction equipment and machinery not originating in the Member States or ACP States provided there is no production of comparable equipment and machinery in the Member States or ACP States;
- (i) subcontracting;
- (j) final acceptance; however, the delegate must be present at provisional acceptances and endorse the corresponding minutes and, where appropriate, be present at the final acceptance, in particular where the extent of the reservations recorded at the provisional acceptance necessitates major additional work.

5. For contracts of less than 3.5 million EUA and in general for all contracts to which the accelerated procedure applies, decisions taken by the national

authorizing officer under the powers vested in that officer shall be deemed approved by the Commission within 30 days of the notification to the Commission delegate.

Article 123

1. (a) The Commission shall appoint a delegate to each ACP State or group of ACP States to represent it for the purpose of facilitating the application of the Convention. The appointment of the Commission delegate shall be agreed by the ACP State or States concerned.
(b) Where a delegate is appointed to a group of ACP States, appropriate steps shall be taken to ensure that the delegate is represented by a deputy resident in each of the States concerned in which the delegate is not resident.
2. The Commission shall give its delegate the necessary instructions and delegated powers to facilitate and expedite the preparation, appraisal and implementation of projects financed from the Fund's resources administered by it. The delegate shall work in close cooperation with the national authorizing officer and deal with that officer on behalf of the Commission. In this capacity the delegate shall:
 - (a) approve the invitation to tender dossier wherever invitations to tender are to be issued by accelerated procedure, or in other cases transmit it to the chief authorizing officer for that officer's agreement;
 - (b) be present at the opening of tenders, and receive a copy of them and of the results of their examination;
 - (c) approve within one month the national authorizing officer's proposal for the placing of the contract wherever the three following conditions are fulfilled: the tender selected is the lowest, it is economically the most advantageous and does not exceed the sum earmarked for the contract;
 - (d) approve within one month the proposal for the placing of the contract in all cases where invitations to tender are issued by the accelerated procedure;
 - (e) where the conditions set out in (c) are not fulfilled, forward the proposal for the placing of the contract to the chief authorizing officer for agreement, and the chief authorizing officer shall decide thereon within two months of the receipt by the Commission delegate of the final outcome of examination of the tenders and the proposal for the placing of the contract;
 - (f) participate in the preparation and negotiation of service contracts.
3. (a) The delegate shall make sure, on behalf of the Commission, that the projects and programmes financed from the Fund's resources administered by the Commission are properly implemented from the financial and technical angles.
(b) Accordingly, the delegate shall endorse contracts, riders thereto and estimates, as well as payment authorizations issued by the national authorizing officer.
4. Each year the delegate shall prepare a summary of the Fund's operations in the ACP State or States to which he or she is appointed. The report shall be communicated by the Commission to the ACP State or States concerned.
5. The delegate shall cooperate with the national authorities in evaluating completed projects and programmes. Reports on the outcome of the evaluation shall be drawn up and communicated to the ACP States concerned and the Commission.
6. The delegate shall inform the national authorities of Community activities which may directly concern cooperation between the ACP States and the Community.
7. (a) The delegate shall maintain continuous contact with the national authorizing officer for the purpose of analyzing and remedying specific problems encountered in the implementation of financial and technical cooperation.
(b) To that end the delegate shall in particular make regular checks to see that operations are proceeding in accordance with the schedules laid down in the advance timetables established under Article 110.
8. The delegate shall communicate to the ACP State all information and relevant documents on the procedures for implementing financial and technical cooperation.
9. The delegate shall prepare the financing proposals.

Article 124

1. For the purpose of effecting payments in the national currencies of the ACP States, accounts denominated in the currency of one of the Member States shall be opened in each ACP State in the Commission's name with a national public or semi-public financial institution, chosen by mutual agreement between the ACP State and the Commission. This institution shall exercise the functions of paying agent.
2. The accounts referred to in paragraph 1 shall be replenished by the Commission by reference to actual cash requirements, account being taken of the advance

timetable for payments provided for in Article 110. Transfers shall be made in the currency of one of the Member States and shall be converted into the national currency of the ACP State as and when payments fall due.

3. The paying agent shall not be remunerated for its services; no interest shall be payable on deposited funds.

4. Within the limits of the funds available, the paying agent shall make the disbursements authorized after verifying that the supporting documents provided are substantively correct and in order, and that the discharge is valid.

5. For the purpose of effecting payments in currencies other than the national currencies of the ACP States, payment for services provided shall be made on the instructions of the Commission by drawing on its accounts.

Chapter 7

Competition and preferences

Article 125

1. As regards operations financed by the Community, participation in invitations to tender and contracts shall be open on equal terms to all natural persons and companies or firms falling within the scope of the Treaty and to all natural persons and companies or firms of the ACP States.

The companies or firms referred to in the preceding paragraph shall be those defined in Article 161 of the Convention.

2. Measures to encourage the participation of ACP States' undertakings in the execution of contracts shall be taken in order to permit optimum use of these States' natural and human resources.

3. Paragraph 1 shall not imply that the funds provided by the Community must be used exclusively for purchases of goods or payment for services in the Member States and the ACP States.

4. Any participation by third countries in contracts financed by the Community must be of an exceptional nature and be authorized case by case, at the reasoned request of the ACP State concerned, by the competent body of the Community. Unless other appropriate factors prevail account shall be taken of a desire to avoid

excessive increases in the cost of projects attributable either to the distances involved and transport difficulties or to the delivery date, notably in the case of the least-developed, land-locked and island ACP States.

5. The Commission and the ACP State concerned shall take the appropriate measures to provide the Community body with the information needed for a decision on such derogations. This body shall examine the information with particular attention in the case of ACP States whose geographical location greatly reduces the competitiveness of suppliers and contractors from the Community and the ACP States.

6. Participation by third countries in contracts financed by the Community may be authorized where the Community participates in the financing of regional or inter-regional cooperation schemes involving third countries and in the joint financing of projects with other providers of funds.

Article 126

1. The ACP States and the Commission shall take the necessary measures to ensure the widest possible participation on equal terms in invitations to tender and works and supply contracts financed by the Fund's resources managed by the Commission.

2. The purpose of these measures shall be in particular:

- (a) to ensure advance publication in reasonable time of invitations to tender in the *Official Journal of the European Communities*, the official journals of the ACP States and any other suitable information media;
- (b) to eliminate discriminatory practices or technical specifications which might stand in the way of widespread participation on equal terms;
- (c) to encourage cooperation between the undertakings of the Member States and of the ACP States, for example by means of preselection and the creation of groups.

Article 127

1. As a general rule, works and supply contracts financed by the Fund's resources managed by the Commission shall be concluded following an open invitation to tender.

2. However, for operations relating to emergency aid, and for other operations where the urgency of the situation is recognized or where the nature, minor

importance or particular characteristics of the works or supplies so warrant, the ACP States may, in agreement with the Commission, exceptionally authorize:

- the placing of contracts after restricted invitations to tender,
- the conclusion of contracts by direct agreement,
- the performance of contracts through public works departments.

3. Furthermore, for operations costing under 3.5 million EUA, recourse to public works departments may be authorized where the recipient ACP State has sufficient suitable equipment and qualified staff available in its national departments.

Article 128

To promote the widest possible participation by national undertakings of the ACP States in the performance of works and supply contracts financed from the Fund's resources managed by the Commission:

- (a) an accelerated procedure for issuing invitations to tender shall be used for carrying out works estimated to cost less than 3.5 million EUA. Under this procedure, publication shall be confined to the ACP State concerned and the neighbouring ACP States and the time limits for the submission of tenders shall be fixed in accordance with the rules in force in the ACP State concerned.

The use of this accelerated procedure shall not exclude the possibility of the Commission's proposing an international invitation to tender to the ACP State concerned where the nature of the works to be undertaken or the advantages of wider participation would appear to justify inviting international competition;

- (b) for carrying out works whose value is less than 3.5 million EUA, national undertakings of the ACP States shall be accorded a 10 % preference where tenders shall be fixed in accordance with the rules in force in the ACP State concerned.

This preference shall be confined to national undertakings of the ACP States within the meaning of the national laws of these States provided that their residence for tax purposes and main business are established in an ACP State and that a significant share of the capital and management staff is supplied by one or more ACP States;

- (c) for the delivery of supplies, undertakings involved in industrial or craft production of the ACP States shall be accorded a 15 % preference where tenders of equivalent technical and economic quality are compared.

This preference shall be confined to national undertakings of the ACP States which provide a sufficient margin of added value.

Article 129

In order to ensure the rapid and effective implementation of projects and programmes financed by the Community in the least-developed ACP States, the Community shall give special priority to the application of specific measures in the following areas:

- (a) the award of contracts following accelerated invitations to tender on the terms specified in Article 128;
- (b) the placing of contracts following restricted invitations to tender and the conclusion of contracts by direct agreement on the terms specified in Article 127;
- (c) the performance of contracts through public works departments on the terms specified in Article 127;
- (d) the placing of service contracts by the Commission, in agreement with the ACP State concerned where the scheme is urgent, of minor importance or short duration, particularly in the case of appraisals concerned with the preparation of projects and programmes;
- (e) the arrangement of payment procedures in such a way that the States concerned do not have to bear any pre-financing costs.

Article 130

1. For each operation the criteria for selecting the tender that is economically the most advantageous shall take into account *inter alia* the qualifications of and the guarantees offered by the tenderers, the nature and conditions of implementation of the works or supplies and the price, operating costs and technical value of those works or supplies.

2. Where two tenders are acknowledged to be equivalent on the basis of the criteria stated above, preference shall be given to the tender of the undertaking which is a national of an ACP State or if no such tender is forthcoming to the one which permits the greatest possible use of the physical and human resources of the ACP States.

3. The ACP States and the Commission shall ensure that all the selection criteria are specified in the invitation to tender dossier.

Article 131

The general conditions applicable to the award and performance of works and supply contracts financed from the Fund's resources administered by the Commission are contained in the general conditions which, on a proposal from the Commission, shall be adopted by decision of the Council of Ministers at its first meeting following the entry into force of this Convention.

Article 132

1. Any dispute arising between the authorities of an ACP State and a contractor, supplier or provider of services on the occasion of the placing or performance of a contract financed by the Fund shall be settled by arbitration in accordance with rules of procedure adopted by the Council of Ministers.

2. The rules of procedure referred to above shall be adopted, on a proposal, by a decision of the Council of Ministers not later than its first meeting following the entry into force of this Convention.

Chapter 8

Regional cooperation

Article 133

1. In the implementation of financial and technical cooperation, the Community shall provide effective assistance for attaining the objectives which the ACP States set themselves in the context of regional and inter-regional cooperation. This assistance shall aim to:

- (a) accelerate economic cooperation and development both within and between the regions of the ACP States;
- (b) accelerate diversification of the economies of the ACP States;
- (c) reduce the economic dependence of the ACP States on imports by maximizing output of those products for which the ACP States in question have real potential;
- (d) create sufficiently wide markets within the ACP States and neighbouring States by removing the obstacles which hinder the development and integration of those markets;
- (e) promote and expand trade between the ACP States and with neighbouring third countries;
- (f) maximize the use of resources and services in the ACP States;
- (g) strengthen organizations set up by the ACP States to promote regional cooperation and integration;
- (h) implement specific measures in favour of the land-locked and island countries, notably in respect of transport and communications.

2. To this end, an amount of 600 million EUA from the financial resources provided for in Article 95 for the economic and social development of the ACP States shall be reserved for financing their regional and inter-regional projects and for participation in any co-financing arrangements that may be made to implement such projects.

Article 134

- 1. (a) Within the meaning of the Convention, regional cooperation shall apply to relations either between two or more ACP States, or between one or more ACP States on the one hand and one or more neighbouring non-ACP countries on the other.
- (b) Inter-regional cooperation shall apply to relations either between two or more regional organizations of which ACP States form part or between one or more ACP States and a regional organization.

2. Within the meaning of the Convention, regional projects are those which help directly to solve a development problem common to two or more countries through joint schemes or coordinated national schemes.

Article 135

1. The scope of regional and inter-regional cooperation shall include in particular:

- (a) acceleration of industrialization in the ACP States through the setting-up of regional and inter-regional undertakings, account being taken of the establishment of back-up infrastructure;
- (b) transport and communications: roads, railways, air and sea transport, inland waterways, postal services and telecommunications;
- (c) the production of energy and joint exploitation of natural resources;
- (d) research and technology applied to intensifying regional and inter-regional cooperation;
- (e) agriculture, notably stock-farming, industry and the promotion of intra-ACP trade in the products of these sectors;
- (f) education and training, including the establishment of joint institutions of advanced technology, in the context of training programmes to enable nationals to participate fully in economic development;

- (g) control of major endemic diseases and, more generally, measures to improve the health of the population;
- (h) cooperation in tourism, including the establishment of tourist promotion centres or the strengthening of existing ones on a regional basis, in order to increase regional and international tourism;
- (i) technical assistance for the establishment of regional cooperation bodies or the development of new activities in existing regional bodies, including the preparation of specific programmes and projects;
- (j) assistance for action by ACP-EEC business organizations set up with the aim of improving production and the marketing of products on external markets.

2. For the purpose of promoting their regional cooperation the least-developed ACP States shall have a priority claim to the application of the relevant provisions in respect of projects concerning at least one least-developed ACP State, notably where infrastructure projects relating to transport, communications, telecommunications, energy and the development of production are concerned.

Article 136

1. An ACP State or group of ACP States participating with neighbouring non-ACP countries in a regional or inter-regional project may request the Community to finance that part of the project for which it is responsible.
2. Existing regional cooperation bodies or any such bodies which may be set up may make a request for Community financing on behalf of their ACP Member States with the latter's explicit agreement.
3. Where a project or programme is financed by the Community through a regional institution, the terms and conditions of such financing applicable to the ultimate beneficiaries shall, in agreement with the ACP State or States concerned, be agreed between the Community and the regional institution.

Chapter 9

Emergency aid

Article 137

1. Emergency aid may be granted to ACP States faced with serious economic and social difficulties of an exceptional nature resulting from natural disasters or extraordinary circumstances having comparable effects.

2. For the purpose of financing the emergency aid referred to in paragraph 1, a special appropriation shall be constituted within the Fund.

3. (a) The special appropriation shall initially be fixed at 60 million EUA. At the end of each year of application of this Convention this appropriation shall be restored to its initial level.
- (b) The total amount of monies which may be transferred from the Fund to the special appropriation during the period of application of this Convention may not exceed 200 million EUA.
- (c) Upon expiry of this Convention any monies transferred to the special appropriation which have not been committed for emergency aid shall be returned to the Fund proper for financing other schemes falling within the scope of financing and technical cooperation, unless the Council of Ministers decides otherwise.
- (d) In the event of the special appropriation being exhausted before the expiry of this Convention, the ACP States and the Community shall adopt, within the relevant joint bodies, appropriate measures to deal with the situations described in paragraph 1.

4. Emergency aid shall be non-reimbursable. It shall be allocated on a case by case basis.

5. (a) Emergency aid shall help finance the most suitable means of remedying as effectively and speedily as possible the serious difficulties referred to in paragraph 1.
- (b) These means may consist of works, supplies or the provision of services and cash payments and, in exceptional cases, reimbursement in whole or in part of the sums already spent by the ACP State on implementing schemes included in the financing agreement relating to the emergency aid in question.
- (c) The ACP State receiving emergency aid shall obtain its supplies from the markets of the Community, ACP States or third countries under the conditions laid down in Article 125.
- (d) Where appropriate, such aid may, with the agreement of the ACP State concerned, be implemented via specialized agencies or directly by the Commission.

6. Emergency aid shall not be used for dealing with the harmful effects of the instability of export earnings, which are the subject of Title II.

7. The detailed rules for the allocation of such aid shall be the subject of an emergency procedure. The conditions governing the payment and implementation of such aid shall be determined on a case by case basis; advances may be granted by the national authorizing officer where implementation is based on an estimate.

8. (a) Operations financed by emergency aid must be carried out as quickly as possible and, whatever the circumstances, the monies must be used within six months of the implementing arrangements being established, unless otherwise stipulated by those arrangements and provided that it is not agreed by common accord during the implementation period, to extend that time limit owing to extraordinary circumstances.

(b) Where the monies made available have not all been used up within the time limit set, the fund commitment may be reduced to an amount corresponding to the monies used within that time limit.

(c) The unexpended portion shall then be paid back into the special appropriation.

Chapter 10

Technical cooperation

Article 138

The technical cooperation referred to in Article 93 shall cover the following:

- (a) general studies, notably in the technical, economic, organizational, training or management spheres;
- (b) studies for a particular project or programme;
- (c) supervisory, advisory or administrative services or provision of technical cooperation personnel at the implementation stage of a project or programme;
- (d) technical cooperation services other than those linked to the implementation of a project or programme.

Article 139

1. Technical cooperation may be either linked with projects or programmes or of a general nature.

2. Technical cooperation linked with projects or programmes comprises *inter alia*:

- (a) development studies;
- (b) technical, economic, financial and commercial studies, and research and surveys required to prepare projects or programmes;
- (c) help with the preparation of dossiers;
- (d) help with the implementation and supervision of work;
- (e) temporarily meeting the cost of technicians and providing the resources needed for them to accomplish their assignment;
- (f) technical cooperation measures which may be required temporarily to permit the establishment, launching, operation or maintenance of a specific project, including where necessary appropriate technical assistance and the training of nationals of the country or countries concerned.

3. General technical cooperation comprises *inter alia*:

- (a) studies of the prospects and means for economic development and diversification in the ACP States, and of problems of interest to groups of ACP States or to the ACP States as a whole;
- (b) sectoral or product studies;
- (c) the provision in the ACP States of experts, advisers, technicians and instructors of the Member States or the ACP States for specific assignments and for limited periods;
- (d) the supply of instructional, experimentation and demonstration equipment;
- (e) general information and documentation to promote the development of the ACP States and the achievement of the aims of cooperation.

4. At the request of the least-developed ACP States the Community shall give special priority to technical cooperation schemes aimed at:

- (a) identifying, preparing and carrying out projects and programmes which form part of the indicative programmes;
- (b) facilitating the implementation of the system for the stabilization of export earnings;
- (c) promoting technical cooperation between ACP States;
- (d) carrying out studies and research work directed towards solving specific economic and social development problems, in particular as regards technological adjustment to the special conditions and features of the least-developed ACP States.

Article 140

1. Technical cooperation shall be provided under service contracts concluded with consultancy firms or consulting engineers or experts recruited with reference in particular to their professional qualifications and practical experience of problems of the type to be dealt with. Given equal competence, preference will be given to ACP experts or consultancy firms. In exceptional cases technical cooperation may also be undertaken through public works departments.

2. In order to speed up the procedures, service contracts, including those covering the recruitment of consultants and other technical assistance specialists, may be negotiated, drawn up and concluded either by the national authorizing officer on a proposal from the Commission or with its agreement or by the Commission in agreement with the ACP State concerned, where the scheme is urgent, of minor importance or short duration, particularly in the case of appraisals concerned with the preparation of projects and programmes.

Article 141

1. Technical cooperation in training shall be based on multiannual training programmes and specific schemes.

2. The aim of the multiannual programmes shall be:

- (a) to train nationals of the ACP States in accordance with the educational and vocational training priorities expressed by the ACP States;
- (b) to train staff, notably middle management and technical staff, associated with the different development projects being financed by the Community in each ACP State so as to phase out technical assistance and to staff capital projects entirely with ACP nationals on a permanent basis.

3. The specific schemes shall deal with vocational training, technological research and innovation at State or regional organization level. Their aim shall be to provide vocational or advanced training for the staff of public services and institutions and of agricultural, industrial and commercial undertakings and services as well as training for instructors in these different fields.

4. Technical cooperation in the field of training shall be achieved through:

- (a) awards to nationals of the ACP States for studies and training courses;

- (b) the provision in the ACP States of experts and instructors who are nationals of the Member States or the ACP States, for specific assignments and for limited periods;

- (c) the organization of seminars, training and advanced training courses for nationals of the ACP States;

- (d) the supply of teaching, instructional, experimentation, demonstration and research equipment;

- (e) collaboration between training or research establishments and universities in the Member States and corresponding bodies in the ACP States.

5. The above activities shall as a matter of priority be undertaken in the recipient ACP State or at regional level. They may where necessary be undertaken in another ACP State or in a Member State. In the case of specialized training particularly suited to the ACP States' requirements, training may in exceptional cases be provided in another developing country.

6. At the request of the least-developed ACP States, the Community shall give special priority to schemes concerned with:

- (a) training for management and other staff of public administrative departments and of the technical departments responsible for economic and social development, with the aim of increasing their efficiency and thus deriving maximum benefit from the possibilities offered by this Convention;
- (b) basic and further training for management and other staff in the private sector.

Article 142

1. The rules governing the placing and award of service contracts shall be determined by a decision of the Council of Ministers at its first meeting after the entry into force of this Convention.

2. However, until the entry into force of that decision, Articles 24 to 27 of Protocol 2 to the ACP-EEC Convention of Lomé and the joint declaration on Article 26 of the said Protocol, as annexed, to the Final Act of this Convention shall apply to service contracts concluded after 1 March 1980.

Article 143

1. Where an ACP State has, within its administrative and technical staff, national personnel making up a substantial part of the work force necessary for the execution by the public works department of a technical cooperation project, the Community may, in exceptional

cases, contribute to the costs of the public works department by providing certain apparatus that it lacks, or supply the required additional staff in the form of experts from another State.

2. The participation of the Community shall cover only costs incurred by supplementary measures and temporary expenditure relating to execution strictly confined to the requirements of the project in question and shall exclude all current operational expenditure.

Chapter 11

Technical assistance and the financing of small- and medium-sized undertakings

Article 144

1. The Community shall finance schemes in favour of small- and medium-sized undertakings in the ACP States. The methods of financing shall be determined by reference to the nature of the programmes presented by those States.

2. Technical cooperation from the Community shall help to reinforce the activities of bodies in the ACP States working for the development of small- and medium-sized undertakings and to provide the necessary vocational training for such undertakings.

3. Community financing, undertaken in the form of reimbursable aid or possibly grants, shall as a general rule be through an intermediary. Such financing may also be direct. Financing through an intermediary shall be given priority whenever there exists in the ACP State concerned a bank or other national body contributing to the aim in question. Finance through an intermediary may be accorded:

- by the Bank from the resources administered by it to banks or financial institutions for onlending to small- and medium-sized industrial, agro-industrial or tourist undertakings,
- by the Commission from the resources administered by it to public bodies, local authorities or cooperatives aimed at developing craft, commercial and agricultural sectors.

4. Where the financing is undertaken via an onlending body, it shall be that body's responsibility to present individual projects within the programme already approved and to administer the monies placed at its disposal. The methods, terms and conditions for financing the final recipient shall be determined by mutual agreement between the ACP State concerned, the competent Community authority and the onlending body.

5. The projects shall be appraised by the financial body. This body shall decide, on its own financial responsibility, on final loans to be granted on terms established by reference to those obtaining for this type of operation in the ACP State in question.

6. The financing terms accorded by the Community to the financing body shall take into consideration the latter's need to cover its administrative costs, exchange and financial risks and the cost of technical assistance given to the undertakings or final borrowers.

Chapter 12

Micro-projects

Article 145

1. In order to respond concretely to the needs of local communities with regard to development, the Fund shall participate in the financing of micro-projects at the ACP States' request.

2. To this end, the requisite amounts shall be included in the indicative programme of Community aid referred to in Article 109 (3) and the corresponding funds shall be deducted from the grants provided for in the first indent of Article 95 (1) (a) and may be used to cover commitments relating to this type of scheme.

3. Special priority shall be accorded to the preparation and implementation of micro-projects in the least-developed ACP States.

Article 146

1. (a) In order to be eligible for Community financing micro-projects must:

- meet a real priority need at local level,
- ensure the active participation of the local community.

(b) The Fund's contribution to each micro-project may not exceed 150 000 EUA.

2. Programmes for micro-projects shall cover small projects making an economic and social impact on the life of the people and the local communities in the ACP States. These projects shall normally be located in rural

areas; however, the Community may also assist in the financing of micro-projects in urban areas.

3. Micro-projects shall include: dams, wells and water supply systems, silos and warehouses for storing provisions and crops, rural electrification, rural service tracks and bridges, rural landing strips, jetties, animal vaccination pens and corridors, primary schools, training colleges, craft industries such as centres and cooperatives, maternity homes, social assistance centres, community centres, market buildings, urban sanitation and land development, premises to encourage commercial activity and other projects which meet the criteria referred to in paragraph 1.

Article 147

1. Each project for which Community assistance is requested must stem from an initiative taken by the local community which will benefit therefrom. The financing of micro-projects shall in principle have a tripartite structure and shall stem from:

- the community concerned, in the form of a contribution, in cash or in kind or through the provision of services adapted to its capacity to contribute,
- the ACP State, in the form of a financial contribution, the use of public equipment or the supply of services,
- the Fund.

2. The total of the shares contributed by the ACP State and the local community concerned must normally be at least equal to the grant requested from the Fund. The three participants' contributions shall be mobilized at the same time. For each project, the local community shall undertake to maintain and run the project, in conjunction with the national authorities as appropriate.

Article 148

1. (a) The ACP State concerned shall prepare and submit to the Commission an annual programme setting forth the broad outlines of the projects planned.

(b) After examination by the Commission's departments these programmes shall be submitted to the relevant bodies of the Community for financing decisions in accordance with Article 113.

2. Within the framework of the annual programmes thus drawn up the financing decision relating to each micro-project shall be taken by the ACP State concerned, with the agreement of the Commission delegate; agreement shall be deemed to be given once a month has elapsed from notification of such decision.

Article 149

Upon completion of each micro-project programme the ACP State concerned, in consultation with the Commission delegate, shall forward a report on its implementation to the Commission.

Chapter 13

Taxation, customs and other provisions

Article 150

The taxation and customs arrangements applicable in the ACP States to contracts financed by the Community are covered by Protocol 6.

Article 151

In the event of an ACP State failing to ratify or denouncing this Convention in accordance with Title XI, the Contracting Parties shall be obliged to adjust the amounts of the funds provided for in the Convention. Such adjustment shall also apply on the conditions stipulated in Articles 185 and 186 upon the accession of new ACP States to the Convention.

Article 152

1. The financing of projects and programmes may cover expenditure incurred in and strictly limited to the start-up period, for example for the maintenance and operation of plant that is not yet fully productive, provided that such expenditure, identified in the financing proposal, is considered necessary for setting up, launching and operating the capital projects in question.

2. Special priority shall be accorded to the financing of support costs in the least-developed ACP States.

Article 153

1. Pursuant to Article 93 (4), running costs may be financed as specified in paragraph 2, 3 or 4 of this Article.

2. The financing of running costs may serve to cover the cost of operating, maintaining or managing capital projects implemented previously, in order to ensure that full use is made of such projects, in particular by

providing maintenance equipment and/or carrying out large-scale repair work.

3. Such aid shall be provided temporarily and on a diminishing scale.

4. It must be confined to exceptional cases, account being taken of the needs and resources of each ACP State concerned.

5. Special priority shall be accorded to the financing of running costs in the least-developed ACP States.

Article 154

Upon expiry of this Convention:

- the appropriations provided for under Article 95 in the form of risk capital but not committed shall be added to those provided for in the form of special loans in the same Article,
- the appropriations provided for under Article 133 for financing regional projects but not committed shall be made available for financing, as a priority, other regional projects and programmes in the same sub-region.

TITLE VIII

GENERAL PROVISIONS CONCERNING THE LEAST-DEVELOPED, LAND-LOCKED AND ISLAND ACP STATES

Article 155

1. Under this Convention the least-developed ACP States are accorded special treatment and special measures are provided for the land-locked and island ACP States in order to enable them to overcome the specific difficulties and obstacles resulting from the nature of their needs in the first case and their geographical location in the second and to take full advantage of the opportunities offered by the Convention.

2. The specific provisions laid down pursuant to this Title in respect of the least-developed ACP States on the one hand and the land-locked and island ACP States on the other are contained in Articles 15, 21, 46, 47, 53, 82, 90, 93, 106, 107, 112, 125, 129, 133, 135, 139, 141, 145, 152, 153 and Article 30 of Protocol 1.

3. In accordance with their needs and individual characteristics the ACP States referred to in the following three lists shall be eligible for the special measures referred to in this Article:

(a) *least-developed ACP States*

Benin	Chad
Botswana	Comoros
Burundi	Dominica
Cape Verde	Ethiopia
Central African Republic	Gambia
	Grenada

Guinea	Solomon Islands
Guinea Bissau	Somalia
Jibuti	St Lucia
Lesotho	Sudan
Malawi	Swaziland
Mali	Tanzania
Mauritania	Togo
Niger	Tonga
Rwanda	Tuvalu
Sao Tome and Principe	Uganda
Seychelles	Upper Volta
Sierra Leone	Western Samoa

(b) *land-locked ACP States*

Botswana	Mali
Burundi	Niger
Central African Republic	Rwanda
Chad	Swaziland
Lesotho	Uganda
Malawi	Upper Volta
	Zambia

(c) *island ACP States*

Bahamas	Papua New Guinea
Barbados	Sao Tome and Principe
Cape Verde	Seychelles
Comoros	Solomon Islands
Dominica	St Lucia
Fiji	Tonga
Grenada	Trinidad and Tobago
Jamaica	Tuvalu
Madagascar	Western Samoa
Mauritius	

4. The lists of the ACP States referred to in paragraph 3 may be amended by decision of the Council of Ministers:

— where a third State in a comparable situation accedes to this Convention,

— where the economic situation of an ACP State undergoes a significant and lasting change either so as to necessitate its inclusion in the category of least-developed ACP States or so that its inclusion in that category is no longer warranted.

TITLE IX

PROVISIONS RELATING TO PAYMENTS AND CAPITAL MOVEMENTS, ESTABLISHMENT AND SERVICES

Chapter 1

Provisions relating to current payments and capital movements

Article 156

With regard to capital movements linked with investments and to current payments, the Contracting Parties shall refrain from taking action in the field of foreign exchange transactions which would be incompatible with their obligations under this Convention resulting from the provisions relating to trade in goods, services, establishment and industrial cooperation. These obligations shall not, however, prevent the Contracting Parties from adopting the necessary protective measures should this be justified by reasons relating to serious economic difficulties or severe balance of payments problems.

Article 157

1. In respect of foreign exchange transactions linked with investments and current payments, the ACP States on the one hand and the Member States on the other shall avoid, as far as possible, taking discriminatory measures *vis-à-vis* each other or according more favourable treatment to third States, taking full account of the evolving nature of the international monetary system, the existence of specific monetary arrangements and balance of payments problems.

2. To the extent that such measures or treatment are unavoidable they will be maintained or introduced in accordance with international monetary rules and every effort will be made to minimize any adverse effects on the Parties concerned.

Article 158

Throughout the duration of the loans and risk capital operations provided for in Article 95, each of the ACP States undertakes:

(a) to place at the disposal of the beneficiaries referred to in Article 94 the currency necessary for the

payment of interest and commission on and amortization of loans and quasi-capital aid granted for the implementation of aid measures on their territory;

(b) to make available to the Bank the foreign currency necessary for the transfer of all sums received by it in national currency which represent the net revenue and proceeds from transactions involving the acquisition by the Community of holdings in the capital of firms.

Article 159

At the request of the Community or of the ACP States, the Council of Ministers shall examine any problems raised by the application of Articles 156, 157 and 158. It shall also formulate any relevant recommendations.

Chapter 2

Provisions relating to establishment and services

Article 160

As regards the arrangements that may be applied in matters of establishment and provision of services, the ACP States on the one hand and the Member States on the other shall treat nationals and companies or firms of Member States and nationals and companies or firms of the ACP States respectively on a non-discriminatory basis. However, if, for a given activity, an ACP State or a Member State is unable to provide such treatment, the Member States or the ACP States, as the case may be, shall not be bound to accord such treatment for this activity to the nationals and companies or firms of the State concerned.

Article 161

For the purpose of this Convention 'companies or firms' means companies or firms constituted under civil or

commercial law, including cooperative societies and other legal persons governed by public or private law, save for those which are non-profit-making.

'Companies or firms of a Member State or of an ACP State' means companies or firms formed in accordance with the law of a Member State or an ACP State and whose registered office, central administration or principal place of business is in a Member State or ACP State; however, a company or firm having only its registered office in a Member State or an ACP State

must be engaged in an activity which has an effective and continuous link with the economy of that Member State or the ACP State.

Article 162

At the request of the Community or of the ACP States, the Council of Ministers shall examine any problems raised by the application of Articles 160 and 161. It shall also formulate any relevant recommendations.

TITLE X

INSTITUTIONS

Article 163

The institutions of this Convention are the Council of Ministers, the Committee of Ambassadors and the Consultative Assembly.

Article 164

1. The Council of Ministers shall be composed, on the one hand, of the members of the Council of the European Communities and of members of the Commission of the European Communities and, on the other hand, of a member of the government of each of the ACP States.

2. Any member of the Council of Ministers unable to attend may be represented. The representative shall exercise all the rights of the accredited member.

3. The proceedings of the Council of Ministers shall be valid only if half the members of the Council of the European Communities, one member of the Commission and two-thirds of the accredited members representing the governments of the ACP States are present.

4. The Council of Ministers shall lay down its rules of procedure.

Article 165

The office of President of the Council of Ministers shall be held alternately by a member of the Council of the European Communities and a member of the government of an ACP State, the latter to be designated by the ACP States.

Article 166

1. Meetings of the Council of Ministers shall be called once a year by its President.

2. The Council of Ministers shall, in addition, meet whenever necessary, in accordance with the conditions laid down in the rules of procedure.

3. The rules of procedure of the Council of Ministers shall stipulate that the Co-Presidents assisted by advisers may have regular consultations and exchanges of views between meetings of the Council of Ministers.

Article 167

1. The Council of Ministers shall act by mutual agreement between the Community on the one hand and the ACP States on the other.

2. The Community on the one hand and the ACP States on the other shall each, by means of an internal protocol, determine the procedure for arriving at their respective positions.

Article 168

1. The Council of Ministers shall define the broad outline of the work to be undertaken in the context of the application of this Convention.

2. The Council of Ministers shall periodically review the results of the arrangements under this Convention and shall take such measures as may be necessary for the attainment of the objectives of this Convention.

The Council of Ministers may, to that end, take into consideration any resolutions or recommendations made in that respect by the Consultative Assembly.

3. Decisions taken by the Council of Ministers in the cases provided for by this Convention shall be binding.

on the Contracting Parties which shall take such measures as are necessary to implement those decisions.

4. The Council of Ministers may also formulate such resolutions, declarations, recommendations or opinions as it may deem necessary to attain the objectives and to ensure the smooth functioning of the Convention.

5. The Council of Ministers shall publish an annual report and such other information as it considers appropriate.

6. The Council of Ministers may make all the arrangements that are appropriate for ensuring the maintenance of effective contacts, consultations and cooperation between the economic and social sectors of the Member States and of the ACP States.

7. The Community or the ACP States may raise in the Council of Ministers any problems arising from the application of this Convention.

8. Where provided for in this Convention consultations shall take place, at the request of the Community or of the ACP States, within the Council of Ministers, in accordance with its rules of procedure.

9. The Council of Ministers may set up committees or groups or ad hoc working groups to undertake such activities as it may determine.

10. At the request of one of the Contracting Parties, exchanges of view may take place on questions having direct bearing on the matters covered by this Convention.

11. By agreement among the Parties, exchanges of view may take place on other economic or technical questions which are of mutual interest.

Article 169

The Council of Ministers may, where necessary, delegate to the Committee of Ambassadors any of its powers. In this event, the Committee of Ambassadors shall take its decisions in accordance with the conditions laid down in Article 167.

Article 170

The Committee of Ambassadors shall be composed, on the one hand, of one representative of each Member State and one representative of the Commission and, on the other, of one representative of each ACP State.

Article 171

1. The Committee of Ambassadors shall assist the Council of Ministers in the performance of its functions and shall carry out any mandate entrusted to it by the Council of Ministers.

2. The Committee of Ambassadors shall exercise such other duties as are assigned to it by the Council of Ministers.

3. The Committee of Ambassadors shall keep under review the functioning of this Convention and the progress towards the realization of the objectives defined by the Council of Ministers.

4. The Committee of Ambassadors shall account for its actions to the Council of Ministers particularly in matters which have been the subject of delegation of powers. It shall also submit to the Council of Ministers any proposals, resolutions, recommendations or opinions which it may deem necessary or consider appropriate.

5. The Committee of Ambassadors shall supervise the work of all the committees and all other bodies or working groups, whether standing or *ad hoc*, established or provided for under this Convention and submit periodic reports to the Council of Ministers.

6. In the discharge of its duties the Committee of Ambassadors shall meet at least every six months.

Article 172

1. The office of the Chairman of the Committee of Ambassadors shall be held alternately by a representative of a Member State designated by the Community and a representative of an ACP State designated by the ACP States.

2. The Committee of Ambassadors shall lay down its rules which shall be submitted to the Council of Ministers for approval.

Article 173

A representative of the Bank shall be present at meetings of the Council of Ministers or Committee of Ambassadors when matters from the areas which concern the Bank are on the agenda.

Article 174

The secretariat duties and other work necessary for the functioning of the Council of Ministers and the Committee of Ambassadors or other joint bodies shall be carried out on a basis of parity and in accordance

with the conditions laid down in the rules of procedure of the Council of Ministers.

Article 175

1. The Consultative Assembly shall be composed on a basis of parity of members of the European Parliament on the side of the Community and of members of parliament or representatives designated by the ACP on the other.

2. The Consultative Assembly shall consider ways and means of strengthening the cooperation between the Community and the ACP States and furthering the objectives of this Convention. It may submit to the Council of Ministers any conclusions and make any recommendations it considers appropriate, in particular when examining the Council of Ministers' annual report.

3. The Consultative Assembly shall appoint its Bureau and shall adopt its own rules of procedure.

4. The Consultative Assembly shall meet at least once a year.

5. The proceedings of the Consultative Assembly shall be prepared by a Joint Committee. The Consultative Assembly may in addition set up *ad hoc* consultative committees to undertake such specific activities as it shall determine.

6. The Consultative Assembly shall consider the annual report drawn up under Article 168 (5).

7. The Consultative Assembly may, on an *ad hoc* basis, establish such contacts as it considers desirable in order to obtain the views of the economic and social circles on cooperation under this Convention.

8. The Consultative Assembly may adopt resolutions on matters concerning or covered by this Convention.

9. The secretariat duties and other work necessary to the functioning of the Consultative Assembly shall be

carried out on the basis of parity and in accordance with the conditions laid down in the rules of procedure of the Consultative Assembly.

Article 176

1. Any dispute which arises between one or more Member States or the Community on the one hand, and one or more ACP States on the other, concerning the interpretation or the application of this Convention may be placed before the Council of Ministers.

2. If the Council of Ministers fails to settle the dispute, the Council may, at the request of either of the Contracting Parties concerned, establish a good offices procedure, the result of which shall be transmitted in a report of the Council at its next meeting.

3. (a) If a settlement of the dispute is not reached, the Council of Ministers shall, at the request of either of the Contracting Parties concerned, appoint an arbitrator. Two additional arbitrators shall then within two months be appointed by the Parties to the dispute, one by either side as defined in paragraph 1.

(b) The decision of the arbitrators shall be taken by majority vote within 18 months.

(c) Each Party to the dispute must take the measures required for the implementation of the arbitrator's decision.

Article 177

The operating expenses of the Institutions of this Convention shall be defrayed in accordance with the terms set out in Protocol 2.

Article 178

The privileges and immunities for the purposes of this Convention shall be as laid down in Protocol 3.

TITLE XI

GENERAL AND FINAL PROVISIONS

Article 179

No treaty, convention, agreement or arrangement of any kind between one or more Member States and one or more ACP States may impede the implementation of this Convention.

Article 180

Subject to the special provisions regarding the relations between the ACP States and the French overseas departments provided for therein, this Convention shall apply, on the one hand, to the territories in which the

Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territories of the ACP States.

Article 181

In the event of accession of a third country to the Community, the Contracting Parties agree to take, as necessary, the appropriate measures of adaptation and transition.

Article 182

1. (a) As regards the Community, this Convention 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.

(b) It will be ratified by the signatory States in conformity with their respective constitutional requirements.

(c) Ratification of this Convention shall also be deemed to constitute ratification of the Agreement on products within the province of the European Coal and Steel Community, signed this same day.

2. The instruments of ratification and the act of notification of the conclusion of this Convention shall be deposited, as concerns the ACP States, 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 183

1. This Convention 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 at least two-thirds of the ACP States, and of the act of notification of the conclusion of the Convention by the Community.

2. Any ACP State which has not completed the procedures set out in Article 182 by the date of the entry into force of this Convention as specified in paragraph 1 may do so only within the 12 months following such entry into force and shall be able to proceed with these procedures only during the 12 months following such entry into force, unless before

the expiry of this period it gives notice to the Council of Ministers of its intention to complete these procedures not later than six months after this period and on the condition that it undertakes the deposit of its instrument of ratification within the same time limit.

3. As regards those ACP States which have not completed the procedures set out in Article 182 by the date of entry into force of this Convention as specified in paragraph 1, this Convention shall become applicable on the first day of the second month following the completion of the said procedures.

4. Signatory ACP States which ratify this Convention in accordance with the conditions laid down in paragraph 2 shall recognize the validity of all measures taken in implementation of this Convention between the date of its entry into force and the date when its provisions become applicable to them. Subject to any extension which may be granted to them by the Council of Ministers they shall, not later than six months following the completion of the procedures referred to in Article 182, carry out all the obligations which devolve upon them under the terms of this Convention or of implementing decisions adopted by the Council of Ministers.

5. The rules of procedure of the institutions set up under this Convention shall lay down whether and under what conditions the representatives of signatory States which, on the date of entry into force of this Convention have not yet completed the procedures referred to in Article 182, shall sit in those institutions as observers. The arrangements thus adopted shall be effective only until the date on which this Convention becomes applicable to these States; such arrangements shall in any case cease to apply on the date on which, pursuant to paragraph 2, the State concerned may no longer ratify this Convention.

Article 184

1. The Council of Ministers shall be informed of any request by any State for membership of, or association with, the Community.

2. The Council of Ministers shall be informed of any request made by any State wishing to become a member of an economic grouping composed of ACP States.

Article 185

1. Any request for accession to this Convention by a country or territory to which Part Four of the Treaty applies, and which becomes independent, shall be referred to the Council of Ministers.

2. With the approval of the Council of Ministers, the country in question shall accede to this Convention by depositing an instrument of accession with the Secretariat of the Council of the European Communities which shall transmit a certified copy to the Secretariat of the ACP States and shall give notice thereof to the signatory States.

3. That State shall then enjoy the same rights and be subject to the same obligations as the ACP States. Such accession shall not adversely affect the advantages accruing to the ACP States signatory to this Convention from the provisions on financial and technical cooperation and on the stabilization of export earnings.

Article 186

1. Any request for accession to this Convention submitted by a State whose economic structure and production are comparable with those of the ACP States shall require approval by the Council of Ministers. The State concerned may accede to this Convention by concluding an agreement with the Community.

2. That State shall then enjoy the same rights and be subject to the same obligations as the ACP States.

3. The agreement may however stipulate the date on which certain of those rights and obligations shall become applicable to that State.

4. Such accession shall not, however, adversely affect the advantages accruing to the ACP States signatory to this Convention under the provisions on financial and technical cooperation, the stabilization of export earnings and industrial cooperation.

Article 187

As from the entry into force of this Convention, the powers conferred upon the Council of Ministers by the ACP-EEC Convention of Lomé shall be exercised, in so

far as is necessary and in compliance with the relevant provisions of the said Convention, by the Council of Ministers set up by this Convention.

Article 188

1. This Convention shall expire after a period of five years from the first day of March 1980, namely the 28th day of February 1985.

2. 18 months before the end of this period the Contracting Parties shall enter into negotiations in order to examine what provisions shall subsequently govern relations between the Community and the Member States on the one hand and the ACP States on the other.

3. The Council of Ministers shall adopt any transitional measures that may be required until the new Convention comes into force.

Article 189

This Convention may be denounced by the Community in respect of each ACP State and by each ACP State in respect of the Community, upon six months' notice.

Article 190

The Protocols annexed to this Convention shall form an integral part thereof.

Article 191

This Convention, 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 General 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 konvention.

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 Convention.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas de la présente convention.

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

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

Udfærdiget i Lomé, den enogtredivte oktober nitten hundrede og nioghalvfjerds.

Geschehen zu Lomé am einunddreißigsten Oktober neunzehnhundertneunundsiebzig.

Done at Lomé on the thirty-first day of October in the year one thousand nine hundred and seventy-nine.

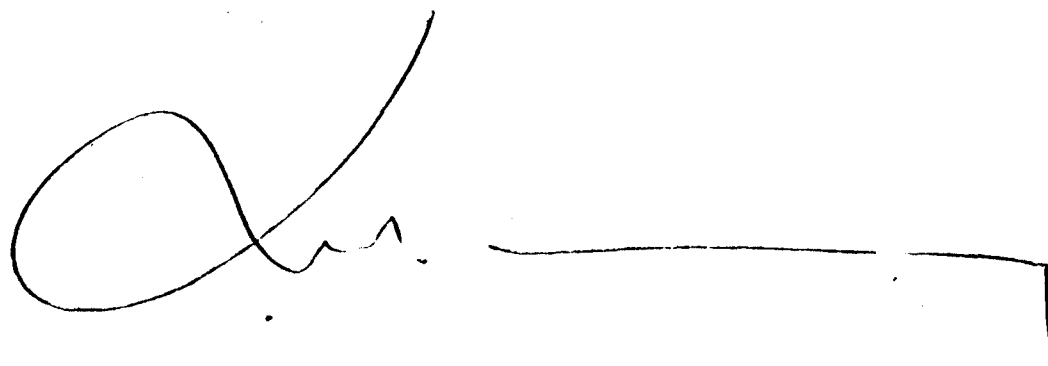
Fait à Lomé, le trente et un octobre mil neuf cent soixante-dix-neuf.

Fatto a Lomé, addì trentuno ottobre millenovecentosettantanove.

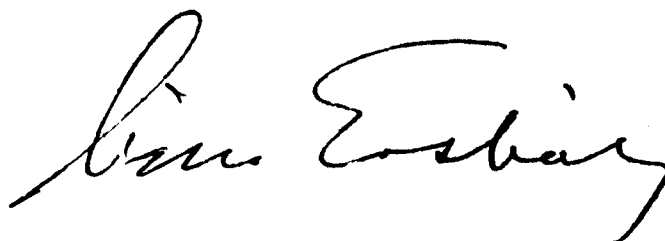
Gedaan te Lomé, de eenendertigste oktober negentienhonderd negenenzeventig.

Pour Sa Majesté le roi des Belges

Voor Zijne Majesteit de Koning der Belgen

A large, stylized handwritten signature in black ink, likely belonging to a Belgian representative, positioned below the text for the King of Belgium.

For Hendes Majestæt Dronningen af Danmark

A large, stylized handwritten signature in black ink, likely belonging to a Danish representative, positioned below the text for the Queen of Denmark.

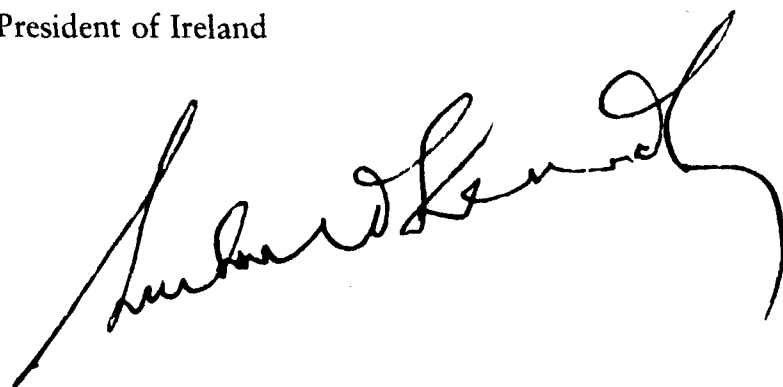
Für den Präsidenten der Bundesrepublik Deutschland



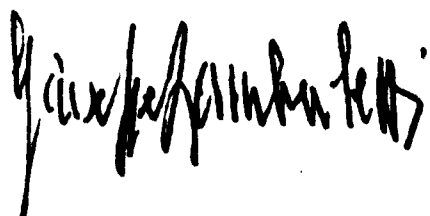
Pour le président de la République française



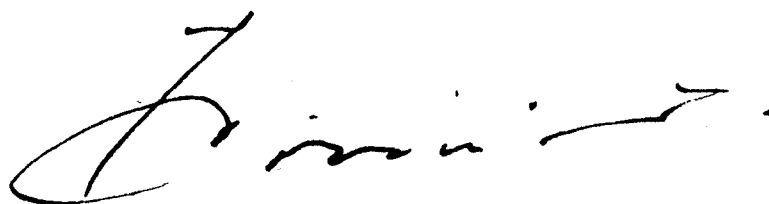
For the President of Ireland



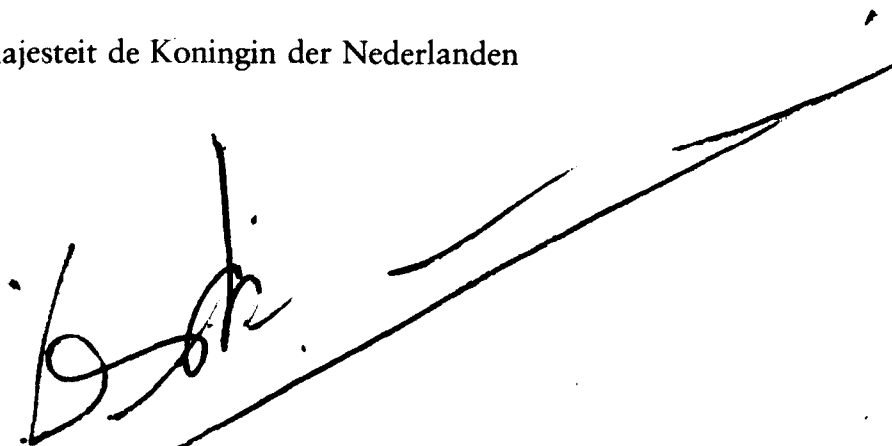
Per il Presidente della Repubblica italiana



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

Douglas Hurd.

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

Richard D. Hurd

C. Chaymon

For the Head of State of Bahamas

Robert

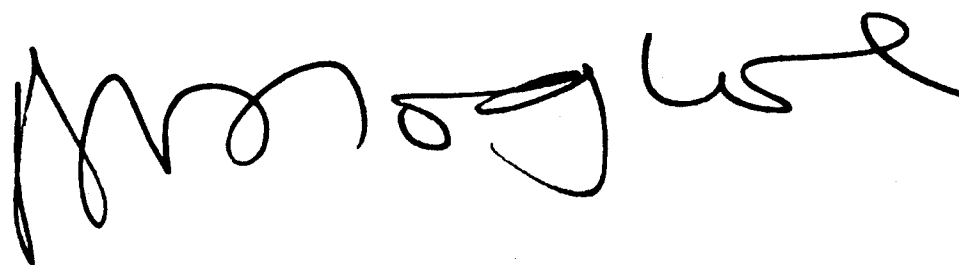
For the Head of State of Barbados

Herbert

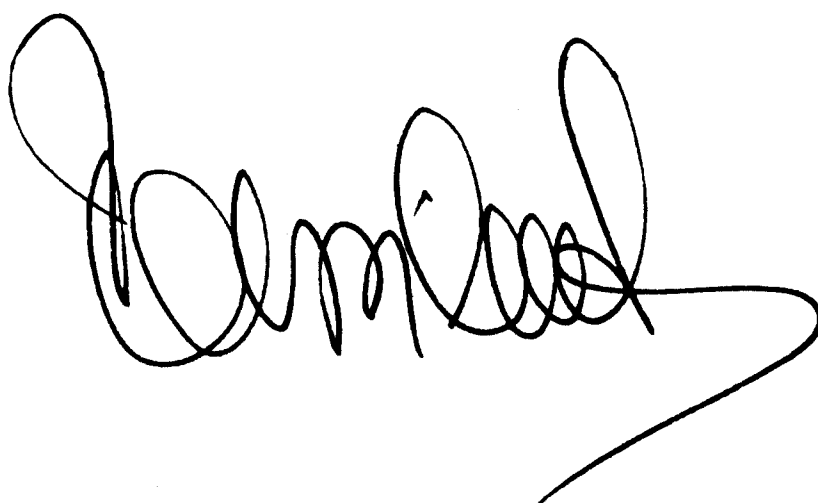
Pour le président de la république populaire du Bénin

by

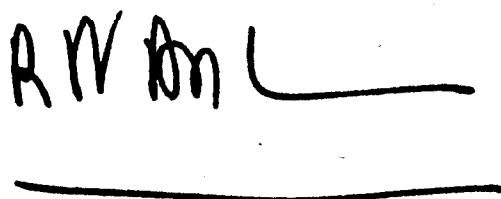
For the President of the Republic of Botswana



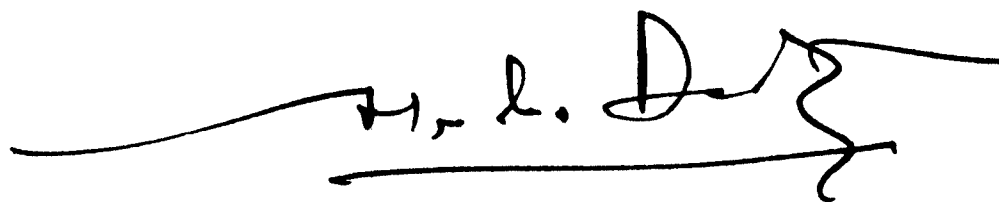
Pour le président de la république du Burundi



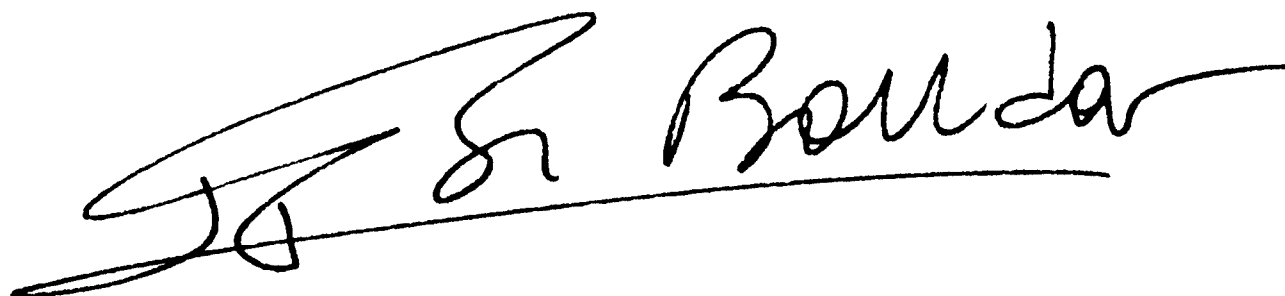
Pour le président de la république unie du Cameroun



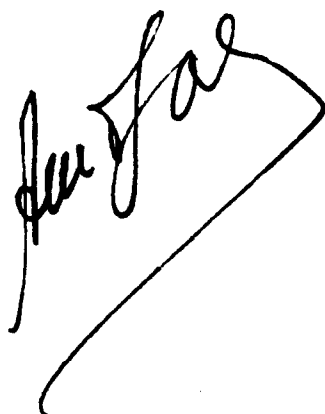
For the President of the Republic of Cape Verde



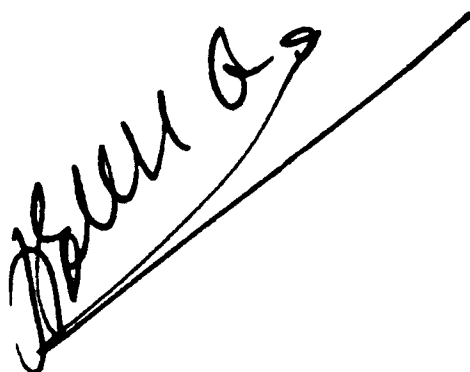
Pour le président de la République centrafricaine



Pour le président de la république fédérale islamique des Comores

A handwritten signature in black ink, appearing to be 'Moufak', written above a long, sweeping horizontal line that extends to the right.

Pour le président de la république populaire du Congo

A handwritten signature in black ink, appearing to be 'Bouabou', written above a long, sweeping horizontal line that extends to the right.

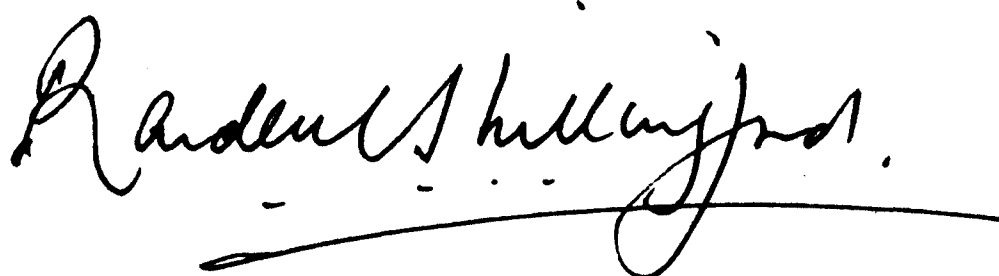
Pour le président de la république de Côte- d'Ivoire

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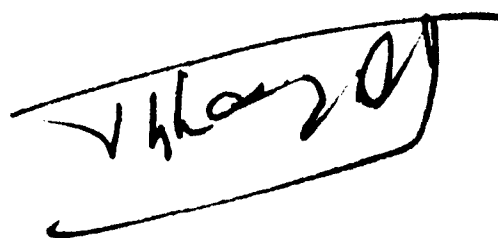
Pour le président de la république de Djibouti

A handwritten signature in black ink, appearing to be 'Ismail Omar Guelleh', written above a long, sweeping horizontal line that extends to the right.

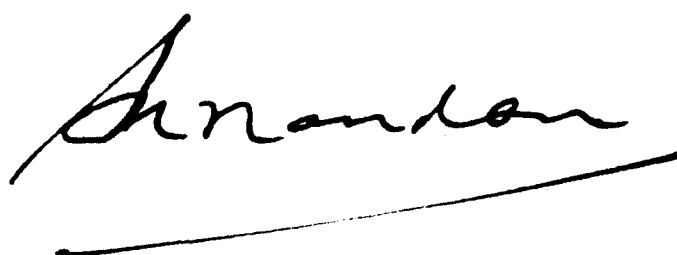
For the Prime Minister and Minister of External Affairs of the Independent State of
Dominica

A handwritten signature in black ink, appearing to be 'Roderick Shillingford', written above a long, sweeping horizontal line that extends to the right.

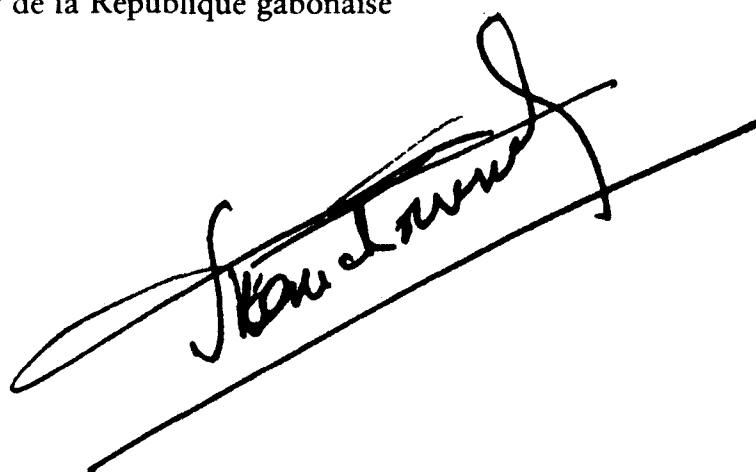
For the Chairman of the provisional Military Administrative Council and of the Council of Ministers and Commander-in-Chief of the Revolutionary Army of Ethiopia



For Her Majesty the Queen of Fiji



Pour le président de la République gabonaise



For the President of the Republic of the Gambia



For the President of the Republic of Ghana



For the Head of State of Grenada

Ken's Augustine

Pour le président de la république de Guinée

St. S. J.

Pour le président du Conseil d'État de la Guinée-Bissau

Samuel

Pour le président de la république de Guinée équatoriale

Guilherme (M)

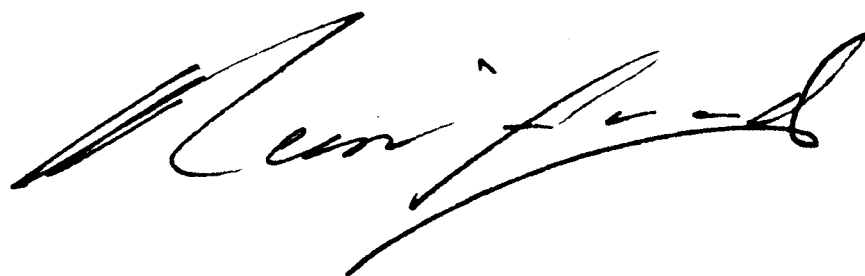
For the President of the Republic of Guyana

SR Marshall

Pour le président de la république de la Haute-Volta

[Signature]

For the Head of State of Jamaica

A stylized, cursive handwritten signature in black ink, likely belonging to a high-ranking official of Jamaica.

For the President of the Republic of Kenya

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke.

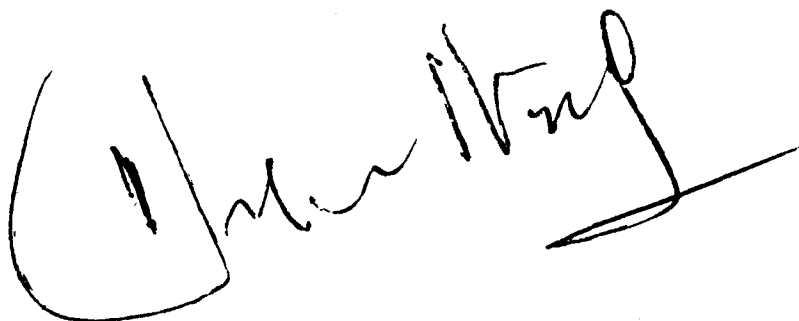
For the President of the Republic of Kiribati

A handwritten signature in black ink, featuring the name 'Dong Isaac Hura' in a cursive script.

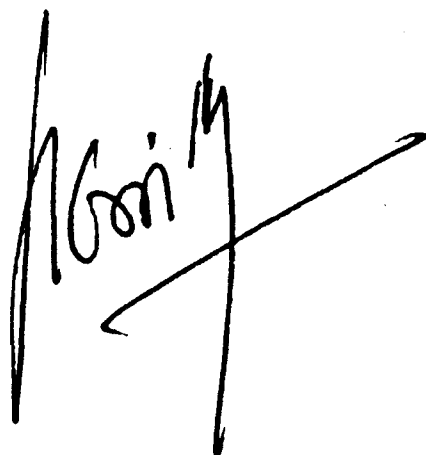
For His Majesty the King of the Kingdom of Lesotho

A handwritten signature in black ink, with a large, sweeping initial 'L' and a series of loops.

For the President of the Republic of Liberia

A handwritten signature in black ink, featuring a large, stylized initial 'J' and a series of loops.

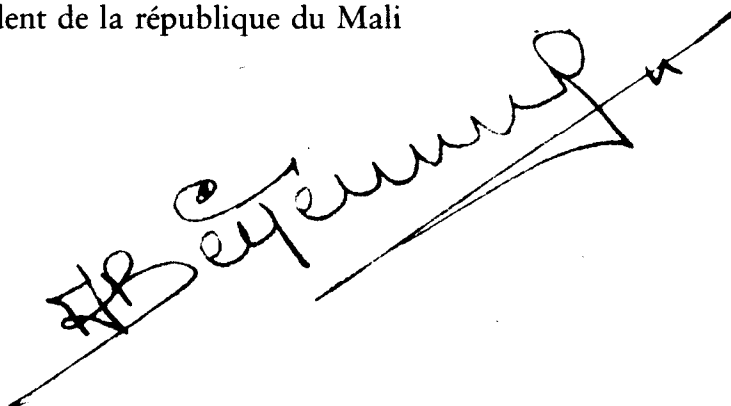
Pour le président de la république démocratique de Madagascar

A handwritten signature in black ink, with a large, stylized initial 'R' and a series of loops.

For the President of the Republic of Malawi



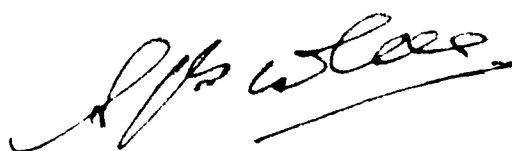
Pour le président de la république du Mali



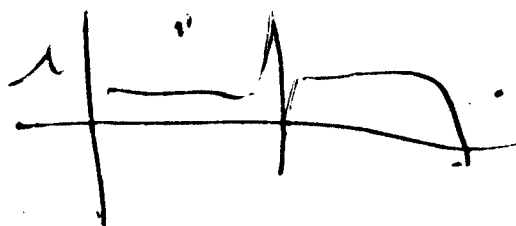
Pour le président de la république islamique de Mauritanie



Pour Sa Majesté la reine de l'île Maurice



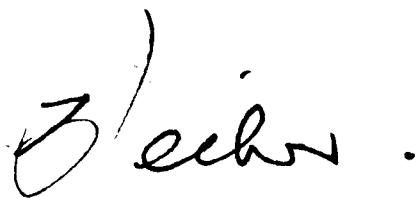
Pour le président de la république du Niger



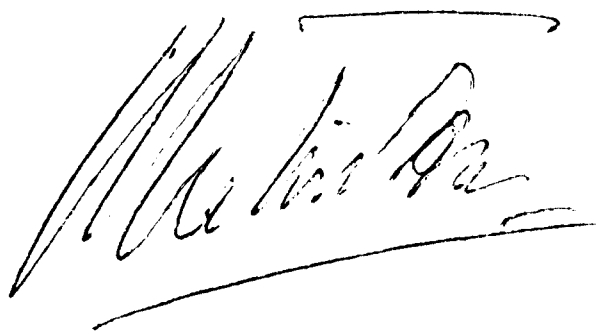
For the Head of the Federal Government of Nigeria



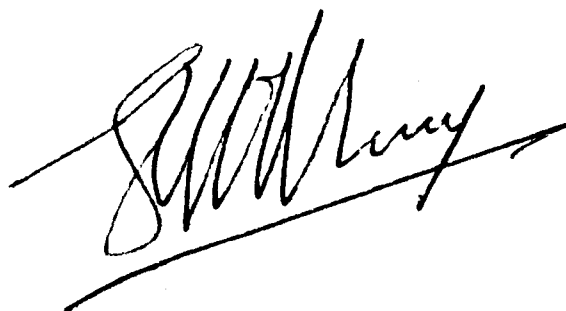
For the Head of the Independent State of Papua New Guinea



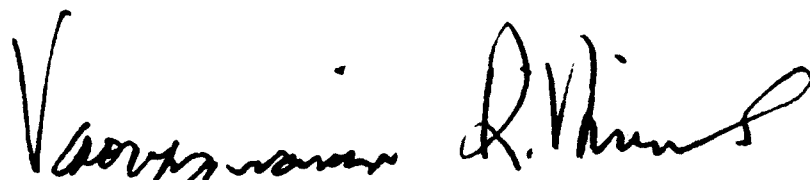
Pour le président de la République rwandaise



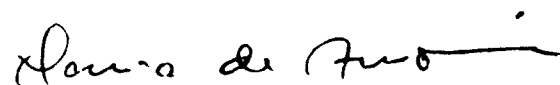
For the President of the Republic of Saint Lucia



For the Head of State of Western Samoa



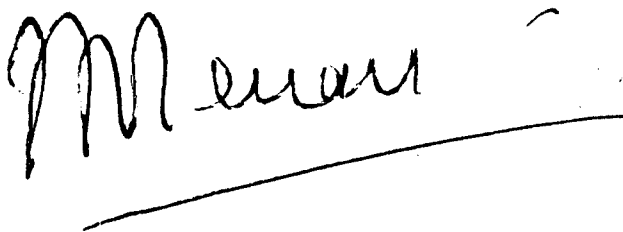
For the President of the Democratic Republic of Sao Tome and Principe



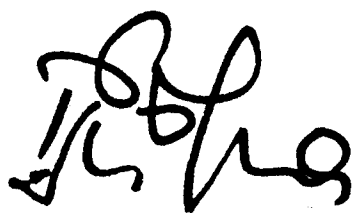
Pour le président de la république du Sénégal



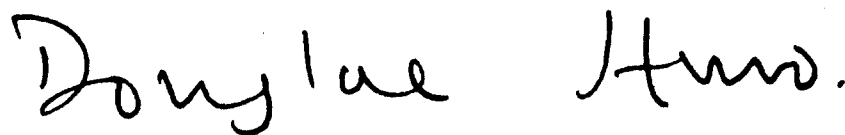
Pour le président de la république des Seychelles

A handwritten signature in black ink, appearing to read "Manu", with a long horizontal line drawn underneath it.

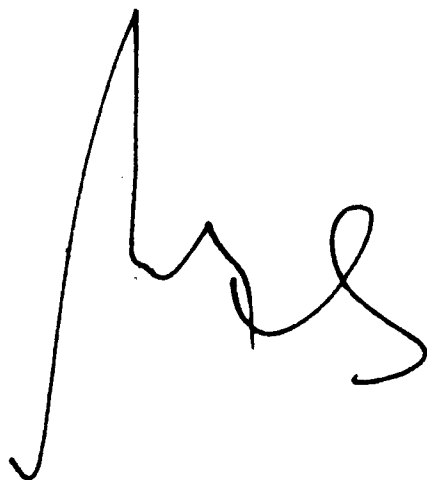
For the President of the Republic of Sierra Leone

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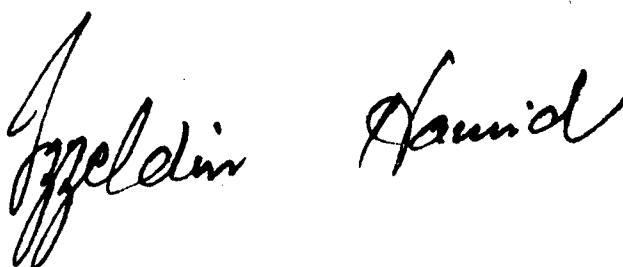
For the President of the Independent State of Solomon Islands

A handwritten signature in black ink that reads "Douglas Huro".

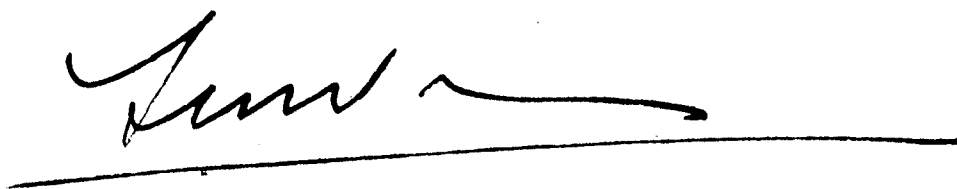
For the President of the Somali Democratic Republic,
President of the Supreme Revolutionary Council

A stylized handwritten signature in black ink, possibly reading "M. S.".

For the President of the Democratic Republic of the Sudan

A handwritten signature in black ink that reads "Abdelaziz Hamed".

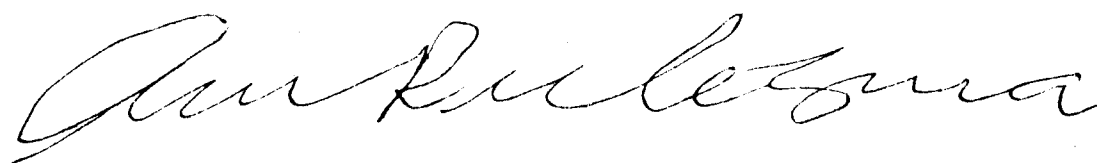
For the President of the Republic of Surinam

A stylized handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

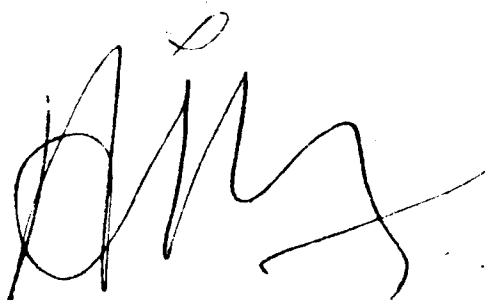
For His Majesty the King of the Kingdom of Swaziland

A handwritten signature in black ink, appearing to read 'Mkhelabatsi' with a large initial 'M'.

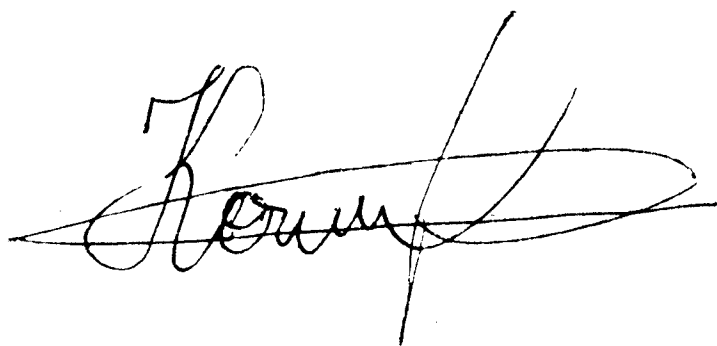
For the President of the United Republic of Tanzania

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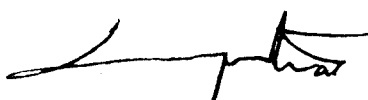
Pour le président de la république du Tchad

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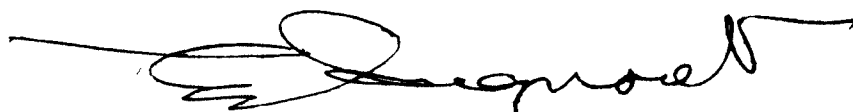
Pour le président de la république togolaise

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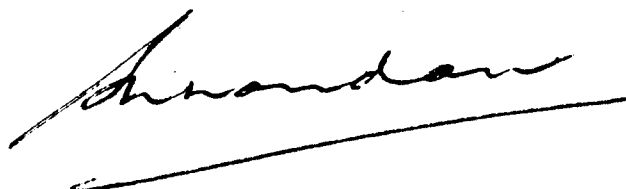
For His Majesty King Taufa'ahau Tupou IV of Tonga

A handwritten signature in black ink, appearing to read 'Taufa'ahau Tupou IV' in a cursive style.

For the President of the Republic of Trinidad and Tobago



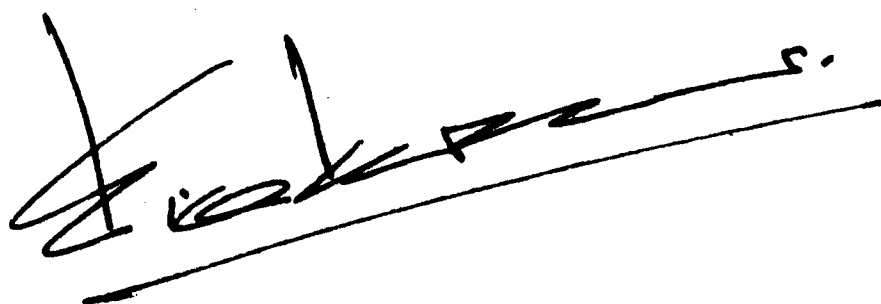
For Her Majesty the Queen of Tuvalu



For the President of the Republic of Uganda



Pour le président de la république du Zaïre



For the President of the Republic of Zambia



PROTOCOL 1

concerning the definition of the concept of 'originating products' and methods of administrative cooperation

TITLE I

Definition of the concept of 'originating products'

Article 1

1. For the purposes of implementing the Convention and without prejudice to paragraphs 3 and 4, the following products shall be considered as products originating in an ACP State, provided that they have been transported directly, within the meaning of Article 5:

- (a) products wholly obtained in one or more ACP State;
- (b) products obtained in one or more ACP State in the manufacture of which products other than those referred to in (a) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 3.

2. For the purpose of implementing paragraph 1, the ACP States are considered as being one territory.

3. When products wholly obtained in the Community or in the countries and territories defined in Explanatory Note 9 undergo working or processing in one or more ACP State, they shall be considered as having been wholly produced in that or those ACP States, provided that the products have been transported directly within the meaning of Article 5.

4. Working and processing carried out in the Community or in the countries and territories, shall be considered as having been carried out in one or more ACP State, when the final products undergo working or processing in one or more ACP State, provided that the products have been transported directly within the meaning of Article 5.

5. For the purpose of implementing the previous paragraphs, and provided that all the conditions laid down in those paragraphs are fulfilled, the products obtained in two or more ACP States shall be considered as products originating in the ACP State where the last working or processing took place. For this purpose the working or processing listed in Article 3 (3) (a), (b), (c) and (d) shall not be considered as working or processing, nor shall a combination of such working or of such processing.

6. The products set out in List C of Annex IV shall be temporarily excluded from the scope of this Protocol. Nevertheless, the arrangements regarding administrative cooperation shall apply *mutatis mutandis* to these products.

Article 2

The following shall be considered as wholly obtained either in one or more ACP States, or in the Community or in the countries and territories within the meaning of Article 1 (1) (a) and (3):

- (a) mineral products extracted from their soil or from their seabed;
- (b) vegetable products harvested therein;
- (c) live animals born and raised therein;
- (d) products from live animals raised therein;
- (e) products obtained by hunting or fishing conducted therein;
- (f) products of sea fishing and other products taken from the sea by their vessels;
- (g) products made aboard their factory ships exclusively from products referred to in subparagraph (f);
- (h) used articles collected there fit only for the recovery of raw materials;
- (i) waste and scrap resulting from manufacturing operations conducted therein;
- (j) goods produced there exclusively from the products specified in subparagraphs (a) to (i).

Article 3

1. For the purpose of implementing Article 1 (1) (b) the following shall be considered as sufficient working or processing:

- (a) working or processing as a result of which the goods obtained receive a classification under a tariff heading other than that covering each of the products worked or processed, except, however, working or processing specified in List A in Annex II, where the special provisions of that list apply;
- (b) working or processing specified in List B in Annex III.

'Sections', 'Chapters' and 'tariff headings' shall mean the sections, chapters and headings in the Customs Cooperation Council nomenclature for the classification of goods in customs tariffs.

2. When, for a given product obtained, a percentage rule limits, in List A and in List B the value of the materials and parts which can be used, the total value of

these materials and parts, whether or not they have changed tariff heading in the course of the working, processing or assembly within the limits and under the conditions laid down in each of those two lists, may not exceed, in relation to the value of the product obtained, the value corresponding either to the common rate, if the rates are identical in both lists, or to the higher of the two if they are different.

3. For the purpose of implementing paragraph 1 (a) the following shall always be considered as insufficient working or processing to confer the status of originating products, whether or not there is a change of tariff heading:

- (a) operations to ensure the preservation of merchandise in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
- (b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;
- (c) (i) changes of packaging and breaking up and assembly of consignments;
(ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards etc. and all other simple packaging operations;
- (d) affixing marks, labels and other like distinguishing signs on products or their packaging;
- (e) (i) simple mixing of products of the same kind where one or more components of the mixtures do not meet the conditions laid down in this Protocol to enable them to be considered as originating either in an ACP State, the Community or in the countries and territories;
(ii) simple mixing of products of different kinds unless such components of the mixture meet in the conditions laid down in this Protocol to enable them to be considered as originating either in an ACP State, in the Community, or in the countries and territories and provided that one or more components contribute in determining the essential characteristics of the finished product.
- (f) simple assembly of parts of articles to constitute a complete article;
- (g) a combination of two or more operations specified in subparagraphs (a) to (f);
- (h) slaughter of animals.

Article 4

Where the Lists A and B referred to in Article 3 provide that goods obtained in an ACP State shall be considered as originating therein only if the value of the products worked or processed does not exceed a given percentage of the value of the goods obtained, the values to be taken into consideration for such percentage shall be:

- on the one hand, as regards products whose import can be proved, their customs value at the time of import; and as regards products of undetermined origin, the earliest ascertainable price paid for such products in the territory of the Contracting Party where manufacture takes place,
- and on the other hand, the ex-works price of the goods obtained, less internal taxes refunded or refundable on export.

Article 5

1. For the purpose of implementing Article 1 (1), (3) and (4), products whose transport is effected without entering into territory other than that of the parties concerned are considered as transported directly from the ACP States to the Community or from the Community or the countries and territories to the ACP States. Goods constituting one single consignment may be transported through territory other than that of the ACP States or the Community or the countries and territories, with, should the occasion arise, transshipment or temporary warehousing in such territory, provided that the crossing of the latter territory is justified for geographical reasons or the needs of transport and that the products have not entered into commerce or been delivered for home use and have not undergone operations other than unloading, reloading or any operation designed to preserve them in good condition.

Interruptions or changes in the method of transport due to *force majeure* or consequent upon conditions at sea shall not affect the application of the preferential treatment laid down in this Protocol, provided that the goods have not, during these interruptions or changes, entered into commerce or been delivered for home use and have not undergone any operations other than those designed to preserve them in good condition.

2. Evidence that the conditions referred to in paragraph 1 have been fulfilled shall be supplied to the responsible customs authorities in the Community by the production of:

- (a) a through bill of lading issued in the exporting beneficiary country covering the passage through the country of transit;

(b) or a certificate issued by the customs authorities of the country of transit:

- giving an exact description of the goods,
- stating the dates of unloading and reloading of the goods or of their embarkation or disembarkation, identifying the ships used,
- certifying the conditions under which the goods remained in the transit country;

(c) or failing these, any substantiating documents.

(e) If the goods are invoiced in the currency of another Community Member State the importing Member State shall recognize the amount notified by the Member State concerned.

2. Where, at the request of the person declaring the goods at the customs, a dismantled or non-assembled article falling within Chapter 84 or 85 of the Customs Cooperation Council nomenclature is imported by instalments on the conditions laid down by the competent authorities, it shall be considered to be a single article and a movement certificate may be submitted for the whole article upon import of the first instalment.

3. Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle which are part of the normal equipment and included in the price thereof or are not separately invoiced, are regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

4. Sets, as defined in General Rule 3 of the Customs Cooperation Council nomenclature, shall be regarded as originating when all component articles are originating products. Nevertheless, when a set is composed of originating and non-originating articles, the set as a whole shall be regarded as originating provided that the value of the non-originating articles does not exceed 15 % of the total value of the set.

TITLE II

Arrangements for administrative cooperation

Article 6

1. (a) Evidence of originating status, within the meaning of this Protocol, of products is given by a movement certificate EUR.1 of which a specimen appears in Annex V to this Protocol.

(b) However, the evidence of originating status, within the meaning of this Protocol, of products which form the subject of postal consignments (including parcels), provided that they consist only of originating products and that the value does not exceed 1 420 European units of account per consignment, is given by a form EUR.2, of which a specimen appears in Annex VI to this Protocol.

(c) Up to and including 30 April 1981 the European unit of account to be used in any given national currency of a Member State of the Community shall be the equivalent in that national currency of the European unit of account as at 30 June 1978. For each successive period of two years it shall be the equivalent in that national currency of the European unit of account as at the first working day in October in the year immediately preceding that two-year period.

(d) Revised amounts replacing the amounts expressed in EUA mentioned above and in Article 16 (2), may be introduced by the Community at the beginning of any successive two-year period if necessary and shall be notified by the Community to the Customs Cooperation Committee not later than one month before they shall come into force. These amounts shall be, in any event, such as to ensure that the value of the limits as expressed in the currency of any Member State shall not decline.

Article 7

1. A movement certificate EUR.1 shall be issued by the customs authorities of the exporting ACP State when the goods to which it relates are exported. It shall be made available to the exporter as soon as actual export has been effected or ensured.

2. In exceptional circumstances a movement certificate EUR.1 may also be issued after export of the goods to which it relates if it was not issued at the time of export because of errors or involuntary omissions or special circumstances. In this case, the certificate shall bear a special reference to the conditions in which it was issued.

3. A movement certificate EUR.1 shall be issued only on application having been made in writing by the exporter. Such application shall be made on a form, of

which a specimen appears in Annex V to this Protocol, which shall be completed in accordance with this Protocol.

4. A movement certificate EUR.1 may be issued only where it can serve as the documentary evidence required for the purpose of implementing the Convention.

5. Applications for movement certificates EUR.1 must be preserved for at least three years by the customs authorities of the exporting country.

Article 8

1. The movement certificate EUR.1 shall be issued by the customs authorities of the exporting ACP State, if the goods can be considered 'originating products' within the meaning of this Protocol.

2. For the purpose of verifying whether the conditions stated in paragraph 1 have been met, the customs authorities shall have the right to call for any documentary evidence or to carry out any check which they consider appropriate.

3. It shall be the responsibility of the customs authorities of the exporting State to ensure that the forms referred to in Article 9 are duly completed. In particular, they shall check whether the space reserved for the description of the goods has been completed in such a manner as to exclude all possibility of fraudulent additions. To this end, the description of the goods must be indicated without leaving any blank lines. Where the space is not completely filled a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

4. The date of issue of the movement certificate must be indicated in the part of the certificate reserved for the customs authorities.

Article 9

1. Movement certificates EUR.1 shall be made out on the form of which a specimen appears in Annex V to this Protocol. This form shall be printed in one or more of the languages in which the Convention is drawn up. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State; if they are handwritten, they shall be completed in ink and in capital letters.

2. Each certificate shall measure 210 × 297 mm, a tolerance of up to plus 8 or minus 5 mm in the length may be allowed. The paper used must be white writing paper, sized, not containing mechanical pulp and weighing not less than 25 g/m². It shall have a printed green guilloche pattern background making any

falsification by mechanical or chemical means apparent to the eye.

3. The exporting States may reserve the right to print the certificates themselves or may have them printed by approved printers. In the latter case, each certificate must include a reference to such approval. Each certificate must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.

Article 10

1. Under the responsibility of the exporter, he or his authorized representative shall request the issue of a movement certificate EUR.1.

2. The exporter or his representative shall submit with his request any appropriate supporting document proving that the goods to be exported are such as to qualify for the issue of a movement certificate EUR.1.

Article 11

1. A movement certificate EUR.1 must be submitted, within 10 months of the date of issue by the customs authorities of the exporting State, to the customs authorities of the importing State where the goods are entered.

2. When the products enter a port of an ACP State or country or territory other than the country of origin, a further period of validity of 10 months shall commence on the date on which the customs authorities in the port of transit enter the following in box 7 of the certificate EUR.1:

- the word 'transit',
- the name of the country of transit,
- a date stamp.

This procedure shall enter into force after a specimen of the date stamp used has been communicated to the Commission.

The Commission shall communicate this information to the customs authorities of the Member States.

3. It shall at any time be possible to replace one or more movement certificate EUR.1 by one or more other movement certificate EUR.1 provided that this is done at the customs office where the goods are located.

Article 12

Movement certificates EUR.1 shall be submitted to customs authorities in the importing State, in accordance with the procedures laid down by that State. The said authorities may require a translation of a certificate. They may also require the import declaration to be accompanied by a statement from the importer to the effect that the goods meet the conditions required for the implementation of the Convention.

Article 13

1. A movement certificate EUR.1 which is submitted to the customs authorities of the importing State after the final date of presentation specified in Article 11 may be accepted for the purpose of applying preferential treatment, where the failure to submit the certificate by the final date set is due to reasons of *force majeure* or exceptional circumstances.

2. In other cases of belated presentation, the customs authorities of the importing State may accept the certificates where the goods have been submitted to them before the said final date.

Article 14

The discovery of slight discrepancies between the statements made in the movement certificate EUR.1 and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the goods shall not *ipso facto* render the certificate null and void if it is duly established that the certificate does correspond to the goods submitted.

Article 15

Form EUR.2, a specimen of which appears in Annex VI, shall be completed by the exporter. It shall be made out in one of the languages in which the Convention is drawn up and in accordance with the provisions of the domestic law of the exporting State. If it is handwritten it must be completed in ink and in capital letters.

Form EUR.2 shall consist of a single sheet measuring 210 × 148 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp and weighing not less than 64 g/m².

The exporting States may reserve the right to print the forms themselves or may have them printed by printers they have approved. In the latter case each form must

include a reference to such approval. In addition, each form shall bear the distinctive sign attributed to the approved printer and a serial number, either printed or not, by which it can be identified.

A form EUR.2 shall be completed for each postal consignment. After completing and signing the form, the exporter shall, in the case of consignments by parcel post, attach the form to the dispatch note. In the case of consignment by letter post, the exporter shall insert the form inside the package.

These provisions do not exempt exporters from complying with any other formalities required by customs or postal regulations.

Article 16

1. Goods sent as small packages to private persons or forming part of travellers' personal luggage shall be admitted as originating products without requiring the production of a movement certificate EUR.1 or the completion of form EUR.2, provided that such goods are not imported by way of trade and have been declared as meeting the conditions required for the application of these provisions, and where there is no doubt as to the veracity of such declaration.

2. Imports which are occasional and consist solely of goods for the personal use of the recipients or travellers or their families shall not be considered as imports by way of trade if it is evident from the nature and quantity of the goods that no commercial purpose is in view. Furthermore, the total value of these goods must not exceed 90 European units of account in the case of small packages or 285 European units of account in the case of the contents of travellers' personal luggage.

Article 17

1. Goods sent from an ACP State for exhibition in a country other than an ACP State, a Member State or a 'country or territory' and sold after the exhibition for importation into the Community, shall benefit on importation from the provisions of the Convention on condition that the goods meet the requirements of this Protocol entitling them to be recognized as originating in an ACP State and provided that it is shown to the satisfaction of the customs authorities that:

- (a) an exporter has consigned these goods from an ACP State to the country in which the exhibition is held and has exhibited them there;

- (b) the goods have been sold or otherwise disposed of by that exporter to someone in the Community;
- (c) the goods have been consigned during the exhibition or immediately thereafter to the Community in the state in which they were sent for exhibition;
- (d) the goods have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A movement certificate EUR.1 must be produced to the customs authorities in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the nature of the goods and the conditions under which they have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organized for private purposes in shops or business premises with a view to the sale of foreign goods, and during which the goods remain under customs control.

Article 18

1. When a certificate is issued within the meaning of Article 7 (2) of this Protocol after the goods to which it relates have actually been exported, the exporter must in the application referred to in Article 7 (3) of this Protocol:

- indicate the place and date of export of the goods to which the certificate relates,
- certify that no movement certificate EUR.1 was issued at the time of export of the goods in question, and state the reasons.

2. The customs authorities may issue a movement certificate EUR.1 retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.

Certificates issued retrospectively must be endorsed with one of the following phrases: 'NACHTRÄGLICH AUSGESTELLT', 'DELIVRE A POSTERIORI', 'RILASCIATO A POSTERIORI', 'AFGEGEVEN A POSTERIORI', 'ISSUED RETROSPECTIVELY', 'UDSTEDT EFTERFØLGENDE'.

Article 19

In the event of the theft, loss or destruction of a movement certificate EUR.1, the exporter may apply to

the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession.

The duplicate issued in this way must be endorsed with one of the following words: 'DUPLIKAT', 'DUPLICATA', 'DUPLICATO', 'DUPLICAAT', 'DUPLICATE'.

Article 20

1. When paragraphs 2, 3 and 4 of Article 1 are applied, for the issue of a movement certificate EUR.1, the competent customs office in the ACP State requested to issue the certificate for products in the manufacture of which products coming from other ACP States, the Community or 'countries or territories' are used, shall take into consideration the declaration, of which a specimen appears in Annex VII, given by the exporter in the State, country or territory from which it came, either on the commercial invoice applicable to these products, or on a supporting document to that invoice.

2. The submission of the information certificate, issued under the conditions set out in Article 21 and of which a specimen appears in Annex VIII, may however be requested of the exporter by the customs office concerned, either for checking the authenticity and accuracy of information given on the declaration provided for in paragraph 1, or for obtaining additional information.

Article 21

The information certificate concerning the products taken into use shall be issued at the request of the exporter of these products, either in the circumstances envisaged in Article 20 (2), or at the initiative of this exporter, by the competent customs office in the State, country or territory from which these goods were exported. It shall be made out in duplicate. One copy shall be given to the exporter who has requested it, who shall send it either to the exporter of the final products or to the customs office where the issue of the movement certificate EUR.1 for these products has been requested. The second copy shall be preserved by the office which has issued it for at least three years.

Article 22

The ACP States shall take all necessary steps to ensure that goods traded under cover of a movement certificate EUR.1, and which in the course of transport use a free zone situated in their territory, are not replaced by other goods and that they do not undergo handling other than normal operations designed to prevent their deterioration.

Article 23

1. The ACP States shall send to the Commission specimens of the stamps used together with the addresses of the customs authorities competent to issue movement certificates EUR.1 and carry out the subsequent verification of movement certificates EUR.1 and forms EUR.2.

The Commission shall send this information to the Customs authorities of the Member States.

2. In order to ensure the proper application of this Title, the Member States, the countries and territories and the ACP States shall assist each other, through their respective customs administrations, in checking the authenticity of movement certificates EUR.1 and the accuracy of the information concerning the actual origin of the products concerned and the declarations by exporters on forms EUR.2 and the authenticity and accuracy of the information certificates referred to in Article 20.

Article 24

Penalties shall be imposed on any person who, in order to enable goods to be accepted as eligible for preferential treatment, draws up, or causes to be drawn up, either a document which contains incorrect particulars for the purpose of obtaining a movement certificate EUR.1 or a form EUR.2 containing incorrect particulars.

Article 25

1. Subsequent verifications of movement certificates EUR.1 and of forms EUR.2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubts as to the authenticity of the document or the accuracy of the information regarding the true origin of the goods in question.

2. For the purpose of implementing paragraph 1, the customs authorities of the importing State shall return the movement certificate EUR.1 or form EUR.2, or a photocopy thereof, to the customs authorities of the exporting State, giving, where appropriate, the reasons of form or substance for an inquiry. The invoice, if it has been submitted, or a copy thereof, shall be attached to the certificate EUR.1 or form EUR.2 and the customs authorities shall forward any information that has been obtained suggesting that the particulars given on the said certificate or the said form are inaccurate.

If the customs authorities of the importing State decide to suspend execution of the provisions of the Convention while awaiting the results of the verification, they shall offer to release the goods to the importer subject to any precautionary measures judged necessary.

3. The customs authorities of the importing State shall be informed of the results of the verification within three months. These results must be such as to make it possible to determine whether the disputed movement certificate EUR.1 or form EUR.2 applied to the goods actually exported, and whether these goods can, in fact, qualify for the application of the preferential arrangements.

When such disputes cannot be settled between the customs authorities of the importing State and those of the exporting State, or when they raise a question as to the interpretation of this Protocol, they shall be submitted to the Customs Cooperation Committee provided for in Article 28.

In all cases the settlement of disputes between the importer and the customs authorities of the importing State shall be under the legislation of the said State.

Article 26

The subsequent verification of the information certificate referred to in Article 20 shall be carried out in the circumstances envisaged in Article 25 following a similar procedure to that envisaged in that Article.

Article 27

In accordance with the provisions of Article 11 of the Convention, the Council of Ministers shall examine annually, or whenever the ACP States or the Community so requests, the application of the provisions of this Protocol and their economic effects with a view to making any necessary amendments or adaptations.

The Council of Ministers shall take into account among other elements the effects on the rules of origin of technological developments.

The decisions taken shall be implemented as soon as possible.

Article 28

1. A Customs Cooperation Committee shall be set up and charged with carrying out administrative cooperation with a view to the correct and uniform application of this Protocol and with carrying out any other task in the customs field which may be entrusted to it.

2. The Committee shall meet regularly, in particular to prepare the decisions of the Council of Ministers pursuant to Article 27.

3. The Committee shall take decisions on derogations from this Protocol, under the conditions laid down in Article 30.

4. The Committee shall be composed on the one hand of experts of Member States and of officials of the Commission who are responsible for customs questions, and on the other hand of experts representing the ACP States and of officials of regional groupings of the ACP States who are responsible for customs questions.

Article 29

The Customs Cooperation Committee shall examine regularly the effect on the ACP States and in particular on the least-developed ACP States of the application of the rules of origin and shall recommend to the Council of Ministers appropriate measures.

Article 30

1. Derogations from this Protocol may be adopted by the Committee where the development of existing industries or the creation of new industries justifies them. The ACP State or States concerned shall, either before or when the ACP States submit the matter to the Committee, notify the Community of its request for a derogation together with the reasons for the request in accordance with Explanatory Note 10.

2. The examination of requests shall in particular take into account:

- (a) the level of development or the geographical situation of the ACP State or States concerned;
- (b) cases where the application of the existing rules of origin would affect significantly the ability of an existing industry in an ACP State to continue its exports to the Community, with particular reference to cases where this could lead to cessation of its activities;
- (c) specific cases where it can be clearly demonstrated that significant investment in an industry could be deterred by the rules of origin and where a derogation favouring the realization of the investment programme would enable these rules to be satisfied by stages.

3. In every case an examination shall be made to ascertain whether the rules relating to cumulation of origin do not provide a solution to the problem.

4. In addition when a request for derogation concerns a least-developed ACP State, its examination shall be

carried out with a favourable bias having particular regard to:

- (a) the economic and social impact of the decision to be taken especially in respect of employment;
- (b) the need to apply the derogation for a period taking into account the particular situation of the least-developed ACP State concerned and its difficulties.

5. The examination of requests shall in particular take into account on a case-by-case basis, the possibility of conferring originating status on products which include in their composition products originating in neighbouring developing countries or in developing countries with which one or more ACP States have special relationships, provided that satisfactory administrative cooperation can be established.

6. The Committee shall take steps necessary to ensure that a decision is reached as quickly as possible, and in any case not later than three months after referral to the Community. In the event of a decision not being taken by the Committee, the Committee of Ambassadors shall be called upon to decide within one month after the date on which the matter is referred to it.

- 7. (a) The derogations shall be valid for a period to be determined by the Committee which shall generally be of two years. This period may be extended to a maximum of three years, when the derogations concern a least-developed ACP State.
- (b) The derogation decision may provide for renewals for periods of one year without a new decision of the Committee being necessary provided that the ACP State or States concerned submit, three months before the end of each period, proof that they are still unable to meet the conditions of this Protocol which have been derogated from.
- (c) If any objection is made to the extension the Committee shall examine such an objection as soon as possible and decide whether to prolong the derogation. The Committee shall proceed as provided for in paragraph 6. All necessary measures shall be taken to avoid interruptions in the application of the derogation.

Article 31

The contracting parties undertake to examine in an appropriate institutional framework, from the date of the signature of the Convention, any applications for derogations from this Protocol, with a view to allowing them to enter into force at the same date as the Convention.

Article 32

The Annexes to this Protocol shall form an integral part thereof.

Article 33

The Community and the ACP States shall each take the steps necessary to implement this Protocol.

ANNEX I

EXPLANATORY NOTES

Note 1: Articles 1 and 2 ⁽¹⁾

The terms 'one or more ACP State', 'the Community' and 'countries and territories' shall also cover their territorial waters.

Sea-going vessels, including factory ships, on which the fish caught is worked or processed shall be considered as part of the territory of the ACP States, the Community or the countries and territories to which they belong, provided that they satisfy the conditions set out in Explanatory Note 6.

Note 2: Article 1 (1) (b)

In order to determine whether goods originate in an ACP State, the Community or one of the countries or territories, it shall not be necessary to establish whether the electrical power, fuel, plant and equipment and machines and tools used to obtain such goods or whether any products used in the course of production which do not enter and which were not intended to enter into the final composition of the goods originate in third countries or not.

Note 3: Article 1

Where a percentage rule is applied in determining originating status of a product obtained in an ACP State, the value added by the working or processing referred to in Article 1 shall correspond to the ex-works price of the product obtained less the customs value of third-country products imported into the Community, the ACP States or the 'countries and territories'.

Note 4: Article 3 (1) and (2) and Article 4

The percentage rule constitutes, where the product obtained appears in List A, a criterion additional to that of change of tariff heading for any non-originating product used.

Note 5: Article 1

For the purpose of applying the rules of origin, packaging material is regarded as forming a whole with the products contained therein. This provision, however, shall not apply to packaging which is not of the normal type for the article packed and which has intrinsic utilization value and is of a durable nature, apart from its function as packaging.

Note 6

The term 'their vessels' shall apply only to vessels:

- which are registered or recorded in a Member State or an ACP State,
- which sail under the flag of a Member State or an ACP State,
- which are owned to an extent of at least 50 % by nationals of States party to the Convention or by a company with its head office in one of these States, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such board, are nationals of States party to the Convention and of which, in addition in the case of

⁽¹⁾ On these rules, refer to the examination provided for in the joint declaration on the origin of fishery products (p. 173).

partnerships or limited companies, at least half the capital belongs to States party to the Convention or to public bodies or nationals of such States,

- of which at least 50 % of the crew, captain and officers included, are nationals of States party to the Convention.

Note 7: Article 4

'Ex-works price' shall mean the price paid to the manufacturer in whose undertaking the last working or processing is carried out, provided the price includes the value of all the products used in manufacture.

'Customs value' shall be understood as meaning the customs value laid down in the Convention concerning the valuation of goods for customs purposes signed in Brussels on 15 December 1950.

Note 8: Article 23

The authorities consulted shall furnish any information concerning the conditions under which the product has been made, indicating especially the conditions in which the rules of origin have been respected in the various ACP States, Member States or countries and territories concerned.

Note 9: Article 1 (3)

Within the meaning of this protocol 'countries and territories' shall mean the countries and territories referred to in Part Four of the Treaty establishing the European Economic Community.

Note 10: Article 30 (1)

In order to facilitate the examination by the Customs Cooperation Committee of requests for derogation, the ACP State making the request shall furnish in support of its request the fullest possible information covering in particular the points listed below:

- description of the finished product,
- nature and quantity of products originating in a third country,
- nature and quantity of products originating in ACP States, the Community or the overseas countries and territories or which have been processed there,
- manufacturing process,
- value added,
- number of employees in the undertaking concerned,
- anticipated volume of exports to the Community,
- other possible sources of supply for raw materials,
- reasons for the duration requested in the light of efforts made to find new sources of supply,
- other observations.

The same rules apply to any requests for extension.

The period stipulated in Article 30 (6) shall run from the date of notification to the Community.

ANNEX II

LIST A

List of working or processing operations carried out on non-originating materials which result in a change of tariff heading without conferring the status of 'originating products' on the products resulting from such operations, or conferring this status only subject to certain conditions

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked	Salting, placing in brine, drying or smoking of meat and edible meat and edible meat offals of heading Nos 02.01 and 02.04	
03.02	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process	Drying, salting, placing in brine; smoking of fish, whether cooked or not	
04.02	Milk and cream, preserved, concentrated or sweetened	Preserving, concentrating, or adding sugar to milk or cream of heading No 04.01	
04.03	Butter	Manufacture from milk or cream	
04.04	Cheese and curd	Manufacture from products of heading Nos 04.01, 04.02 and 04.03	
07.02	Vegetables (whether or not cooked), preserved by freezing	Freezing of vegetables	
07.03	Vegetables provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption	Placing in brine or in other solutions of vegetables of heading No 07.01	
07.04	Dried, dehydrated or evaporated vegetables, whole cut, sliced, broken or in powder, but not further prepared	Drying, dehydration, evaporation, cutting, grinding, powdering of vegetables of heading Nos 07.01 to 07.03	
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar	Freezing of fruit	
08.11	Fruit provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption	Placing in brine or in other solutions of fruit of heading Nos 08.01 to 08.09	
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04 or 08.05	Drying of fruit	

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
11.01	Cereal flours	Manufacture from cereals	
11.02	Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled, but not further prepared), except rice falling within heading No 10.06; germ of cereals, whole, rolled, flaked or ground	Manufacture from cereals	
11.04	Flour of the dried leguminous vegetables falling within heading No 07.05 or of the fruits falling within any heading in Chapter 8; flour and meal of sago and of roots and tubers falling within heading No 07.06	Manufacture from dried leguminous vegetables of heading No 07.05, products of heading No 07.06 or of fruit of Chapter 8	
11.05	Flour, meal and flakes of potato	Manufacture from potatoes	
11.07	Malt, roasted or not	Manufacture from cereals	
11.08	Starches; inulin	Manufacture from cereals of Chapter 10 or from potatoes or other products of Chapter 7	
11.09	Wheat gluten, whether or not dried	Manufacture from wheat or wheat flours	
15.01	Lard, other pig fat and poultry fat, rendered or solvent-extracted	Manufacture from products of heading No 02.05	
15.02	Fats of bovine cattle, sheep or goats, unrendered; rendered or solvent-extracted fats (including 'premier jus') obtained from those unrendered fats	Manufacture from products of heading Nos 02.01 and 02.06	
15.04	Fats and oils, of fish and marine mammals, whether or not refined	Manufacture from fish or marine mammals	
15.06	Other animal oils and fats (including neat's-foot oil and fats from bones or waste)	Manufacture from products of Chapter 2	
ex 15.07	Fixed vegetable oils, fluid or solid, crude, refined or purified, but not including Chinawood oil, myrtle-wax, Japan wax or oil of tung nuts, oleococca seeds or oiticia seeds; also not including oils of a kind used in machinery or mechanical appliances or for industrial purposes other than the manufacture of edible products	Manufacture from products of Chapters 7 and 12	
16.01	Sausages and the like, of meat, meat offal or animal blood	Manufacture from products of Chapter 2	

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
16.02	Other prepared or preserved meat or meat offal	Manufacture from products of Chapter 2	
16.04	Prepared or preserved fish, including caviar and caviar substitutes	Manufacture from products of Chapter 3	
16.05	Crustaceans and molluscs, prepared or preserved	Manufacture from products of Chapter 3	
ex 17.01	Beet sugar and cane sugar, in solid form, flavoured or coloured	Manufacture from other products of Chapter 17 the value of which exceeds 30 % of the value of the finished product	
ex 17.02	Other sugars, in solid form, flavoured or coloured	Manufacture from other products of Chapter 17 the value of which exceeds 30 % of the value of the finished product	
ex 17.02	Other sugars, in solid form, not flavoured or coloured; sugar syrups, not flavoured or coloured; artificial honey, whether or not mixed with natural honey; caramel	Manufacture from any product	
ex 17.03	Molasses, flavoured or coloured	Manufacture from other products of Chapter 17 the value of which exceeds 30 % of the value of the finished product	
17.04	Sugar confectionery, not containing cocoa	Manufacture from other products of Chapter 17 the value of which exceeds 30 % of the value of the finished product	
18.06	Chocolate and other food preparations containing cocoa	Manufacture from products of Chapter 17 the value of which exceeds 30 % of the value of the finished product	
ex 19.02	Malt extract	Manufacture from products of heading No 11.07	
ex 19.02	Preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50 % by weight of cocoa	Manufacture from cereals and derivatives thereof, meat and milk, or in which the value of products of Chapter 17 used exceeds 30 % of the value of the finished product	
19.03	Macaroni, spaghetti and similar products		Manufacture from durum wheat
19.04	Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches	Manufacture from potato starch	

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
19.05	Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, cornflakes and similar products)	Manufacture from products other than: — maize of the type 'Zea indurata', — durum wheat, — products falling within Chapter 17, the value of which does not exceed 30 % of the value of the finished product, — vitamins, mineral salts, chemicals and natural or other substances or preparations used as additives	
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit; communion wafers, cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	Manufacture from products of Chapter 11	
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion	Manufacture from products of Chapter 11	
20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard	Preserving vegetables, fresh or frozen or preserved temporarily or preserved in vinegar	
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid	Preserving vegetables fresh or frozen	
20.03	Fruit preserved by freezing, containing added sugar	Manufacture from products of Chapter 17 of which the value exceeds 30 % of the value of the finished product	
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallized)	Manufacture from products of Chapter 17 of which the value exceeds 30 % of the value of the finished product	
ex 20.05	Jams, fruit jellies, marmalades, fruit purées and fruit pastes, being cooked preparations, containing added sugar	Manufacture from products of Chapter 17 of which the value exceeds 30 % of the value of the finished product	
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: A. Nuts		Manufacture, without added sugar or spirit, in which the value of the constituent originating products of heading Nos 08.01, 08.05 and 12.01, represents at least 60 % of the value of the finished product

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
20.06 (cont'd)	B. Other fruits	Manufactured from products of Chapter 17 of which the value exceeds 30 % of the value of the finished product	
ex 20.07	Fruit juices (including grape must), whether or not containing added sugar, but unfermented and not containing spirit	Manufacture from products of Chapter 17 of which the value exceeds 30 % of the value of the finished product	
ex 21.02	Roasted chicory and extracts thereof	Manufacture from chicory roots, fresh or dried	
21.05	Soups and broths in liquid, solid or powder form; homogenized food preparations	Manufacture from products of heading No 20.02	
ex 21.07	Sugar syrups, flavoured or coloured	Manufacture from products of Chapter 17 of which the value exceeds 30 % of the value of the finished product	
22.02	Lemonade, flavoured spa waters and flavoured aerated waters, and other non-alcoholic beverages, not including fruit and vegetable juices falling within heading No 20.07	Manufacture from fruit juices ⁽¹⁾ or in which the value of products of Chapter 17 used exceeds 30 % of the value of the finished product	
22.06	Vermouths, and other wines of fresh grapes flavoured with aromatic extracts	Manufacture from products of heading No 08.04, 20.07, 22.04 or 22.05	
22.08	Ethyl alcohol or neutral spirits, undenatured, of a strength of 80° or higher; denatured spirits (including ethyl alcohol and neutral spirits) of any strength	Manufacture from products of heading No 08.04, 20.07, 22.04 or 22.05	
22.09	Spirits (other than those of heading No 22.08); liqueurs and other spirituous beverages; compound alcoholic preparations (known as 'concentrated extracts') for the manufacture of beverages	Manufacture from products of heading No 08.04, 20.07, 22.04 or 22.05	
22.10	Vinegar and substitutes for vinegar	Manufacture from products of heading No 08.04, 20.07, 22.04 or 22.05	
ex 23.03	Residues from the manufacture of maize starch (excluding concentrated steeping liquors), of a protein content, calculated on the dry product, exceeding 40 % by weight	Manufacture from maize or maize flour	

⁽¹⁾ This rule does not apply where fruit juices of pineapple, lime and grapefruit are concerned.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
23.04	Oil-cake and other residues (except dregs) resulting from the extraction of vegetable oils	Manufacture from various products	
23.07	Sweetened forage; other preparations of a kind used in animal feeding	Manufacture from cereals and derived products, meat, milk, sugar and molasses	
ex 24.02	Cigarettes, cigars, smoking tobacco		Manufacture from products of heading No 24.01 of which at least 70 % by quantity are originating products
30.03	Medicaments (including veterinary medicaments)		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
31.05	Other fertilizers; goods of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
32.06	Colour lakes	Manufacture from materials of heading No 32.04 or 32.05	
32.07	Other colouring matter; inorganic products of a kind used as luminophores	Mixing of oxides or salts of Chapter 28 with extenders such as barium sulphate, chalk barium carbonate and satin white	
ex 33.06	Aqueous distillates and aqueous solutions of essential oils, including such products suitable for medicinal uses	Manufacture from essential oils (terpeneless or not), concretes, absolutes or resinoids	
35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues		Manufacture from maize or potatoes
ex 35.07	Preparations used for clarifying beer, composed of papain and bentonite; enzymatic preparations for desizing textiles		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
37.01	Photographic plates and film in the flat, sensitized, unexposed, of any material other than paper, paper-board or cloth	Manufacture from products of heading No 37.02	
37.02	Film in rolls, sensitized, unexposed, perforated or not	Manufacture from products of heading No 37.01	

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No.	Description		
37.04	Sensitized plates and film, exposed but not developed, negative or positive	Manufacture from products of heading No 37.01 or 37.02	
38.11	Disinfectants, insecticides, fungicides, rat poisons, herbicides, anti-sprouting products, plant growth regulators and similar products, put up in forms or packings for sale by retail or as preparations or as articles (for example, sulphur-treated bands, wicks and candles, flypapers)		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
38.12	Prepared glazings, prepared dressings and prepared mordants, of a kind used in the textile, paper, leather or like industries		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
38.13	Pickling preparations for metal surfaces; fluxes and other auxiliary preparations for soldering, brazing or welding; soldering, brazing or welding powders and pastes consisting of metal and other materials; preparations of a kind used as cores or coatings for welding rods and electrodes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
ex 38.14	Anti-knock preparations, oxidation inhibitors, gum inhibitors, viscosity improvers, anti-corrosive preparations and similar prepared additives for mineral oils, excluding prepared additives for lubricants		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
38.15	Prepared rubber accelerators		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
38.17	Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
38.18	Composite solvents and thinners for varnishes and similar products		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
ex 38.19	Chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included, excluding: — Fusel oil and dippel's oil; — Naphtenic acids and their water-insoluble salts; esters of naphthenic acids; — Sulphonaphthenic acids and their water-insoluble salts; esters of sulphonaphthenic acids; — Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanolamines, thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts; — Mixed alkylbenzenes and mixed alkylnaphthalenes; — Ion exchangers; — Catalysts; — Getters for vacuum tubes; — Refractory cements or mortars and similar compositions; — Alkaline iron oxide for the purification of gas; — Carbon (excluding that in artificial graphite of heading No 38.01) in metal-graphite or other compounds, in the form of small plates, bars or other semi-manufactures — Sorbitol other than that of heading No 29.04 — Ammoniacal gas liquors and spent oxide produced in coal gas purification		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
ex 39.02	Polymerization products		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
ex 39.07	Articles of materials of the kinds described in heading Nos 39.01 to 39.06 with the exception of fans and hand screens, non-mechanical, frames and handles therefor and parts of such frames and handles, and corset busks and similar supports for articles of apparel or clothing accessories		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
40.05	Plates, sheets and strip, of unvulcanized natural or synthetic rubber, other than smoked sheets and crepe sheets of heading No 40.01 or 40.02; granules of unvulcanized natural or synthetic rubber compounded ready for vulcanization; unvulcanized natural or synthetic rubber, compounded before or after coagulation either with carbon black (with or without the addition of mineral oil) or with silica (with or without the addition of mineral oil), in any form, of a kind known as masterbatch		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
41.08	Patent leather and imitation patent leather; metallized leather		Varnishing or metallizing of leather of heading Nos 41.02 to 41.06 (other than skin leather of crossed Indian sheep and Indian goat or kid, not further prepared than vegetable tanned, or if otherwise prepared obviously unsuitable for immediate use in the manufacture of leather articles) in which the value of the skin leather used does not exceed 50 % of the value of the finished product
43.03	Articles of furskin	Making up from furskin in plates, crosses and similar forms (heading No ex 43.02)	
ex 44.21	Complete wooden packing cases, boxes, crates, drums and similar packings, excepting those made of fibreboard		Manufacture from boards not cut to size
ex 44.28	Match splints; wooden pegs or pins for footwear	Manufacture from drawn wood	
45.03	Articles of natural cork		Manufacture from products of heading No 45.01
ex 48.07	Paper and paperboard, ruled, lined, or squared, but not otherwise printed, in rolls or sheets		Manufacture from paper pulp

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
48.14	Writing blocks, envelopes, letter cards, plain postcards, correspondence cards; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing only an assortment of paper stationery		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
48.15	Other paper and paperboard, cut to size or shape		Manufacture from paper pulp
ex 48.16	Boxes, bags and other packing containers, of paper or paperboard		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
49.09	Picture postcards, Christmas and other picture greeting cards, printed by any process, with or without trimmings	Manufacture from products of heading No 49.11	
49.10	Calendars of any kind, of paper or paperboard, including calendar blocks	Manufacture from products of heading No 49.11	
50.04 ⁽¹⁾	Silk yarn, other than yarn of noil or other waste silk, not put up for retail sale		Manufacture from products other than those of heading No 50.04
50.05 ⁽¹⁾	Yarn spun from noil or other waste silk, not put up for retail sale		Manufacture from products of heading No 50.03
ex 50.07 ⁽¹⁾	Silk yarn and yarn spun from noil or other waste silk, put up for retail sale		Manufacture from products of heading Nos 50.01 to 50.03
ex 50.07 ⁽¹⁾	Imitation catgut of silk		Manufacture from products of heading No 50.01 or of heading No 50.03 neither carded nor combed
50.09 ⁽²⁾	Woven fabrics of silk, of noil or of other waste silk		Manufacture from products of heading No 50.02 or 50.03

(1) For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated.

(2) For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated. This percentage shall be increased:

- to 20 % where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex. 51.01 and ex 58.07,
- to 30 % where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
51.01 ⁽¹⁾	Yarn of man-made fibres (continuous), not put up for retail sale		Manufacture from chemical products or textile pulp
51.02 ⁽¹⁾	Monofil, strip (artificial straw and the like) and imitation catgut, of man-made fibre materials		Manufacture from chemical products or textile pulp
51.03 ⁽¹⁾	Yarn of man-made fibres (continuous), put up for retail sale		Manufacture from chemical products or textile pulp
51.04 ⁽²⁾	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02		Manufacture from chemical products or textile pulp
52.01 ⁽¹⁾	Metallized yarn, being textile yarn spun with metal or covered with metal by any process		Manufacture from chemical products, from textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste, neither carded nor combed
52.02 ⁽²⁾	Woven fabrics of metal thread or of metallized yarn, of a kind used in articles of apparel, as furnishing fabrics or the like		Manufacture from chemical products, from textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste
53.06 ⁽¹⁾	Yarn of carded sheep's or lambs' wool (woollen yarn), not put up for retail sale		Manufacture from products of heading No 53.01 or 53.03
53.07 ⁽¹⁾	Yarn of combed sheep's or lambs' wool (worsted yarn), not put up for retail sale		Manufacture from products of heading No 53.01 or 53.03
53.08 ⁽¹⁾	Yarn of fine animal hair (carded or combed), not put up for retail sale		Manufacture from raw fine animal hair of heading No 53.02

(¹) For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated.

(²) For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated. This percentage shall be increased:

- to 20 % where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07,
- to 30 % where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
53.09 ⁽¹⁾	Yarn of horsehair or of other coarse animal hair, not put up for retail sale		Manufacture from raw coarse animal hair of heading No 53.02 or from raw horsehair of heading No 05.03
53.10 ⁽¹⁾	Yarn of sheep's or lambs' wool of horsehair or of other animal hair (fine or coarse), put up for retail sale		Manufacture from materials of heading Nos 05.03 and 53.01 to 53.04
53.11 ⁽²⁾	Woven fabrics of sheep's or lambs' wool or of fine animal hair		Manufacture from materials of heading Nos 53.01 to 53.05
53.12 ⁽²⁾	Woven fabrics of horsehair or of other coarse animal hair		Manufacture from products of heading Nos 53.02 to 53.05 or from horsehair of heading No 05.03
54.03 ⁽¹⁾	Flax or ramie yarn, not put up for retail sale		Manufacture either from products of heading No 54.01 neither carded nor combed or from products of heading No 54.02
54.04 ⁽¹⁾	Flax or ramie yarn, put up for retail sale		Manufacture from materials of heading No 54.01 or 54.02
54.05 ⁽²⁾	Woven fabrics of flax or of ramie		Manufacture from materials of heading No 54.01 or 54.02
55.05 ⁽¹⁾	Cotton yarn, not put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.06 ⁽¹⁾	Cotton yarn, put up for retail sale		Manufacture from materials of heading No 55.01 or 55.03
55.07 ⁽²⁾	Cotton gauze		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.08 ⁽²⁾	Terry towelling and similar terry fabrics, of cotton		Manufacture from materials of heading No 55.01, 55.03 or 55.04
55.09 ⁽²⁾	Other woven fabrics of cotton		Manufacture from materials of heading No 55.01, 55.03 or 55.04

⁽¹⁾ For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated.

⁽²⁾ For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated. This percentage shall be increased:

- to 20 % where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07,
- to 30 % where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.02	Continuous filament tow for the manufacture of man-made fibres (discontinuous)		Manufacture from chemical products or textile pulp
56.03	Waste (including yarn waste and pulled or garnetted rags) of man-made fibres (continuous or discontinuous), not carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.05 ⁽¹⁾	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale		Manufacture from chemical products or textile pulp
56.06 ⁽¹⁾	Yarn of man-made fibres (discontinuous or waste), put up for retail sale		Manufacture from chemical products or textile pulp
56.07 ⁽²⁾	Woven fabrics of man-made fibres (discontinuous or waste)		Manufacture from products of heading No 56.01 to 56.03
57.06 ⁽¹⁾	Yarn of jute or of other textile bast fibres of heading No 57.03		Manufacture from raw jute, jute tow or from other raw textile bast fibres of heading No 57.03
ex 57.07 ⁽¹⁾	Yarn of true hemp		Manufacture from true hemp, raw

⁽¹⁾ For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated.

⁽²⁾ For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated. This percentage shall be increased:

- to 20 % where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex. 51.01 and ex 58.07,
- to 30 % where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
ex 57.07 ⁽¹⁾	Yarn of other vegetable textile fibres, excluding yarn of true hemp		Manufacture from raw vegetable textile fibres of heading Nos 57.02 to 57.04
ex 57.07	Paper yarn		Manufacture from products of Chapter 47, from chemical products, textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste, neither carded nor combed
57.10 ⁽²⁾	Woven fabrics of jute or of other textile bast fabrics of heading No 57.03		Manufacture from raw jute, jute tow or from other raw textile bast fibres of heading No 57.03
ex 57.11 ⁽²⁾	Woven fabrics of other vegetable textile fibres		Manufacture from materials of heading No 57.01, 57.02 or 57.04 or from coir yarn of heading No 57.07
ex 57.11	Woven fabrics of paper yarn		Manufacture from paper, from chemical products, textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste
58.01 ⁽³⁾	Carpets, carpeting and rugs knotted (made up or not)		Manufacture from materials of heading Nos 50.01 to 50.03, 51.01, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04

(¹) For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated.

(²) For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated. This percentage shall be increased:

- to 20 % where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07,
- to 30 % where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

(³) For products composed of two or more textile materials, the conditions shown in column 4 must be met in respect of each of the textile materials of which the mixed product is composed. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated. This percentage shall be increased:

- to 20 % where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07,
- to 30 % where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
58.02 ⁽¹⁾	Other carpets, carpeting, rugs, mats and matting, and 'Kelem', 'Schumacks' and 'Karamanie' rugs and the like (made up or not)		Manufacture from materials of heading Nos 50.01 to 50.03, 51.01, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03, 57.01 to 57.04 or from coir yarn of heading No 57.07
58.04 ⁽¹⁾	Woven pile fabrics and chenille fabrics (other than terry towelling or similar terry fabrics of cotton falling within heading No 55.08 and fabrics falling within heading No 58.05)		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03, 57.01 to 57.04 or from chemical products or textile pulp
58.05 ⁽¹⁾	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No 58.06		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
58.06 ⁽¹⁾	Woven labels, badges and the like, not embroidered, in the piece, in strips or cut to shape or size		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.07 ⁽¹⁾	Chenille yarn (including flock chenille yarn), gimped yarn (other than metallized yarn of heading No 52.01 and gimped horsehair yarn); braids and ornamental trimmings in the piece; tassels, pompons and the like		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.08 ⁽¹⁾	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), plain		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.09 ⁽¹⁾	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), figured; hand or mechanically made lace, in the piece, in strips or in motifs		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp

⁽¹⁾ For products composed of two or more textile materials, the conditions shown in column 4 must be met in respect of each of the textile materials of which the mixed product is composed. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated. This percentage shall be increased:

- to 20 % where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07,
- to 30 % where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
58.10	Embroidery, in the piece, in strips or in motifs		Manufacture in which the value of the product used does not exceed 50 % of the value of the finished product
59.01 ⁽¹⁾	Wadding and articles of wadding; textile flock and dust and mill neps		Manufacture either from natural fibres or from chemical products or textile pulp
ex 59.02 ⁽¹⁾	Felt and articles of felt, with the exception of needled felt, whether or not impregnated or coated		Manufacture either from natural fibres or from chemical products or textile pulp
ex 59.02 ⁽¹⁾	Needled felt, whether or not impregnated or coated		Manufacture either from natural fibres or from chemical products or textile pulp or from fibre or continuous polypropylene filament of which the denomination of the filaments is less than 8 denier and of which the value does not exceed 40 % of the value of the finished product
59.03 ⁽¹⁾	Bonded fibre fabrics, similar bonded yarn fabrics, and articles of such fabrics, whether or not impregnated or coated		Manufacture either from natural fibres or from chemical products or textile pulp
59.04 ⁽¹⁾	Twine, cordage, ropes and cables, plaited or not		Manufacture either from natural fibres or from chemical products or textile pulp or from coir yarn of heading No 57.07
59.05 ⁽¹⁾	Nets and netting made of twine, cordage or rope, and made up fishing nets of yarn, twine, cordage or rope		Manufacture either from natural fibres or from chemical products or textile pulp or from coir yarn of heading No 57.07
59.06 ⁽¹⁾	Other articles made from yarn, twine, cordage, rope or cables, other than textile fabrics and articles made from such fabrics		Manufacture either from natural fibres or from chemical products or textile pulp or from coir yarn of heading No 57.07

⁽¹⁾ For products composed of two or more textile materials, the conditions shown in column 4 must be met in respect of each of the textile materials of which the mixed product is composed. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated. This percentage shall be increased:

- to 20 % where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07,
- to 30 % where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
59.07	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books and the like; tracing cloth; prepared painting canvas; buckram and similar fabrics for hat foundations and similar uses		Manufacture from yarn
59.08	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials		Manufacture from yarn
59.10 ⁽¹⁾	Linoleum and materials prepared on a textile base in a similar manner to linoleum, whether or not cut to shape or of a kind used as floor coverings; floor coverings consisting of a coating applied on a textile base, cut to shape or not		Manufacture either from yarn or from textile fibres
ex 59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods, with the exception of those consisting of fabric of continuous synthetic textile fibres, or of fabric composed of parallel yarns of continuous synthetic textile fibres, impregnated or covered with rubber latex, containing at least 90 % by weight of textile materials and used for the manufacture of tyres or for other technical uses		Manufacture from yarn
ex 59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods, consisting of fabric of continuous synthetic textile fibres or of fabric composed of parallel yarns of continuous synthetic textile fibres, impregnated or covered with rubber latex, containing at least 90 % by weight of textile materials and used for the manufacture of tyres or for other technical uses		Manufacture from chemical products

⁽¹⁾ For products composed of two or more textile materials, the conditions shown in column 4 must be met in respect of each of the textile materials of which the mixed product is composed. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated. This percentage shall be increased:

- to 20 % where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within heading Nos ex 51.01 and ex 58.07,
- to 30 % where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
59.12	Textile fabrics otherwise impregnated or coated; painted canvas being theatrical scenery, studio back-cloths or the like		Manufacture from yarn
59.13 ⁽¹⁾	Elastic fabrics and trimmings (other than knitted or crocheted goods) consisting of textile materials combined with rubber threads		Manufacture from single yarn
59.15 ⁽¹⁾	Textile hosepiping and similar tubing, with or without lining, armour or accessories of other materials		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
59.16 ⁽¹⁾	Transmission, conveyor or elevator belts or belting, of textile material, whether or not strengthened with metal or other material		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
59.17 ⁽¹⁾	Textile fabrics and textile articles, of a kind commonly used in machinery or plant		Manufacture from materials of heading Nos 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
ex Chapter 60 ⁽¹⁾	Knitted and crocheted goods, excluding knitted or crocheted goods obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from natural fibres, carded or combed, from materials of heading Nos 56.01 to 56.03 from chemical products or textile pulp
ex 60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn ⁽²⁾

⁽¹⁾ For products composed of two or more textile materials, the conditions shown in column 4 must be met in respect of each of the textile materials of which the mixed product is composed. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10 % of the total weight of textile materials incorporated. This percentage shall be increased:

- to 20 % where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling with heading Nos ex 51.01 and ex 58.07,
- to 30 % where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

⁽²⁾ Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10 % of the total weight of all the textile materials incorporated.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
ex 60.03	Stockings, understockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn ⁽¹⁾
ex 60.04	Under garments, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn ⁽¹⁾
ex 60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn ⁽¹⁾
ex 60.06	Other articles, knitted or crocheted, elastic or rubberized (including elastic knee-caps and elastic stockings), obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn ⁽¹⁾
ex 61.01	Men's and boys' outer garments, excluding fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from yarn ⁽¹⁾
ex 61.01	Fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from uncoated cloth of which the value does not exceed 40 % of the value of the finished product ⁽¹⁾
ex 61.02	Women's, girls' and infants' outer garments, not embroidered, excluding fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from yarn ⁽¹⁾

⁽¹⁾ Trimmings and accessories (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10 % of the total weight of all the textile materials incorporated.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
ex 61.02	Fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from uncoated cloth of which the value does not exceed 40 % of the value of the finished product ⁽¹⁾
ex 61.02	Women's, girls' and infants' outer garments, embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40 % of the value of the finished product ⁽¹⁾
61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs		Manufacture from yarn ⁽¹⁾
61.04	Women's, girls' and infants' under garments		Manufacture from yarn ⁽¹⁾
ex 61.05	Handkerchiefs, not embroidered		Manufacture from unbleached single yarn ⁽¹⁾ ⁽²⁾
ex 61.05	Handkerchiefs, embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40 % of the value of the finished product ⁽¹⁾
ex 61.06	Shawls, scarves, mufflers, mantillas, veils and the like not embroidered		Manufacture from unbleached single yarn of natural textile fibres or discontinuous man-made fibres or their waste or from chemical products or textile pulp ⁽¹⁾
ex 61.06	Shawls, scarves, mufflers, mantillas, veils and the like embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40 % of the value of the finished product ⁽¹⁾
61.07	Ties, bow ties and cravats		Manufacture from yarn ⁽¹⁾
61.09	Corsets, corset-belts, suspender-belts, brassières, braces, suspenders, garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic		Manufacture from yarn ⁽¹⁾
ex 61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods, excluding fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from yarn ⁽¹⁾

⁽¹⁾ Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10 % of the total weight of all the textile materials incorporated.

⁽²⁾ For products obtained from two or more textile materials, this rule does not apply to one or more of the mixed textile materials if its or their weight does not exceed 10 % of the total weight of all the textile materials incorporated.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
ex 61.10	Fire resistant equipment of cloth covered by foil of aluminized polyester		Manufacture from uncoated cloth of which the value does not exceed 40 % of the value of the finished product ⁽¹⁾
ex 61.11	Made up accessories for articles of apparel (for example, dress shields, shoulder and other pads, belts, muffs, sleeve protectors, pockets) with the exception of collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments, embroidered		Manufacture from yarn ⁽¹⁾
ex 61.11	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments, embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40 % of the value of the finished product ⁽¹⁾
62.01	Travelling rugs and blankets		Manufacture from unbleached yarn of Chapters 50 to 56 ⁽²⁾
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles; not embroidered		Manufacture from unbleached single yarn ⁽²⁾
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles; embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40 % of the value of the finished product
62.03	Sacks and bags, of a kind used for the packing of goods		Manufacture from chemical products, textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste ⁽²⁾
62.04	Tarpaulins, sails, awnings, sunblinds, tents and camping goods		Manufacture from single unbleached yarn ⁽²⁾
ex 62.05	Other made up textile articles (including dress patterns) excluding fans and hand-screens, non-mechanical, frames and handles therefor and parts of such frames and handles		Manufacture in which the value of the products used does not exceed 40 % of the value of the finished product

⁽¹⁾ Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10 % of the total weight of all the textile materials incorporated.

⁽²⁾ For products obtained from two or more textile materials, this rule does not apply to one or more of the mixed textile materials if its or their weight does not exceed 10 % of the total weight of all the textile materials incorporated.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
64.01	Footwear with outer soles and uppers of rubber or artificial plastic material	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
64.02	Footwear with outer soles of leather or composition leather; footwear (other than footwear falling within heading No 64.01) with outer soles of rubber or artificial plastic material	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
64.03	Footwear with outer soles of wood or of cork	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
64.04	Footwear with outer soles of other materials	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
65.03	Felt hats and other felt headgear, being headgear made from the felt hoods and plateaux falling within heading No 65.01, whether or not lined or trimmed		Manufacture from textile fibres ⁽¹⁾
65.05	Hats and other headgear (including hair nets), knitted or crocheted, or made up from lace, felt or other textile fabric in the piece (but not from strips), whether or not lined or trimmed		Manufacture either from yarn or from textile fibres ⁽¹⁾
66.01	Umbrellas and sunshades (including walking-stick umbrellas, umbrella tents, and garden and similar umbrellas)		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
ex 70.07	Cast, rolled, drawn or blown glass (including flashed or wired glass) cut to shape other than rectangular shape, or bent or otherwise worked (for example, edge worked or engraved) whether or not surface ground or polished; multiple-walled insulating glass	Manufacture from drawn, cast or rolled glass of heading Nos 70.04 to 70.06	
70.08	Safety glass consisting of toughened or laminated glass, shaped or not	Manufacture from drawn, cast or rolled glass of heading Nos 70.04 to 70.06	

⁽¹⁾ Trimmings and accessories (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10 % of the total weight of all the textile materials incorporated.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
70.09	Glass mirrors (including rear-view mirrors), unframed, framed or backed	Manufacture from drawn, cast or rolled glass of heading Nos 70.04 to 70.06	Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
71.15	Articles consisting of, or incorporating, pearls, precious or semi-precious stones (natural, synthetic or reconstructed)		
73.07	Blooms, billets, slabs and sheet bars (including tinplate bars), of iron or steel; pieces roughly shaped by forging, of iron or steel	Manufacture from products of heading No 73.06	
73.08	Iron or steel coils for re-rolling	Manufacture from products of heading No 73.07	
73.09	Universal plates of iron or steel	Manufacture from products of heading No 73.07 or 73.08	
73.10	Bars and rods (including wire rod), of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished (including precision-made); hollow mining drill steel	Manufacture from products of heading No 73.07	
73.11	Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished; sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements	Manufacture from products of heading Nos 73.07 to 73.10, 73.12 or 73.13	
73.12	Hoop and strip, of iron or steel, hot-rolled or cold-rolled	Manufacture from products of heading Nos 73.07 to 73.09 or 73.13	
73.13	Sheets and plates, of iron or steel, hot-rolled or cold-rolled	Manufacture from products of heading Nos 73.07 to 73.09	
73.14	Iron or steel wire, whether or not coated, but not insulated	Manufacture from products of heading No 73.10	
73.16	Railway and tramway track construction material of iron or steel, the following: rails, check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bed-plates, ties and other materials specialized for joining or fixing rails		Manufacture from products of heading No 73.06

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
73.18	Tubes and pipes and blanks therefor, of iron (other than of cast iron) or steel, excluding high-pressure hydro-electric conduits		Manufacture from products of heading Nos 73.06 and 73.07 or heading No 73.15 in the forms specified in heading Nos 73.06 and 73.07
74.03	Wrought bars, rods, angles, shapes and sections, of copper; copper wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.04	Wrought plates, sheets and strip, of copper		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.05	Copper foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.15 mm		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.06	Copper powders and flakes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.07	Tubes and pipes and blanks therefor, of copper; hollow bars of copper		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.08	Tube and pipe fittings (for example, joints, elbows, sockets and flanges), of copper		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.10	Stranded wire, cables, cordage, ropes, plaited bands and the like, of copper wire, but excluding insulated electric wires and cables		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.11	Gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands), of copper wire; expanded metal, of copper		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.15	Nails, tacks, staples, hook-nails, spiked cramps, studs, spikes and drawing pins, of copper, or of iron or steel with heads of copper; bolts and nuts (including bolt ends and screw studs), whether or not threaded or tapped, and screws (including screw hooks and screw rings), of copper; rivets, cotters, cotter-pins, washers and spring washers, of copper		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
74.16	Springs, of copper		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.17	Cooking and heating apparatus of a kind used for domestic purposes, not electrically operated, and parts thereof, of copper		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.18	Other articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of copper		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
74.19	Other articles of copper		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
75.02	Wrought bars, rods, angles, shapes and sections, of nickel; nickel wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
75.03	Wrought plates, sheets and strip, of nickel; nickel foil; nickel powders and flakes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
75.04	Tubes and pipes and blanks therefor, of nickel; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of nickel		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
75.05	Electro-plating anodes, of nickel, wrought or unwrought, including those produced by electrolysis		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
75.06	Other articles of nickel		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.02	Wrought bars, rods, angles, shapes and sections, of aluminium; aluminium wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.03	Wrought plates, sheets and strip, of aluminium		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.04	Aluminium foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.20 mm		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.05	Aluminium powders and flakes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
76.06	Tubes and pipes and blanks therefor, of aluminium; hollow bars of aluminium		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.07	Tube and pipe fittings (for example, joints, elbows, sockets and flanges), of aluminium		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.08	Structures and parts of structures (for example, hangars and other buildings, bridges and bridge-sections, towers, lattice masts, roofs, roofing frameworks, door and window frames, balustrades, pillars and columns), of aluminium; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of aluminium		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.09	Reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquefied gas), of aluminium, of a capacity exceeding 300 litres, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.10	Casks, drums, cans, boxes and similar containers (including rigid and collapsible tubular containers), of aluminium, of a description commonly used for the conveyance or packing of goods		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.11	Containers, of aluminium, for compressed or liquefied gas		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.12	Stranded wire, cables, cordage, ropes, plaited bands and the like, of aluminium wire, but excluding insulated electric wires and cables		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.15	Articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of aluminium		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
76.16	Other articles of aluminium		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
77.02	Wrought bars, rods, angles, shapes and sections, of magnesium; magnesium wire; wrought plates, sheets and strip, of magnesium; magnesium foil; raspings and shavings of uniform size, powders and flakes, of magnesium; tubes and pipes and blanks therefor, of magnesium; hollow bars of magnesium; other articles of magnesium		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
78.02	Wrought bars, rods, angles, shapes and sections, of lead; lead wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
78.03	Wrought plates, sheets and strip, of lead		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
78.04	Lead foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a weight (excluding any backing) not exceeding 1.7 kg/m ² ; lead powders and flakes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
78.05	Tubes and pipes and blanks therefor, of lead; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets, flanges and S-bends), of lead		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
78.06	Other articles of lead		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
79.02	Wrought bars, rods, angles, shapes and sections, of zinc; zinc wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
79.03	Wrought plates, sheets and strip, of zinc; zinc foil; zinc powders and flakes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
79.04	Tubes and pipes and blanks therefor, of zinc; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of zinc		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
79.06	Other articles of zinc		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
80.02	Wrought bars, rods, angles, shapes and sections, of tin; tin wire		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
80.03	Wrought plates, sheets and strip, of tin		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
80.04	Tin foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a weight (excluding any backing) not exceeding 1 kg/m ² ; tin powders and flakes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
80.05	Tubes and pipes and blanks therefor, of tin; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of tin		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
82.05	Interchangeable tools for hand tools, for machine tools or for power-operated hand tools (for example, for pressing, stamping, drilling, tapping, threading, boring, broaching, milling, cutting, turning, dressing, morticing or screw-driving), including dies for wire drawing, extrusion dies for metal, and rock-drilling bits		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
82.06	Knives and cutting blades, for machines or for mechanical appliances		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
ex Chapter 84	Boilers, machinery and mechanical appliances and parts thereof, excluding refrigerators and refrigerating equipment (electrical and other) (No 84.15) and sewing machines, including furniture specially designed for sewing machines (ex No 84.41)		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
84.15	Refrigerators and refrigerating equipment (electrical and other)		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products
ex 84.41	Sewing machines, including furniture specially designed for sewing machines		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that: — at least 50 % in value of the materials and parts ⁽¹⁾ used for the assembly of the head (motor excluded) are originating products, and — the thread tension, crochet and zigzag mechanisms are originating products
ex Chapter 85	Electrical machinery and equipment; parts thereof; excluding products of heading No 85.14 or 85.15		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
85.14	Microphones and stands therefor; loudspeakers; audio-frequency electric amplifiers		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that: — at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products, and — the value of the transistors used does not exceed 3 % of the value of the finished product ⁽²⁾

⁽¹⁾ In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of other products, materials and parts, the provisions of Article 4 of this Protocol determining:
 - the value of imported products,
 - the value of products of undetermined origin.

⁽²⁾ This percentage is not cumulative with the 40 %.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
85.15	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that: — at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products, and — the value of the transistors used does not exceed 3 % of the value of the finished product ⁽²⁾
Chapter 86	Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway track fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered)		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
ex Chapter 87	Vehicles, other than railway or tramway rolling-stock, and parts thereof, excluding products of heading No 87.09		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
87.09	Motor-cycles, auto-cycles and cycles fitted with an auxiliary motor, with or without side-cars; side-cars of all kinds		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products
ex Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus and parts thereof, excluding products of heading No 90.05, 90.07 (except electrically ignited photographic flash-bulbs), 90.08, 90.12 and 90.26		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product

⁽¹⁾ In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of other products, materials and parts, the provisions of Article 4 of this Protocol determining:
 - the value of imported products,
 - the value of products of undetermined origin.

⁽²⁾ This percentage is not cumulative with the 40 %.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
90.05	Refracting telescopes (monocular and binocular), prismatic or not		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the finished product, and provided that at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products
ex 90.07	Photographic cameras; photographic flashlight apparatus and flashbulbs other than discharge lamps of heading No 85.20, with the exception of electrically ignited photographic flashbulbs		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the finished product, and provided that at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products
90.08	Cinematographic cameras, projectors, sound recorders and sound reproducers but not including re-recorders or film editing apparatus; any combination of these articles		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products
90.12	Compound optical microscopes, whether or not provided with means for photographing or projecting the image		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products
90.26	Gas, liquid and electricity supply or production meters; calibrating meters therefor		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products

⁽¹⁾ In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of other products, materials and parts, the provisions of Article 4 of this Protocol determining:
 - the value of imported products,
 - the value of products of undetermined origin.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
ex Chapter 91	Clocks and watches and parts thereof, excluding products of heading No 91.04 or 91.08		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
91.04	Other clocks		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products
91.08	Clock movements, assembled		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products
ex Chapter 92	Musical instruments, sound recorders or reproducers, television image and sound recorders or reproducers; parts and accessories of such articles, excluding products of heading No 92.11		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
92.11	Gramophones, dictating machines and other sound recorders or reproducers, including record-players and tape decks, with or without sound-heads; television image and sound recorders or reproducers		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that: — at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products, and — the value of the transistors used does not exceed 3 % of the value of the finished product ⁽²⁾

⁽¹⁾ In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of other products, materials and parts, the provisions of Article 4 of this Protocol determining:
 - the value of imported products,
 - the value of products of undetermined origin.

⁽²⁾ This percentage is not cumulative with the 40 %.

Products obtained		Working or processing of non-originating materials that does not confer the status of originating products	Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description		
Chapter 93	Arms and ammunition; parts thereof		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
ex 96.01	Other brooms and brushes (including brushes of a kind used as parts of machines); paint rollers; squeegees (other than roller squeegees) and mops		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
97.03	Other toys; working models of a kind used for recreational purposes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
98.01	Buttons and button moulds, studs, cuff-links, and press-fasteners, including snap-fasteners and press-studs, blanks and parts of such articles		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product
98.08	Typewriter and similar ribbons whether or not on spools; ink-pads, with or without boxes		Manufacture in which the value of the products used does not exceed 50 % of the value of the finished product

ANNEX III

LIST B

List of working or processing operations which when carried out on non-originating materials do not result in a change of tariff heading, but which do confer the status of 'originating products' on the products resulting from such operations

Finished products		Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description	
		Incorporation of materials and parts in boilers, machinery, mechanical appliances, etc., of Chapter 84 to 92 in boilers and radiators of heading No 73.37 and in the products contained in heading Nos 97.07 and 98.03 does not make such products lose their status of originating products, provided that the value of these products does not exceed 5 % of the value of the finished product
13.02	Shellac, seed lac, stick lac and other lacs; natural gums, resins, gum-resins and balsams	Working, processing or assembly in which the value of the materials and parts used does not exceed 50 % of the value of the finished product
ex 15.05	Refined lanolin	Manufacture from crude wool grease
ex 15.10	Fatty alcohols	Manufacture from fatty acids
ex 17.01	Beet sugar and cane sugar, in solid form, flavoured or coloured	Manufacture from beet sugar and cane sugar in solid form without flavouring or colouring of which the value does not exceed 30 % of the value of the finished product
ex 17.02	Lactose, glucose, maple or other sugars, in solid form, flavoured or coloured	Manufacture from other sugars in solid form without flavouring or colouring of which the value does not exceed 30 % of the value of the finished product
ex 17.03	Molasses, flavoured or coloured	Manufacture from products without flavouring or colouring of which the value does not exceed 30 % of the value of the finished product
ex 21.03	Prepared mustard	Manufacture from mustard flour
ex 22.09	Whisky of an alcoholic strength of less than 50 °	Manufacture from alcohol deriving exclusively from the distillation of cereals and in which the value of the non-originating constituent products does not exceed 15 % of the value of the finished product
ex 25.15	Marble squared by sawing, of a thickness not exceeding 25 cm	Sawing into slabs or sections, polishing, grinding and cleaning of marble, including marble not further worked than roughly split, roughly squared or squared by sawing, of a thickness exceeding 25 cm
ex 25.16	Granite, porphyry, basalt, sandstone and other monumental and building stone, squared by sawing, of a thickness not exceeding 25 cm	Sawing of granite, porphyry, basalt, sandstone and other building stone, including such stone not further worked than roughly split, roughly squared or squared by sawing, of a thickness exceeding 25 cm

Finished products		Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description	
ex 25.18	Calcined dolomite; agglomerated dolomite (including tarred dolomite)	Calcination of unworked dolomite
ex 25.19	Other magnesium oxide, whether or not chemically pure	Manufacture from natural magnesium carbonate (magnesite)
ex 25.19	Natural magnesium carbonate, (magnesite), whether or not calcined, other than magnesium oxide, crushed and put into hermetically sealed containers	Crushing and putting into hermetically sealed containers of natural magnesium carbonate (magnesite), whether or not calcined, other than magnesium oxide
ex 25.24	Natural asbestos fibres	Treatment of asbestos concentrate
ex 25.26	Milled and homogenized mica waste	Milling and homogenizing of mica waste
ex 25.32	Earth colours, calcined or powdered	Crushing and calcination or powdering of earth colours
ex Chapter 28 to 37	Products of the chemical and allied industries, excluding sulphuric anhydride (ex 28.13), calcined, crushed and powdered natural aluminium calcium phosphates, treated thermically (ex 31.03), tannins (ex 32.01), essential oils, resinoids and terpenic by-products (ex 33.01), preparations used for tenderizing meat, preparations used for clarifying beer composed of papain and bentonite and enzymatic preparations for the desizing of textiles (ex 35.07)	Working or processing in which the value of the products used does not exceed 20 % of the value of the finished product
ex 28.13.	Sulphuric anhydride	Manufacture from sulphur dioxide
ex 31.03	Calcined, crushed and powdered natural aluminium calcium phosphates, treated thermically	Crushing and powdering of calcined natural aluminium calcium phosphates, treated thermically
ex 32.01	Tannins (tannic acids), including water-extracted gall-nut tannin, and their salts, ethers, esters and other derivatives	Manufacture from tanning extracts of vegetable origin
ex 33.01	Essential oils (terpeneless or not), concretes and absolutes; resinoids; terpenic by-products of the deterpenation of essential oils	Manufacture from concentrates of essential oils in fats, in fixed oils, or in waxes or the like, obtained by cold absorption or by maceration
ex 35.07	Preparations used for tenderizing meat, preparations used for clarifying beer, composed of papain and bentonite, enzymatic preparations for the desizing of textiles	Manufacture from enzymes or prepared enzymes of which the value does not exceed 50 % of the value of the finished product
ex Chapter 38	Miscellaneous chemical products, other than refined tall oil (ex 38.05), spirits of sulphate turpentine, purified (ex 38.07) and wood pitch (wood tar pitch) (ex 38.09)	Working or processing in which the value of the materials used does not exceed 20 % of the value of the finished product
ex 38.05	Refined tall oil	Refining of crude tall oil
ex 38.07	Sulphate turpentine, purified	Purification consisting of the distillation or refining of raw sulphate turpentine
ex 38.09	Wood pitch (wood tar pitch)	Distillation of wood tar
ex Chapter 39	Artificial resins and plastic materials, cellulose esters and ethers; articles thereof, excepting films of ionomers (ex 39.02)	Working or processing in which the value of the materials used does not exceed 20 % of the value of the finished product

Finished products		Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description	
ex 39.02	Ionomer film	Manufacture from a thermoplastic partial salt which is a copolymer of ethylene and metacrylic acid partly neutralized with metal ions, mainly zinc and sodium
ex 40.01	Slabs of crepe rubber for soles	Lamination of crepe sheets of natural rubber
ex 40.07	Vulcanized rubber thread and cord, textile covered	Manufacture from vulcanized rubber thread or cord, not textile covered
ex 41.01	Sheep- and lamb-skins without the wool	Removing wool from sheep- and lamb-skins in the wool
ex 41.02	Retanned bovine cattle leather (including buffalo leather) and equine leather prepared but not parchment-dressed except leather falling within heading Nos 41.06 and 41.08	Retanning of bovine cattle leather (including buffalo leather) and equine leather, not further prepared than tanned
ex 41.03	Retanned sheep- and lamb-skin leather, prepared but not parchment-dressed, except leather falling within heading Nos 41.06 and 41.08	Retanning of sheep- and lamb-skin leather, not further prepared than tanned
ex 41.04	Retanned goat- and kid-skin leather, prepared but not parchment-dressed, except leather falling within heading Nos 41.06 and 41.08	Retanning of goat- and kid-skin leather, not further prepared than tanned
ex 41.05	Other kinds of retanned leather, prepared but not parchment-dressed, except leather falling within heading Nos 41.06 and 41.08	Retanning of other kinds of leather, not further prepared than tanned
ex 43.02	Assembled furskins	Bleaching, dyeing, dressing, cutting and assembling of tanned or dressed furskins
ex 44.22	Casks, barrels, vats, tubs, buckets and other coopers' products and parts thereof	Manufacture from riven staves of wood, not further prepared than sawn on one principal surface; sawn staves of wood, of which at least one principal surface has been cylindrically sawn, not further prepared than sawn
ex 50.03	Silk waste carded or combed	Carding or combing waste silk
ex 50.09 ex 51.04 ex 53.11 ex 53.12 ex 54.05 ex 55.07 ex 55.08 ex 55.09 ex 56.07	Printed fabrics	Printing accompanied by finishing operations (bleaching, dressing, drying, steaming, burling, mending, impregnating, sanforizing, mercerizing) of fabrics the value of which does not exceed 47.5 % of the value of the finished product
ex 59.14	Incandescent gas mantles	Manufacture from tubular gas-mantle fabric
ex 67.01	Feather dusters	Manufacture from feathers, parts of feathers or down
ex 68.03	Articles of slate, including articles of agglomerated slate	Manufacture of articles of slate
ex 68.04	Hand polishing stones, whetstones, oilstones, hones and the like, of natural stone, of agglomerated natural or artificial abrasives, or of pottery	Cutting, adjusting and gluing of abrasive materials, which, owing to their shape, are not recognizable as being intended for hand use

Finished products		Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description	
ex 68.13	Articles of asbestos; articles of mixtures with a basis of asbestos or of mixtures with a basis of asbestos and magnesium carbonate	Manufacture of articles of asbestos or of mixtures with a basis of asbestos, or of mixtures with a basis of asbestos and magnesium carbonate
ex 68.15	Articles of mica, including bonded mica splittings on a support of paper or fabric	Manufacture of articles of mica
ex 70.10	Cut-glass bottles	Cutting of bottles the value of which does not exceed 50 % of the value of the finished product
70.13	Glassware (other than articles falling within heading No 70.19) of a kind commonly used for table, kitchen, toilet or office purposes, for indoor decoration, or similar uses	Cutting of glassware the value of which does not exceed 50 % of the value of the finished product or decoration, with the exception of silk-screen printing, carried out entirely by hand, of hand-blown glassware the value of which does not exceed 50 % of the value of the finished product
ex 70.20	Articles made from glass fibre	Manufacture from unworked glass fibre
ex 71.02	Precious and semi-precious stones, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)	Manufacture from unworked precious and semi-precious stones
ex 71.03	Synthetic or reconstructed precious or semi-precious stones, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)	Manufacture from unworked synthetic or reconstructed precious or semi-precious stones
ex 71.05	Silver and silver alloys, including silver gilt and platinum-plated silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought silver and silver alloys
ex 71.05	Silver, including silver gilt and platinum-plated silver, unwrought	Alloying or electrolytic separation of unwrought silver and silver alloys
ex 71.06	Rolled silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought rolled silver
ex 71.07	Gold, including platinum-plated gold, semi-manufactured	Rolling, drawing, beating or grinding of unwrought gold, including platinum-plated gold
ex 71.07	Gold, including platinum-plated gold, unwrought	Alloying or electrolytic separation of unwrought gold or gold alloys
ex 71.08	Rolled gold on base metal or silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought rolled gold on base metal or silver
ex 71.09	Platinum and other metals of the platinum group, semi-manufactured	Rolling, drawing, beating or grinding of unwrought platinum or other metals of the platinum group
ex 71.09	Platinum and other metals of the platinum group, unwrought	Alloying or electrolytic separation of unwrought platinum or other metals of the platinum group
ex 71.10	Rolled platinum or other platinum group metals, on base metal or precious metal, semi-manufactured	Rolling, drawing, beating or grinding of unwrought rolled platinum or other unwrought platinum group metals, on base metal or precious metal

Finished products		Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description	
ex 73.15	Alloy steel and high carbon steel: — in the forms mentioned in heading Nos 73.07 to 73.13, — in the forms mentioned in heading No 73.14	Manufacture from products in the forms mentioned in heading No 73.06 Manufacture from products in the forms mentioned in heading No 73.06 or 73.07
ex 73.29	Skid chains	Working or processing in which the value of the products used does not exceed 50 % of the value of the finished product
ex 74.01	Unrefined copper (blister copper and other)	Smelting of copper matte
ex 74.01	Refined copper	Fire-refining or electrolytic refining of unrefined copper (blister copper and other) copper waste or scrap
ex 74.01	Copper alloy	Fusion and thermal treatment of refined copper, copper waste or scrap
ex 75.01	Unwrought nickel (excluding electro-plating anodes of heading No 75.05)	Refining by electrolysis, by fusion or chemically, of nickel mattes, nickel speiss and other intermediate products of nickel metallurgy
ex 75.01	Unwrought nickel except nickel alloys	Refining of waste by electrolysis, by melting or by chemical means of waste and scrap
ex 76.01	Unwrought aluminium	Manufacture by thermal or electrolytic treatment of unalloyed aluminium, waste and scrap
76.16	Other articles of aluminium	Manufacture in which gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands) of aluminium wire, or expanded metal of aluminium, are used the value of which does not exceed 50 % of the value of the finished product
ex 77.02	Other articles of magnesium	Manufacture from wrought bars, rods, angles, shapes and sections, plates, sheets and strip, wire, foil, raspings and shavings of uniform size, powders and flakes, tubes and pipes and blanks therefor, hollow bars, of magnesium, the value of which does not exceed 50 % of the value of the finished product
ex 77.04	Beryllium wrought	Rolling, drawing or grinding of unwrought beryllium the value of which does not exceed 50 % of the value of the finished product
ex 78.01	Refined lead	Manufacture by thermal refining from bullion lead
ex 81.01	Tungsten, wrought	Manufacture from unwrought tungsten the value of which does not exceed 50 % of the value of the finished product
ex 81.02	Molybdenum, wrought	Manufacture from unwrought molybdenum the value of which does not exceed 50 % of the value of the finished product

Finished products		Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description	
ex 81.03	Tantalum, wrought	Manufacture from unwrought tantalum the value of which does not exceed 50 % of the value of the finished product
ex 81.04	Other base metals, wrought	Manufacture from other base metals, unwrought, the value of which does not exceed 50 % of the value of the finished product
ex 82.09	Knives with cutting blades, serrated or not (including pruning knives) other than knives falling within heading No 82.06	Manufacture from knife blades
ex 83.06	Indoor ornaments made from base metals other than statuettes	Working or processing in which the value of the materials used does not exceed 30 % of the value of the finished product
ex 84.05	Steam engines (including mobile engines, but not steam tractors falling within heading No 87.01 or mechanically propelled road rollers) with self-contained boilers	Working, processing or assembly in which the value of the products used does not exceed 40 % of the value of the finished product
84.06	Internal combustion piston engines	Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product
ex 84.08	Engines and motors, excluding reaction engines and gas turbines	Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that at least 50 % in value of the materials and parts ⁽¹⁾ used are originating products
84.16	Calendering and similar rolling machines (other than metal-working and metal-rolling machines and glass-working machines) and cylinders therefor	Working, processing or assembly in which the value of the materials and parts used does not exceed 25 % of the value of the finished product
ex 84.17	Machinery, plant and similar laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature, for wood, paper pulp, paper and paperboard manufacturing industries	Working, processing or assembly in which the value of the materials and parts used does not exceed 25 % of the value of the finished product
84.31	Machinery for making or finishing cellulosic pulp, paper or paperboard	Working, processing or assembly in which the value of the materials and parts used does not exceed 25 % of the value of the finished product
84.33	Paper or paperboard cutting machines of all kinds; other machinery for making up paper pulp, paper or paperboard	Working, processing or assembly in which the value of the materials and parts used does not exceed 25 % of the value of the finished product

⁽¹⁾ In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of other products, materials and parts, the provisions of Article 4 of this Protocol determining:
 - the value of imported products,
 - the value of products of undetermined origin.

Finished products		Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description	
ex 84.41	Sewing machines, including furniture specially designed for sewing	Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product, and provided that: — at least 50 % in value of the materials and parts ⁽¹⁾ used for assembly of the head (motor excluded) are originating products, — and the thread tension, crochet and zigzag mechanisms are originating products
85.14	Microphones and stands therefor; loudspeakers; audio-frequency electric amplifiers	Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product and provided that at least 50 % of the materials and parts used are originating products ⁽²⁾
85.15	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus	Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product and provided that at least 50 % of the materials and parts used are originating products ⁽²⁾
87.06	Parts and accessories of the motor vehicles falling within heading No 87.01, 87.02 or 87.03	Working, processing or assembly in which the value of the materials and parts used does not exceed 15 % of the value of the finished product
ex 94.01	Chairs and other seats (other than those falling within heading No 94.02 (whether or not convertible into beds, made of base metals	Working, processing or assembly in which unstuffed cotton cloth is used of a weight of 300 g/m ² or less in the form ready to use, of which the value does not exceed 25 % of the value of the finished product ⁽³⁾
ex 94.03	Other furniture of base metal	Working, processing or assembly in which unstuffed cotton is used of a weight of 300 g/m ² or less in the form ready to use, of which the value does not exceed 25 % of the value of the finished product ⁽³⁾

⁽¹⁾ In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of the other products, materials and parts, the provisions of Article 4 of this Protocol determining:
 - the value of imported products,
 - the value of products of undetermined origin.

⁽²⁾ The application of this rule must not have the effect of allowing the exceeding of the percentage of 3 % for the transistors laid down in List A for the same tariff heading.

⁽³⁾ This rule does not apply when the general rule of change of tariff heading is applied to the other parts which are part of the composition of the final product.

Finished products		Working or processing of non-originating materials that confers the status of originating products
CCT heading No	Description	
ex 95.05	Articles in tortoise shell, mother of pearl, ivory, bone, horn, coral (natural or agglomerated) and other animal carving material	Manufacture from tortoise shell, mother of pearl, ivory, bone, horn, coral (natural or agglomerated) and other animal carving material; worked
ex 95.08	Articles in vegetable carving material (for example corozo), meerschaum and amber, natural or reconstituted, jet (and mineral substitutes for jet)	Manufacture from vegetable carving material (for example corozo), meerschaum and amber, natural or reconstituted, jet (and mineral substitutes for jet); worked
ex 96.01	Brushes and brooms	Manufacture using prepared knots and tufts for broom or brush making the value of which does not exceed 50 % of the value of the finished product
ex 97.06	Golf-club heads of wood or other materials	Manufacture from roughly shaped blocks
ex 98.11	Smoking pipes, pipe bowls, of wood, root or other materials	Manufacture from roughly shaped blocks

ANNEX IV

LIST C

List of products excluded from the scope of this Protocol

CCT heading No	Description
ex 27.07	Assimilated aromatic oils as defined in Note 2 to Chapter 27, of which more than 65 % by volume distils at a temperature of up to 250 °C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels
27.09 to 27.16 }	Mineral oils and products of their distillation; bituminous substances; mineral waxes
ex 29.01	Hydrocarbons: — Acyclic — Cyclanes and cyclenes, excluding azulenes — Benzene, toluene, xylenes for use as power or heating fuels
ex 34.03	Lubricating preparations containing petroleum oils or oils obtained from bituminous minerals, but not including preparations containing 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals
ex 34.04	Waxes with a basis of paraffin, of petroleum waxes, of waxes obtained from bituminous minerals, of slack wax or of scale wax
ex 38.14	Prepared additives for lubricants

ANNEX V

MOVEMENT CERTIFICATE

1. Exporter (Name, full address, country)		EUR.1 No A 000.000	
		See notes overleaf before completing this form	
3. Consignee (Name, full address, country) (Optional)	2. Certificate used in preferential trade between		
	and		
	(insert appropriate countries, groups of countries or territories)		
	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
6. Transport details (Optional)		7. Remarks	
8. Item number; Marks and numbers; Number and kind of packages ⁽¹⁾ ; Description of goods		9. Gross weight (kg) or other measure (litres, m ³ , etc.)	10. Invoices (Optional)
11. CUSTOMS ENDORSEMENT		12. DECLARATION BY THE EXPORTER	
Declaration certified		I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.	
Export document ⁽²⁾		Place and date:	
Form No			
Customs office			
Issuing country or territory			
Date			
(Signature)		(Signature)	

⁽¹⁾ If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

⁽²⁾ Complete only where the regulations of the exporting country or territory require.

13. REQUEST FOR VERIFICATION, to	14. RESULT OF VERIFICATION,
Verification of the authenticity and accuracy of this certificate is requested. (Place and date) Stamp (Signature)	Verification carried out shows that this certificate ⁽¹⁾ ☐ was issued by the customs office indicated and that the information contained therein is accurate. ☐ does not meet the requirements as to authenticity and accuracy (see remarks appended). (Place and date) Stamp (Signature) ⁽¹⁾ Insert X in the appropriate box.

NOTES

1. Certificates must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and endorsed by the customs authorities of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

APPLICATION FOR A MOVEMENT CERTIFICATE

1. Exporter (Name, full address, country)	EUR.1 No A 000.000		
	See notes overleaf before completing this form		
	2. Application for a certificate to be used in preferential trade between and (insert appropriate countries, groups of countries or territories)		
3. Consignee (Name, full address, country) (Optional)	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
	7. Remarks		
6. Transport details (Optional)			
8. Item number; Marks and numbers; Number and kind of packages ⁽¹⁾ ; Description of goods		9. Gross weight (kg) or other measure (litres, m ³ , etc.)	10. Invoices (Optional)

⁽¹⁾ If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

DECLARATION BY THE EXPORTER

I, the undersigned, exporter of the goods described overleaf,

DECLARE that the goods meet the conditions required for the issue of the attached certificate;

SPECIFY as follows the circumstances which have enabled these goods to meet the above conditions:

.....

.....

.....

.....

SUBMIT the following supporting documents ⁽¹⁾:

.....

.....

.....

.....

UNDERTAKE to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

REQUEST the issue of the attached certificate for these goods.

.....
(Place and date)

.....
(Signature)

⁽¹⁾ For example: import documents, movement certificates, invoices, manufacturer's declarations, etc., referring to the products used in manufacture or to the goods re-exported in the same state.

ANNEX VI

(RECTO)
Before completing this form read carefully the instructions on the other side.

FORM EUR. 2 No		1 Form used in preferential trade between ⁽¹⁾ and	
2 Exporter (Name, full address, country)		3 Declaration by exporter I, the undersigned, exporter of the goods described below, declare that the goods comply with the requirements for the completion of this form and that the goods have obtained the status of originating products within the provisions governing preferential trade shown in box 1.	
4 Consignee (Name, full address, country)		5 Place and date	
		6 Signature of exporter	
7 Remarks ⁽²⁾		8 Country of origin ⁽³⁾	9 Country of destination ⁽⁴⁾
			10 Gross weight (kg)
11 Marks; Numbers of consignment; Description of goods		12 Authority in the exporting country ⁽⁴⁾ responsible for verification of the declaration by the exporter	

(1) Insert the countries, groups of countries or territories concerned.
(2) Refer to any verification already carried out by the appropriate authorities.
(3) The term 'country of origin' means country, group of countries or territory where the goods are considered to be originating.
(4) The term 'country' means country, group of countries or territory.

13 Request for verification The verification of the declaration by the exporter on the front of this form is requested (*) , 19..... (Place and date) Stamp (Signature)	14 Result of verification Verification carried out shows that ⁽¹⁾ ☐ the statements and particulars given in this form are accurate. ☐ this form does not meet the requirements as to accuracy and authenticity (see remarks appended.) , 19..... (Place and date) Stamp (Signature) ⁽¹⁾ Insert X in the appropriate box.
--	--

(*) Subsequent verifications of forms EUR.2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubt as to the accuracy of the information regarding the authenticity of the forms and the true origin of the goods in question.

Instructions for the completion of form EUR.2

1. A form EUR.2 may be made out only for goods which in the exporting country fulfil the conditions specified by the provisions governing the trade referred to in box 1. These provisions must be studied carefully before the form is completed.
2. In the case of a consignment by parcel post the exporter attaches the form to the dispatch note. In the case of a consignment by letter post he encloses the form in a package. The reference 'EUR.2' and the serial number of the form should be stated on the customs green label declaration C1 or on the customs declaration C2/CP3, as appropriate.
3. These instructions do not exempt the exporter from complying with any other formalities required by customs or postal regulations.
4. An exporter who uses this form is obliged to submit to the appropriate authorities any supporting evidence which they may require and to agree to any inspection by them of his accounts and of the processes of manufacture of the goods described in box 11 of this form.

ANNEX VII

SPECIMEN OF DECLARATION

I, the undersigned, declare that the goods listed on this invoice were obtained in

.....
(indicate the State(s) partner to the Convention in which the products were obtained)

and (as appropriate):

(a) (*) satisfy the rules on the definition of the concept of ‘wholly produced products’

or

(b) (*) were produced from the following products:

Description	Country of origin	Value (*)
.....		
.....		
.....		
.....		

and have undergone the following processes:

..... (indicate processings)

in

..... (indicate the State(s) partner to the Convention in

which the products were obtained)

.....

(Place and date)

.....

(Signature)

.....
(*) To be completed as necessary.

EUROPEAN COMMUNITIES

1. Supplier ⁽¹⁾	INFORMATION CERTIFICATE to facilitate the issue of a MOVEMENT CERTIFICATE for preferential trade between the		
2. Consignee ⁽¹⁾	EUROPEAN ECONOMIC COMMUNITY and THE ACP STATES		
3. Processor ⁽¹⁾	4. State in which the working or processing has been carried out		
6. Customs office of importation ⁽²⁾	5. For official use		
7. Import document ⁽²⁾ Form No Series Date 			
GOODS SENT TO THE MEMBER STATE OF DESTINATION			
8. Marks, numbers, quantity and kind of package	9. Tariff heading number and description of goods	10. Quantity ⁽³⁾	
		11. Value ⁽⁴⁾	
IMPORTED GOODS USED			
12. Tariff heading number and description	13. Country of origin	14. Quantity ⁽³⁾	15. Value ⁽²⁾ ⁽⁵⁾
16. Nature of the working or processing carried out			
17. Remarks			
18. CUSTOMS ENDORSEMENT Declaration certified Document Form No Customs office Date Official stamp (Signature)		19. DECLARATION BY THE SUPPLIER I, the undersigned, declare that the information on this certificate is accurate (Place) (Signature) (date)	

⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾ See footnotes on verso.

REQUEST FOR VERIFICATION	RESULT OF VERIFICATION
The undersigned customs official requests verification of the authenticity and accuracy of this information certificate	Verification carried out by the undersigned customs official shows that this information certificate: a) was issued by the customs office indicated and that the information contained therein is accurate (*) b) does not meet the requirements as to authenticity and accuracy (see notes appended) (*)
..... (Place and date)	 (Place and date)
Official stamp	Official stamp
..... (Official's signature)	 (Official's signature)
	 (*) Delete where not applicable.

CROSS REFERENCES

- (1) Name of individual or business and full address.
- (2) Optional information.
- (3) kg, hl, m³ or other measure.
- (4) Packaging shall be considered as forming a whole with the goods contained therein. However, this provision shall not apply to packaging which is not of the normal type for the article packed, and which has a lasting utility value of its own, apart from its function as packaging.
- (5) The value must be indicated in accordance with the provisions on rules of origin.

PROTOCOL 2**on the operating expenditure of the institutions**

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

Article 1

The Member States and the Community on the one hand, and the ACP States on the other, shall be responsible for such expenditure as they shall incur by reason of their participation in the meetings of the Council of Ministers and its dependent bodies, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenses.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents, and the practical arrangements for meetings (premises, equipment, messengers, etc.) shall be borne by the Community or by one of the ACP States, according to whether the meetings take place in the territory of a Member State or in that of an ACP State.

Article 2

The Community and the ACP States shall be severally responsible for the travel and subsistence expenditure of their respective participants at the meetings of the Consultative Assembly.

They shall likewise be responsible for the travel and subsistence expenditure of the personnel required for such meetings and for postal and telecommunications charges.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents, and the organization of meetings (premises, equipment, messengers, etc.) shall be borne by the Community or by the ACP States, according to whether the meetings take place in the territory of a Member State or in that of an ACP State.

Article 3

The arbitrators appointed in accordance with Article 176 of the Convention shall be entitled to a refund of their travel and subsistence expenditure. The latter shall be determined by the Council of Ministers.

One half of travel and subsistence expenditure incurred by the arbitrators shall be borne by the Community and the other half by the ACP States.

Expenditure relating to any registry set up by the arbitrators, to preparatory inquiries into disputes, and to the organization of hearings (premises, personnel, interpreting etc.) shall be borne by the Community.

Expenditure relating to special inquiries shall be settled together with the other costs and the parties shall deposit advances as determined by an order of the arbitrators.

PROTOCOL 3**on privileges and immunities****THE HIGH CONTRACTING PARTIES,**

Desiring, by the conclusion of a Protocol on privileges and immunities, to facilitate the smooth functioning of the Convention, the preparation of its work and the implementation of the measures adopted for its application;

Whereas it is therefore necessary to specify the privileges and immunities which may be claimed by persons participating in work relating to the application of the Convention and to the arrangements applicable to official communications connected with such work, without prejudice to the provisions of the Protocol on the privileges and immunities of the European Communities, signed at Brussels on 8 April 1965;

Whereas it is also necessary to lay down the treatment to be accorded to the property, funds and assets of the Council of ACP Ministers and its staff;

Whereas the Georgetown Agreement of 6 June 1975 constituted the ACP Group of States and instituted a Council of ACP Ministers, and a Committee of ACP Ambassadors; whereas the organs of the ACP Group are to be serviced by the ACP General Secretariat.

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

CHAPTER 1**Persons taking part in the work of the Convention***Article 1*

The representatives of the Governments of the Member States and of the ACP States and the representatives of the institutions of the European Communities, as also their advisers and experts and the members of the staff of the Secretariat of the ACP States taking part, in the territory of the Member States or of the ACP States, in the work either of the institutions of the Convention or of the coordinating bodies, or in work connected with the application of the Convention, shall enjoy the customary privileges, immunities and facilities while carrying out their duties and while travelling to or from the place at which they are required to carry out such duties.

The preceding paragraph shall also apply to members of the Consultative Assembly of the Convention, to the arbitrators who may be appointed under the Convention, to members of the consultative bodies of the economic and social sectors which may be set up, to the officials and employees of these institutions, and also to the members of the agencies of the European Investment Bank and its staff, and also to the staff of the Centre for Industrial Development and the Technical Centre for Agricultural and Rural Cooperation.

CHAPTER 2**Property, funds and assets of the Council of ACP Ministers***Article 2*

The premises and buildings occupied by the Council of ACP Ministers for official purposes shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation.

Except when required for the purposes of investigating an accident caused by a motor vehicle belonging to the said Council or being used on its account, or in the event of an infringement of road traffic regulations or of an accident caused by such a vehicle, the property and assets of the Council of ACP Ministers shall not be the subject of any administrative or legal measures of constraint without the authorization of the Council of Ministers set up under the Convention.

Article 3

The archives of the Council of ACP Ministers shall be inviolable.

Article 4

The Council of ACP Ministers, its assets, income and other property shall be exempt from all direct taxes.

The host State shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Council of ACP Ministers makes, strictly for its official use, substantial purchases, the price of which includes taxes of this kind.

No exemption shall be granted in respect of taxes, charges, duties or fees which represent charges for services rendered.

Article 5

The Council of ACP Ministers shall be exempt from all customs duties, prohibitions and restrictions on imports in respect of articles intended for its official use; articles so imported may not be sold or otherwise disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

CHAPTER 3

Official communications

Article 6

For their official communications and the transmission of all their documents, the European Economic Community, the institutions of the Convention and the coordinating bodies shall enjoy in the territory of the States party to the Convention the treatment accorded to international organizations.

Official correspondence and other official communications of the European Economic Community, the institutions of the Convention and the coordinating bodies shall not be subject to censorship.

CHAPTER 4

Staff of the Secretariat of the ACP States

Article 7

The secretary (secretaries) and deputy secretary (secretaries) of the Council of ACP Ministers and the other permanent members of the staff of senior rank as designated by the ACP States, of the Council of ACP Ministers shall enjoy, in the State in which the Council of ACP Ministers is established, under the responsibility of the chairman-in-office of the Committee of ACP

Ambassadors, the advantages accorded to the diplomatic staff of diplomatic missions. Their spouses and their children under age living in their household shall be entitled, under the same conditions, to the advantages accorded to the spouses and children under age of such diplomatic staff.

Article 8

The State in which the Council of ACP Ministers is established shall grant immunity from legal proceedings to permanent members of the staff of the Secretariat of the ACP States, apart from those referred to in Article 7, only in respect of acts done by them in the performance of their official duties. Such immunity shall not, however, apply to infringements of road traffic regulations by a permanent member of the staff of the Secretariat of the ACP States or to damage caused by a motor vehicle belonging to, or driven by, him or her.

Article 9

The names, positions and addresses of the chairman-in-office of the Committee of ACP Ambassadors, the secretary (secretaries) and deputy secretary (secretaries) of the Council of ACP Ministers and of the permanent members of the staff of the Secretariat of the ACP States shall be communicated periodically by the President of the Council of ACP Ministers of the government of the State in whose territory the Council of ACP Ministers is established.

CHAPTER 5

General provisions

Article 10

The privileges, immunities and facilities provided for in this Protocol shall be accorded to those concerned solely in the interests of the proper execution of their official duties.

Each institution or body referred to in this Protocol shall be required to waive immunity wherever it considers that the waiver of such immunity is not contrary to its own interest.

Article 11

Article 176 of the Convention shall apply to disputes relating to this Protocol.

The Council of ACP Ministers and the European Investment Bank may be party to proceedings during an *ad hoc* arbitration procedure.

PROTOCOL 4**on bananas**

The Community and the ACP States agree to the following objectives for improving the conditions under which the ACP States' bananas are produced and marketed, and agree that appropriate measures will be taken for their implementation.

Article 1

As regards its exports of bananas to the markets of the Community, no ACP State will be placed, as regards access to its traditional markets and its advantages on those markets, in a less favourable situation than in the past or at present.

Article 2

Each of the ACP States concerned and the Community will confer together in order to determine the measures to be implemented to improve conditions for the production and marketing of bananas. This aim will be pursued by using all the means provided for in the context of financial and technical cooperation. The measures in question will be designed to enable the ACP States, particularly Somalia, account being taken of their individual situations, to become more competitive both on their traditional markets and on the other markets of the Community. Measures will be

implemented at all stages from production to consumption and will cover the following fields in particular:

- improvement of production, harvesting, handling and internal transport conditions,
- trade promotion.

Article 3

For the purpose of attaining these objectives, the two parties agree to confer together in a permanent joint group, assisted by a group of experts whose task will be to keep under continuous review any specific problems arising from application of this Protocol in order to suggest solutions.

Article 4

Should the banana-producing ACP States decide to set up a joint organization for the purpose of attaining the objectives of this Protocol, the Community will support such an organization and will give consideration to any requests it may receive for support for the organization's activities which fall within the scope of regional schemes under the heading of financial and technical cooperation.

PROTOCOL 5

on rum

Article 1

Until the entry into force of a common organization of the market in spirits, products of tariff subheading 22.09 C I originating in the ACP States shall be imported duty free into the Community under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States.

Article 2

(a) For the purposes of applying Article 1 and by derogation from Article 2 (1) of the Convention, the Community shall each year fix the quantities which may be imported free of customs duties on the basis of the largest annual quantities imported from the ACP States into the Community in the last three years for which statistics are available, increased by an annual growth rate of 40 % on the market of the United Kingdom and 18 % on the other markets of the Community.

(b) Where the application of the provisions of the point (a) hampers the development of a traditional trade flow between the ACP States and a Member State, the Community shall take appropriate measures to remedy this situation.

(c) To the extent that the consumption of rum increases significantly in the Member States, the Community commits itself to engaging in a new examination of the annual percentage increase fixed by the present Protocol.

(d) The Community declares itself prepared to proceed to appropriate consultations before determining the measures provided for in (b).

(e) The Community moreover declares itself willing to seek with the interested ACP States measures capable of allowing an expansion of their sales of rum in non-traditional markets.

Article 3

With a view to attaining these objectives the parties agree to confer together within a joint working party whose role will be to examine continuously any specific problems arising from application of this Protocol.

Article 4

At the request of the ACP States the Community, within the framework of the provisions of Title I, Chapter 3, shall assist the ACP States in promoting and expanding their sales in the traditional and non-traditional markets of the Community.

PROTOCOL 6

on the tax and customs arrangements applicable in the ACP States to contracts financed by the Community

Article 1

1. The ACP States shall apply to contracts, financed by the Community, tax and customs arrangements no less favourable than those applied *vis-à-vis* the most favoured State or most favoured international development organization.

For the purpose of applying the first subparagraph no account shall be taken of arrangements applied to ACP States or other developing countries.

2. Subject to paragraph 1, the ACP States shall apply to contracts financed by the Community the arrangements laid down in Articles 2 to 12.

Article 2

Contracts financed by the Community shall not be subject in the beneficiary ACP State to stamp or registration duties or fiscal charges having equivalent effect, whether such charges exist or are to be instituted.

They may, however, be subject to the formality of registration, in accordance with the laws in force in the ACP States. This formality may entail the collection of fees which correspond to payment for the service provided and which do not exceed the cost of the deed in accordance with the legal provisions in force in each ACP State concerned.

Article 3

1. Study, inspection or supervision contracts financed by the Community shall not give rise to turnover tax in the beneficiary ACP State.

2. Profits arising from carrying out works, study, inspection or supervision contracts financed by the Community shall be taxable according to the internal fiscal arrangements of the ACP State concerned, provided that the natural or legal persons who realized such profits in that State have a permanent place of business there or that the contracts take longer than six months to carry out.

Article 4

1. Imports under a supply contract financed by the Community shall cross the frontier of the beneficiary ACP State without being subject to customs duties, import duties, taxes or fiscal charges having equivalent effect.

2. Where a supply contract financed by the Community involves a product originating in the beneficiary ACP State, the contract shall be concluded on the basis of the ex-works price of the supplies in question, to which shall be added the internal fiscal charges applicable in the ACP State to those supplies.

3. The exemptions shall be expressly provided for in the text of the contract.

Article 5

Fuels, lubricants and hydrocarbon binders and, in general, all materials used in the performance of a works contract financed by the Community shall be deemed to have been purchased on the local market and shall be subject to fiscal rules applicable under the national legislation in force in the beneficiary ACP State.

Article 6

Undertakings which must import professional equipment in order to carry out works contracts shall, if they so request, benefit from the system of temporary admission as defined by the national legislation of the beneficiary ACP State in respect of the said equipment.

Article 7

Professional equipment necessary for carrying out tasks defined in a study, inspection or supervision contract shall be temporarily admitted into the beneficiary ACP State or States free of fiscal, import and customs duties and of other charges having equivalent effect where these duties and charges do not constitute remuneration for services rendered.

Article 8

1. Personal and household effects imported for personal use by natural persons, other than those recruited locally, engaged in carrying out tasks defined in a study, inspection or supervision contract shall be exempt from customs duties, import duties, taxes and other fiscal charges having equivalent effect, within the limit of the national legislation of the beneficiary ACP State.

2. These provisions shall also apply to members of the families of the persons referred to in paragraph 1.

Article 9

1. The Commission delegate and the staff appointed to the delegations, with the exception of staff recruited locally, shall be exempt from all direct taxes in the ACP State in which they are installed.

2. The staff referred to in paragraph 1 shall also be covered by Article 8.

Article 10

The ACP States shall grant exemption from all national or local duties or fiscal charges on the interest, commission and amortization due on assistance given by the Community in the form of special loans, subordinated or conditional loans through risk capital or loans from the own resources of the Bank, as referred to in Articles 101 and 105 of the Convention.

Article 11

Any matter not covered by this Protocol shall remain subject to the national legislation of the States party to the Convention.

Article 12

The above provisions shall apply to the performance of all contracts financed by the Community and concluded subsequent to the entry into force of the Convention.

PROTOCOL 7

containing the text of Protocol 3 on ACP sugar appearing in the ACP-EEC Convention of Lomé signed on 28 February 1975 and the corresponding declarations annexed to that Convention

PROTOCOL 3

on ACP sugar

Article 1

1. The Community undertakes for an indefinite period to purchase and import, at guaranteed prices, specific quantities of cane sugar, raw or white, which originate in the ACP States and which these States undertake to deliver to it.

2. The safeguard clause in Article 10 of the Convention shall not apply. The implementation of this Protocol is carried out within the framework of the management of the common organization of the sugar market which, however, shall in no way prejudice the commitment of the Community under paragraph 1.

Article 2

1. Without prejudice to Article 7, no change in this Protocol may enter into force until a period of five years has elapsed from the date on which the Convention enters into force. Thereafter, such changes as may be agreed upon will come into force at a time to be agreed.

2. The conditions for implementing the guarantee referred to in Article 1 shall be re-examined before the end of the seventh year of their application.

Article 3

1. Quantities of cane sugar referred to in Article 1, expressed in tonnes of white sugar, hereinafter referred to as 'agreed quantities', for delivery in each 12-month period referred to in Article 4 (1), shall be as follows:

Barbados	49 300
Fiji	163 600
Guyana	157 700
Jamaica	118 300
Kenya	5 000
Madagascar	10 000
Malawi	20 000
Mauritius	487 200

People's Republic of the Congo	10 000
Swaziland	116 400
Tanzania	10 000
Trinidad and Tobago	69 000
Uganda	5 000

2. Subject to Article 7, these quantities cannot be reduced without the consent of the individual States concerned.

3. Nevertheless, in respect of the period up to 30 June 1975, the agreed quantities, expressed in tonnes of white sugar, shall be as follows:

Barbados	29 600
Fiji	25 600
Guyana	29 600
Jamaica	83 800
Madagascar	2 000
Mauritius	65 300
Swaziland	19 700
Trinidad and Tobago	54 200

Article 4

1. In each 12-month period from 1 July to 30 June inclusive, hereinafter referred to as the 'delivery period', the sugar-exporting ACP States undertake to deliver the quantities referred to in Article 3 (1), subject to any adjustments resulting from the application of Article 7. A similar undertaking shall apply equally to the quantities referred to in Article 3 (3) in respect of the period up to 30 June 1975, which shall also be regarded as a delivery period.

2. The quantities to be delivered up to 30 June 1975, referred to in Article 3 (3), shall include supply *en route* from port of shipment or, in the case of land-locked States across frontier.

3. Deliveries of ACP cane sugar in the period up to 30 June 1975 shall benefit from the guaranteed prices

applicable in the delivery period beginning 1 July 1975. Identical arrangements may be made for subsequent delivery periods.

Article 5

1. White or raw sugar shall be marketed on the Community market at prices freely negotiated between buyers and sellers.
2. The Community shall not intervene if and when a Member State allows selling prices within its borders to exceed the Community's threshold price.
3. The Community undertakes to purchase, at the guaranteed price, quantities of white or raw sugar, within agreed quantities, which cannot be marketed in the Community at a price equivalent to or in excess of the guaranteed price.
4. The guaranteed price, expressed in units of account, shall refer to unpacked sugar, cif European ports of the Community, and shall be fixed in respect of standard quality sugar. It shall be negotiated annually, within the price range obtaining in the Community, taking into account all relevant economic factors, and shall be decided at the latest by 1 May immediately preceding the delivery period to which it will apply.

Article 6

Purchase at the guaranteed price, referred to in Article 5 (3), shall be assured through the medium of the intervention agencies or of other agents appointed by the Community.

Article 7

1. If, during any delivery period, a sugar-exporting ACP State fails to deliver its agreed quantity in full for reasons of *force majeure*, the Commission shall, at the request of the State concerned, allow the necessary additional period for delivery.
2. If a sugar-exporting ACP State informs the Commission during the course of a delivery period that it will be unable to deliver its agreed quantity in full and that it does not wish to have the additional period referred to in paragraph 1, the shortfall shall be reallocated by the Commission for delivery during the

delivery period in question. Such reallocation shall be made by the Commission after consultation with the State concerned.

3. If, during any delivery period, a sugar-exporting ACP State fails to deliver its agreed quantity in full for reasons other than *force majeure*, that quantity shall be reduced in respect of each subsequent delivery period by the undelivered quantity.
4. It may be decided by the Commission that in respect of subsequent delivery periods, the undelivered quantity shall be reallocated between the other States which are referred to in Article 3. Such reallocation shall be made in consultation with the States concerned.

Article 8

1. At the request of one or more of the States supplying sugar under the terms of this Protocol, or of the Community, consultations relating to all measures necessary for the application of this Protocol shall take place within an appropriate institutional framework to be adopted by the Contracting Parties. For this purpose the institutions established by the Convention may be used during the period of application of the Convention.
2. In the event of the Convention ceasing to be operative, the sugar-supplying States referred to in paragraph 1 and the Community shall adopt the appropriate institutional provisions to ensure the continued application of the provisions of this Protocol.
3. The periodical reviews provided for under this Protocol shall take place within the agreed institutional framework.

Article 9

Special types of sugar traditionally delivered to Member States by certain sugar-exporting ACP States shall be included in, and treated on the same basis as, the quantities referred to in Article 3.

Article 10

The provisions of this Protocol shall remain in force after the date specified in Article 91 of the Convention. After that date the Protocol may be denounced by the Community with respect to each ACP State and by each ACP State with respect to the Community, subject to two years notice.

ANNEX

Declarations on Protocol 3 to the ACP-EEC Convention of Lomé

1. Joint declaration concerning possible requests for participation in the provisions of Protocol 3

Any request from an ACP State Contracting Party to the Convention not specifically referred to in Protocol 3 to participate in the provisions of that Protocol shall be examined ⁽¹⁾.

2. Declaration by the Community concerning sugar originating in Belize, St. Kitts-Nevis-Anguilla and Surinam

(a) The Community undertakes to adopt the necessary measures to ensure the same treatment as provided for in Protocol 3, for the following quantities of cane sugar, raw or white, originating in:

Belize	39 400 tonnes
St. Kitts-Nevis-Anguilla	14 800 tonnes
Surinam	4 000 tonnes

(b) Nevertheless, in respect of the period up to 30 June 1975, the quantities shall be as follows:

Belize	14 800 tonnes
St. Kitts-Nevis-Anguilla	7 900 tonnes ⁽²⁾

3. Declaration by the Community on Article 10 of Protocol 3

The Community declares that Article 10 of Protocol 3 providing for the possibility of denunciation in that Protocol, under the conditions set out in that Article, is for the purposes of juridical security and does not represent for the Community any qualification of limitation of the principles enunciated in Article 1 of that Protocol ⁽³⁾.

⁽¹⁾ Annex XIII to the Final Act of the ACP-EEC Convention of Lomé.

⁽²⁾ Annex XXI to the Final Act of the ACP-EEC Convention of Lomé.

⁽³⁾ Annex XXII to the Final Act of the ACP-EEC Convention of Lomé.

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 Plenipotentiaries of

The Head of State of the Bahamas,

The Head of State of Barbados,

The President of the People's Republic of Benin,

The President of the Republic of Botswana,

The President of the Republic of Burundi,

The President of the United Republic of Cameroon,

The President of the Republic of Cape Verde,

The President of the Central African Republic,

The President of the Federal Islamic Republic of the Comoros,

The President of the People's Republic of the Congo,

The President of the Republic of the Ivory Coast,

The President of the Republic of Jibuti,

The Prime Minister and Minister of External Affairs of the Independent State of Dominica,

The Chairman of the Provisional Military Administrative Council and of the Council of Ministers and Commander-in-Chief of the Revolutionary Army of Ethiopia,

Her Majesty the Queen of Fiji,

The President of the Gabonese Republic,
The President of the Republic of Gambia
The President of the Republic of Ghana,
The Head of State of Grenada,
The President of the Republic of Guinea,
The President of the Council of the State of Guinea Bissau,
The President of the Republic of Equatorial Guinea,
The President of the Republic of Guyana,
The President of the Republic of Upper Volta,
The Head of State of Jamaica,
The President of the Republic of Kenya,
The President of the Republic of Kiribati,
His Majesty the King of the Kingdom of Lesotho,
The President of the Republic of Liberia,
The President of the Democratic Republic of Madagascar,
The President of the Republic of Malawi,
The President of the Republic of Mali,
The President of the Islamic Republic of Mauritania,
Her Majesty the Queen of Mauritius,
The President of the Republic of Niger,
The Head of the Federal Government of Nigeria,
The Head of the Independent State of Papua New Guinea,
The President of the Republic of Rwanda,
The President of the Republic of Saint Lucia,
The Head of State of Western Samoa,
The President of the Democratic Republic of Sao Tome and Principe,
The President of the Republic of Senegal,
The President of the Republic of Seychelles,
The President of the Republic of Sierra Leone,
The President of the Independent State of Solomon Islands,
The President of the Somali Democratic Republic, President of the Supreme Revolutionary Council,

The President of the Democratic Republic of Sudan,

The President of the Republic of Surinam,

His Majesty the King of the Kingdom of Swaziland,

The President of the United Republic of Tanzania,

The President of the Republic of Chad,

The President of the Republic of Togo,

His Majesty King Taufa'ahau Tupou IV of Tonga,

The President of the Republic of Trinidad and Tobago,

Her Majesty the Queen of Tuvalu,

The President of the Republic of Uganda,

The President of the Republic of Zaire,

The President of the Republic of Zambia,

meeting at Lomé, this thirty-first day of October in the year one thousand nine hundred and seventy-nine for the purpose of signing the Second ACP-EEC Convention of Lomé, have adopted the following texts:

the Second ACP-EEC Convention of Lomé, and the following Protocols:

Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation

Protocol 2 on the operating expenditure of the institutions

Protocol 3 on privileges and immunities

Protocol 4 on bananas

Protocol 5 on rum

Protocol 6 on the tax and customs arrangements applicable in the ACP States to contracts financed by the Community

Protocol 7 containing the text of Protocol 3 on ACP sugar appearing in the ACP-EEC Convention of Lomé signed on 28 February 1975 and the corresponding declarations annexed to that Convention

The Plenipotentiaries of the Member States and the Plenipotentiaries of the ACP States have also adopted the text of the Agreement on products within the province of the European Coal and Steel Community.

The Plenipotentiaries of the Member States and of the Community and the Plenipotentiaries of the ACP States have also adopted the texts of the declarations listed below and annexed to this Final Act:

1. Joint declaration on the presentation of the Convention to GATT (Annex I)

2. Joint declaration on the arrangements governing access to the markets of the French overseas departments for products originating in the ACP States referred to in Article 2 (2) of the Convention (Annex II)
3. Joint declaration on Articles 9 and 11 of the Convention (Annex III)
4. Joint declaration on products covered by the common agricultural policy (Annex IV)
5. Joint declaration on trade between the European Economic Community and Botswana, Lesotho and Swaziland (Annex V)
6. Joint declaration on Article 46 (3) of the Convention (Annex VI)
7. Joint declaration on ACP/EEC consultations in the event of the establishment of a system for the stabilization of exports earnings at world level (Annex VII)
8. Joint declaration on the encouragement of mining investment (Annex VIII)
9. Joint declaration on Article 64 of the Convention (Annex IX)
10. Joint declaration on complementary financing of industrial cooperation (Annex X)
11. Joint declaration on Article 82 of the Convention (Annex XI)
12. Joint declaration on Article 131 of the Convention (Annex XII)
13. Joint declaration on Article 132 of the Convention (Annex XIII)
14. Joint declaration reproducing the text of Articles 24 to 27 of Protocol 2 to the ACP-EEC Convention of Lomé referred to in Article 142 of this Convention and the joint declaration on Article 26 of the said Protocol (Annex XIV)
15. Joint declaration on workers who are nationals of one of the Contracting Parties and are residing legally in the territory of a Member State or an ACP State (Annex XV)
16. Joint declaration on representation of regional economic groupings (Annex XVI)
17. Joint declaration on Article 185 of the Convention (Annex XVII)
18. Joint declaration on sea-fishing (Annex XVIII)
19. Joint declaration on shipping (Annex XIX)
20. Joint declaration on Protocol 1 (Annex XX)
21. Joint declaration on the origin of fishery products (Annex XXI)
22. Joint declaration on Protocol 5 (Annex XXII)
23. Joint declaration on Article 1 of Protocol 5 (Annex XXIII)
24. Joint declaration on Article 4 of Protocol 5 (Annex XXIV)

The Plenipotentiaries of the ACP States have also taken note of the declarations listed below and annexed to this Final Act:

1. Community declaration on trade liberalization (Annex XXV)
2. Community declaration on Article 2 (2) of the Convention (Annex XXVI)
3. Community declaration on Article 3 of the Convention (Annex XXVII)
4. Community declaration on Article 9 (2) (a) of the Convention (Annex XXVIII)
5. Community declaration on Article 12 (3) of the Convention (Annex XXIX)
6. Community declaration on Article 21 of the Convention (Annex XXX)
7. Community declaration on Article 95 of the Convention (Annex XXXI)
8. Community declaration on Article 95 of the Convention (Annex XXXII)
9. Community declaration on Article 156 of the Convention (Annex XXXIII)
10. Declaration by the representative of the Government of the Federal Republic of Germany concerning the definition of German nationals (Annex XXXIV)
11. Declaration by the representative of the Government of the Federal Republic of Germany concerning the application to Berlin of the Convention (Annex XXXV)
12. Community declaration on Articles 30 and 31 of Protocol 1 (Annex XXXVI)
13. Community declaration relating to Protocol 1 on the extent of territorial waters (Annex XXXVII)
14. Community declaration on Protocol 2 (Annex XXXVIII)
15. Community declaration relating to Protocol 2 on the operating expenditure of the institutions (Annex XXXIX)
16. Community declaration on Protocol 3 (Annex XL)

The Plenipotentiaries of the Member States and of the Community have taken note of the declarations listed below and annexed to this Final Act:

1. Declaration of the ACP States on Article 2 of the Convention (Annex XLI)
2. Declaration of the ACP States on the scheme for mineral products (Annex XLII)
3. Declaration of the ACP States on Article 95 of the Convention (Annex XLIII)
4. Declaration of the ACP States on the origin of fishery products (Annex XLIV)

Til bekræftelse af dette har de undertegnede befuldmægtigede sat deres underskrifter under denne slutakt.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diese Schlußakte gesetzt.

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

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

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

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

Udfærdiget i Lomé, den enogtredivte oktober nitten hundrede og nioghalvfjerds.

Geschehen zu Lomé am einunddreißigsten Oktober neunzehnhundertneunundsiebzig.

Done at Lomé on the thirty-first day of October in the year one thousand nine hundred and seventy-nine.

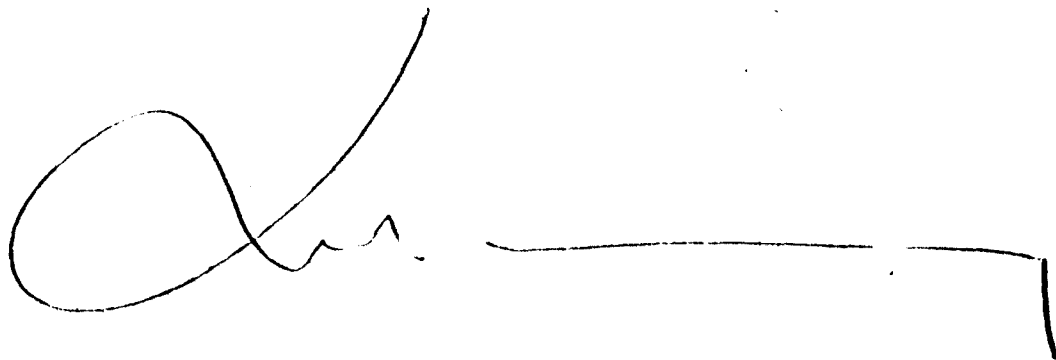
Fait à Lomé, le trente et un octobre mil neuf cent soixante-dix-neuf.

Fatto a Lomé, addì trentuno ottobre millenovecentosettantanove.

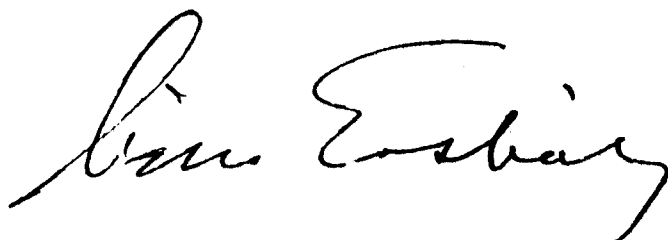
Gedaan te Lomé, de eenendertigste oktober negentienhonderd negenenzeventig.

Pour Sa Majesté le roi des Belges

Voor Zijne Majesteit de Koning der Belgen

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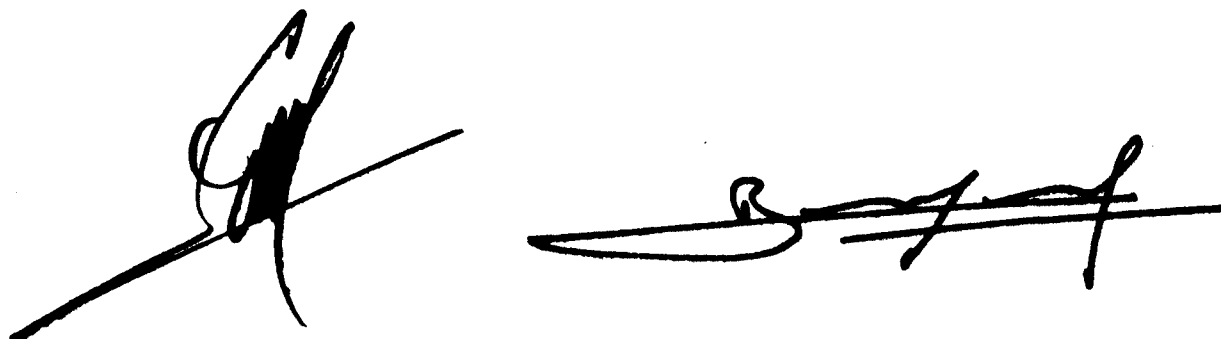
For Hendes Majestæt Dronningen af Danmark

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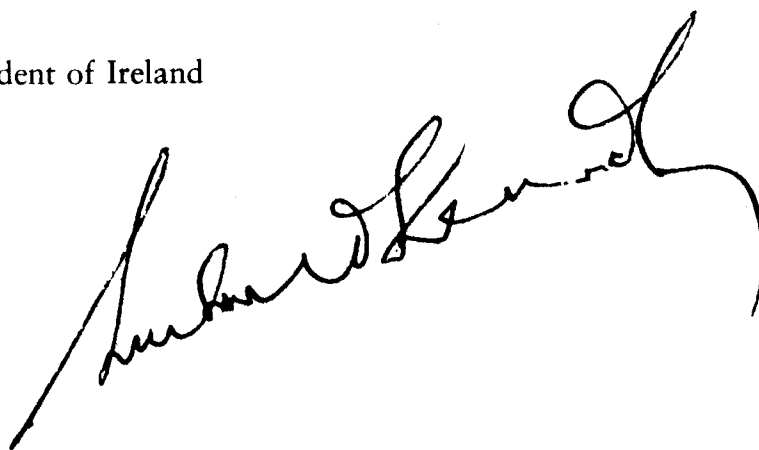
Für den Präsidenten der Bundesrepublik Deutschland



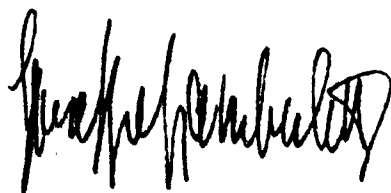
Pour le président de la République française



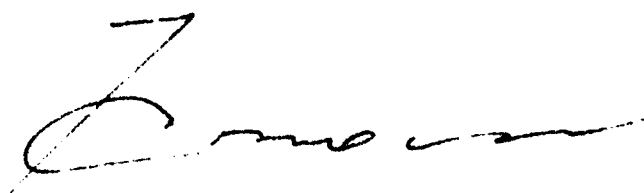
For the President of Ireland



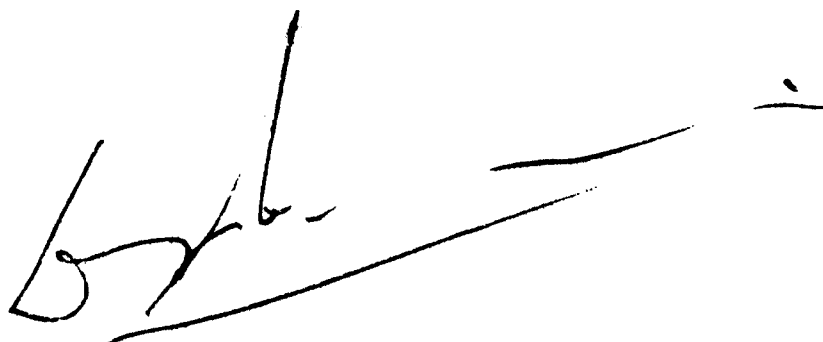
Per il Presidente della Repubblica italiana



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

Douglas Hurd.

For Rådet for De europæiske Fællesskaber

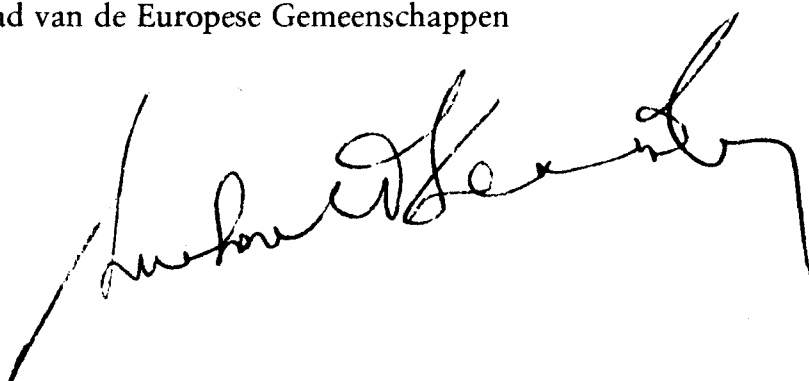
Für den Rat der Europäischen Gemeinschaften

For the Council of the European Communities

Pour le Conseil des Communautés européennes

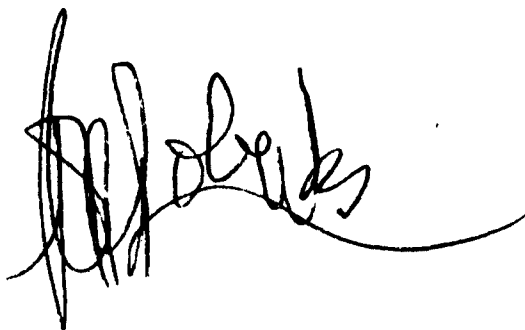
Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

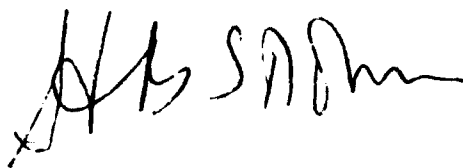


C. Chazotte

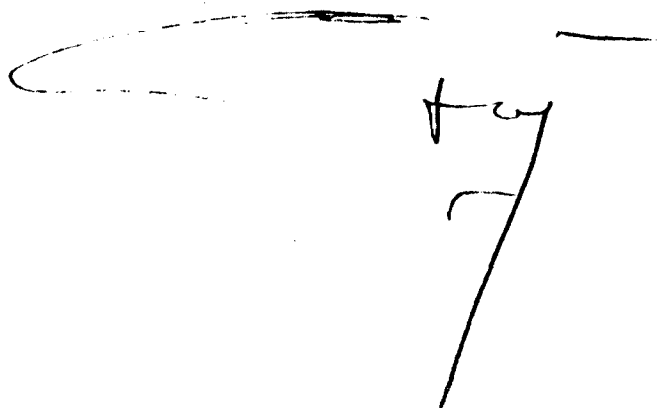
For the Head of State of the Bahamas



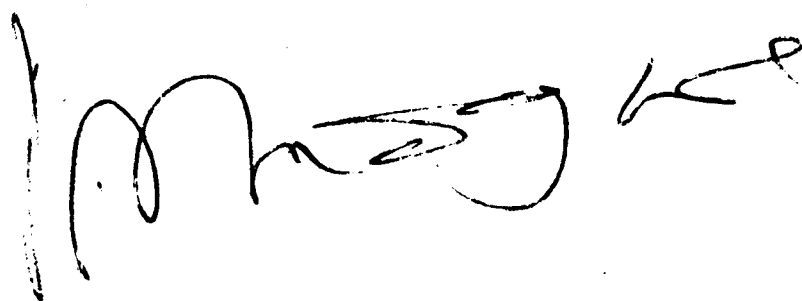
For the Head of State of Barbados



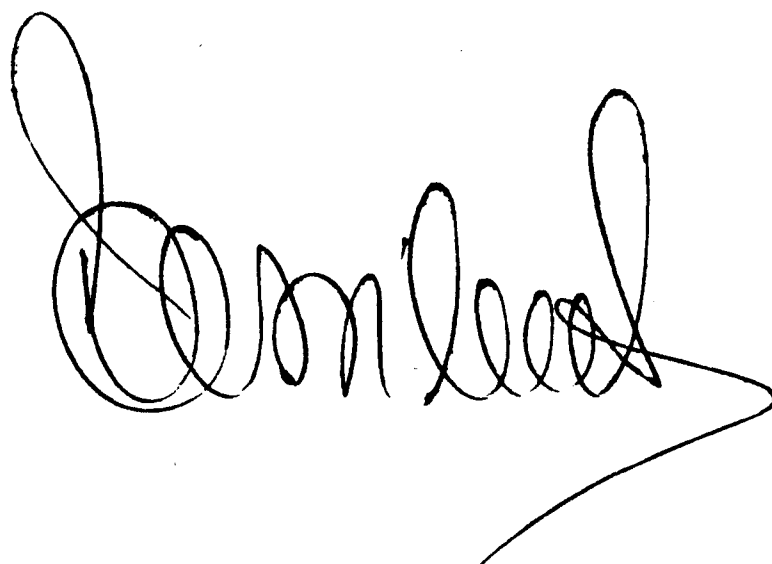
Pour le président de la république populaire du Bénin



For the President of the Republic of Botswana

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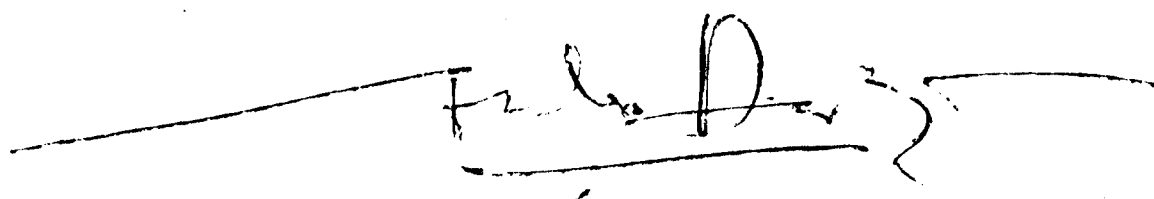
Pour le président de la république du Burundi

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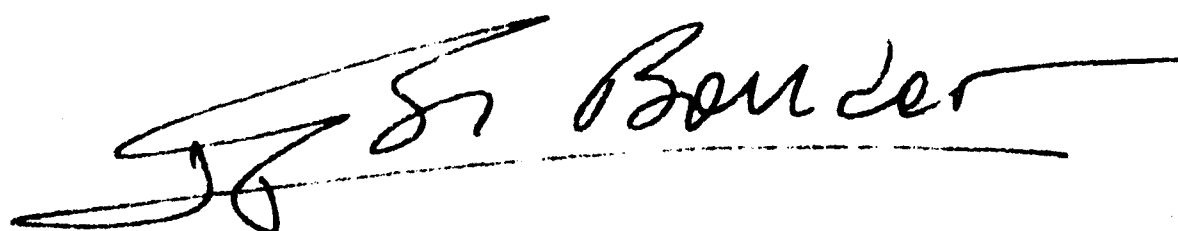
Pour le président de la république unie du Cameroun

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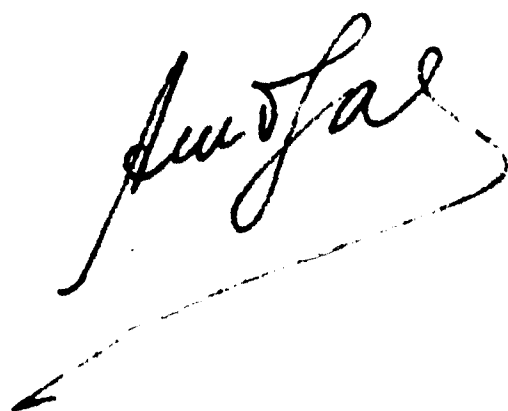
For the President of the Republic of Cape Verde

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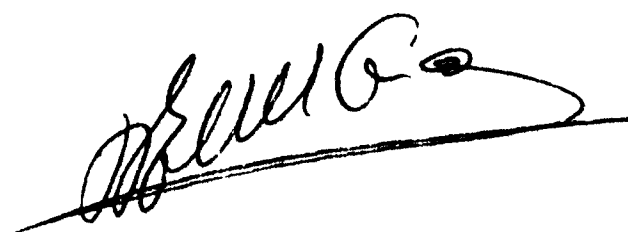
Pour le président de la République centrafricaine

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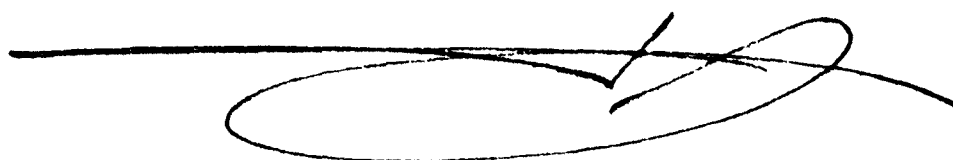
Pour le président de la république fédérale islamique des Comores

A handwritten signature in black ink, appearing to be 'Anouf', written in a cursive style with a long horizontal stroke extending to the left.

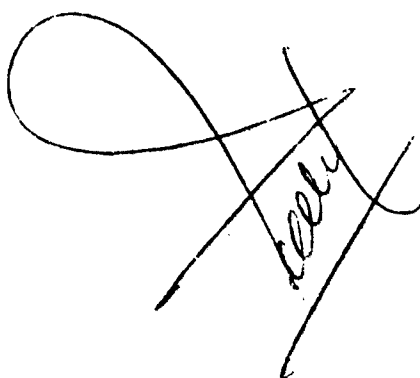
Pour le président de la république populaire du Congo

A handwritten signature in black ink, appearing to be 'Bessou', written in a cursive style with a long horizontal stroke extending to the left.

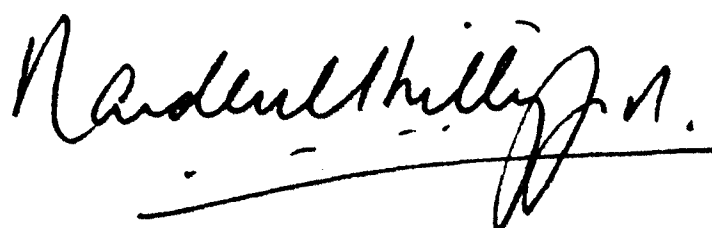
Pour le président de la république de Côte-d'Ivoire

A handwritten signature in black ink, appearing to be 'Froilant', written in a cursive style with a long horizontal stroke extending to the left.

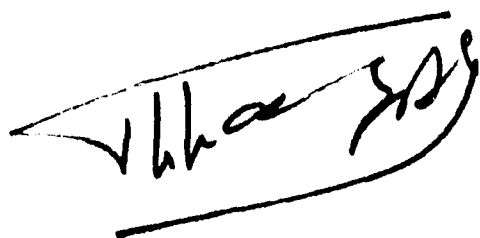
Pour le président de la république de Djibouti

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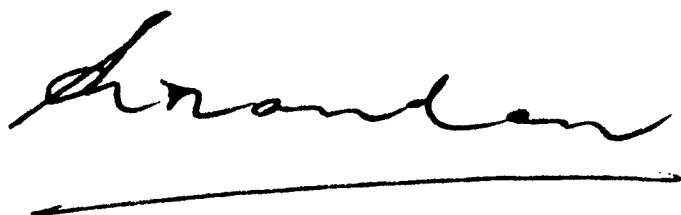
For the Prime Minister and Minister of External Affairs of the Independent State of Dominica

A handwritten signature in black ink, appearing to be 'Randal Hillier', written in a cursive style with a long horizontal stroke extending to the left.

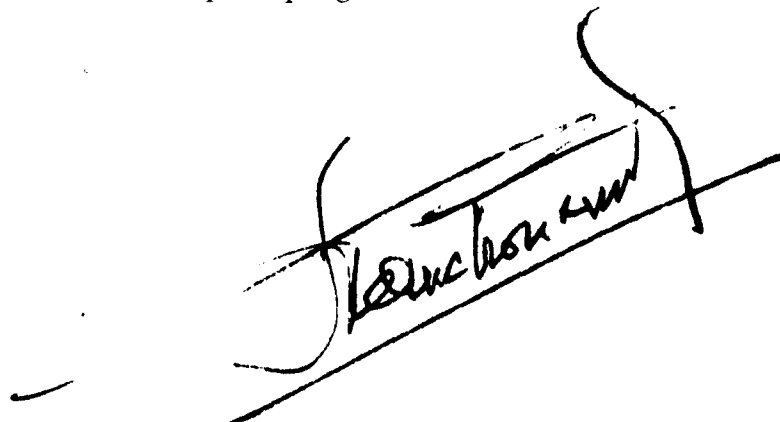
For the Chairman of the provisional Military Administrative Council and of the Council of Ministers and Commander-in-Chief of the Revolutionary Army of Ethiopia



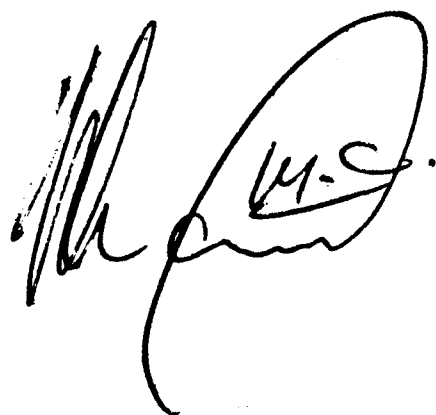
For Her Majesty the Queen of Fiji



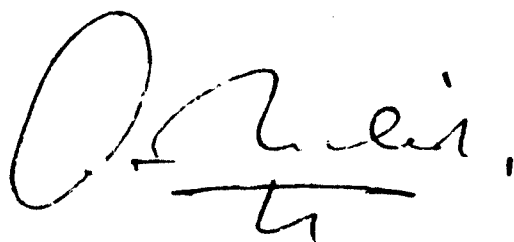
Pour le président de la République gabonaise



For the President of the Republic of the Gambia



For the President of the Republic of Ghana



For the Head of State of Grenada

Herrie Augustine

Pour le président de la république de Guinée

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✱ 40

Pour le président du conseil d'État de la Guinée-Bissau

Ramfah

Pour le président de la république de Guinée équatoriale

Indignifera

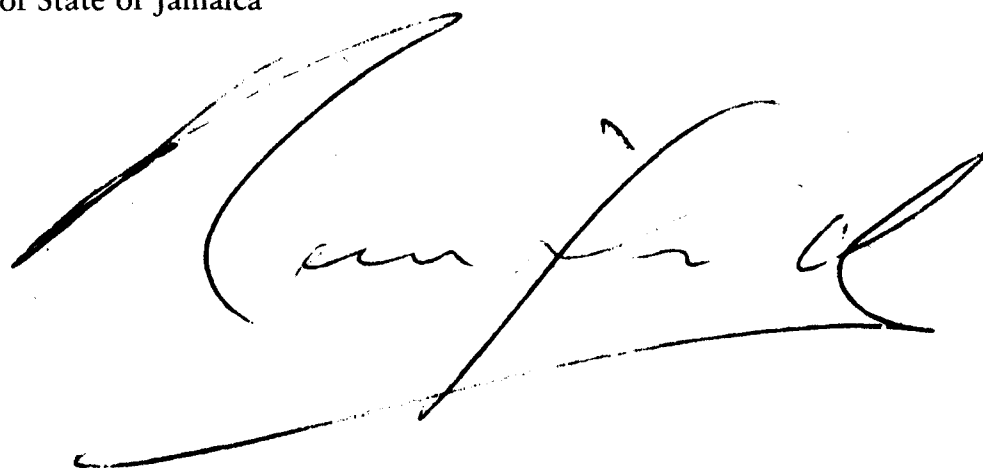
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S.R. Laxman

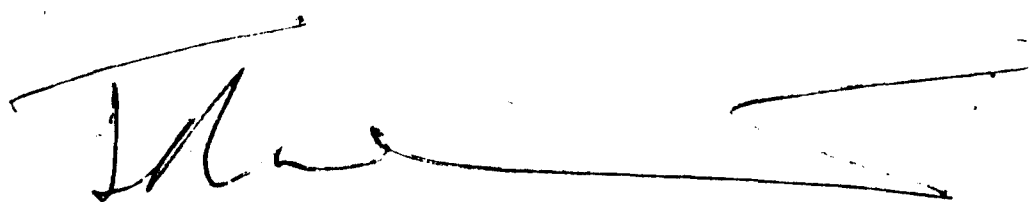
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[Signature]

For the Head of State of Jamaica

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For the President of the Republic of Kenya

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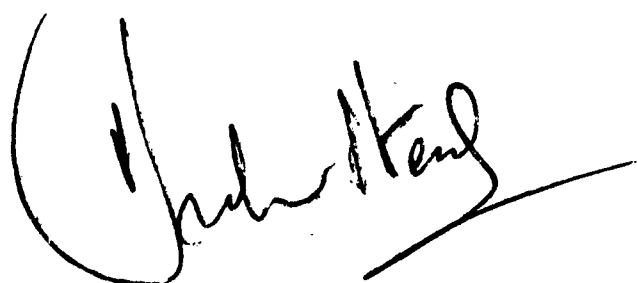
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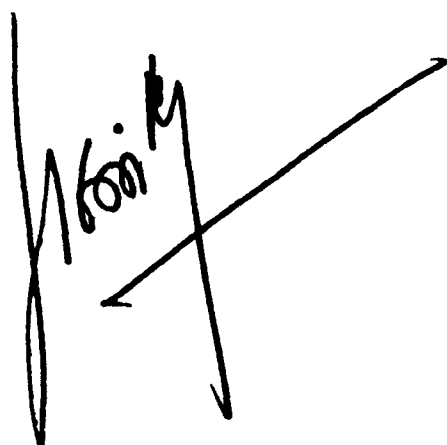
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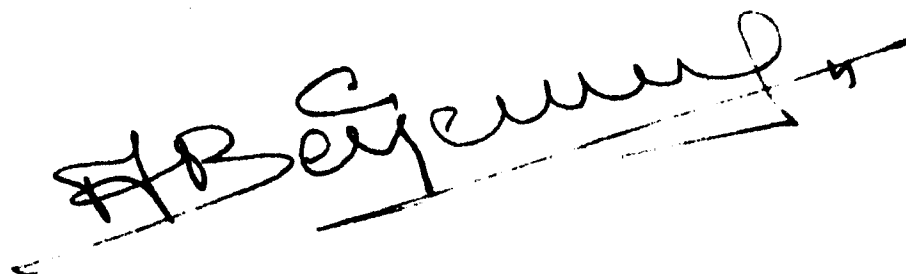
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For the President of the Republic of Malawi



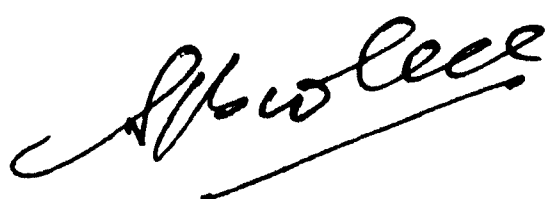
Pour le président de la république du Mali



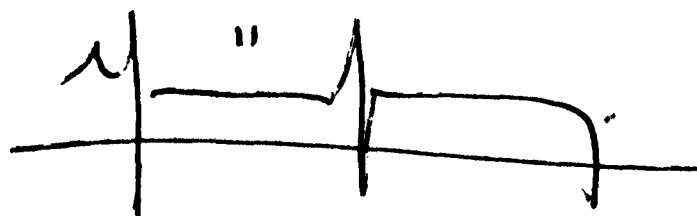
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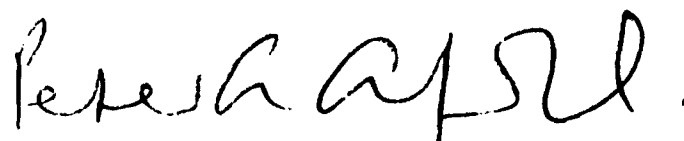
Pour Sa Majesté la reine de l'île Maurice



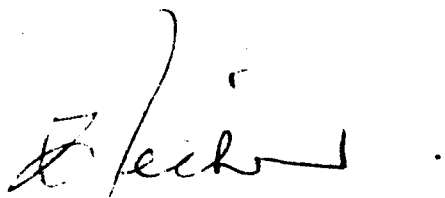
Pour le président de la république du Niger



For the Head of the Federal Government of Nigeria



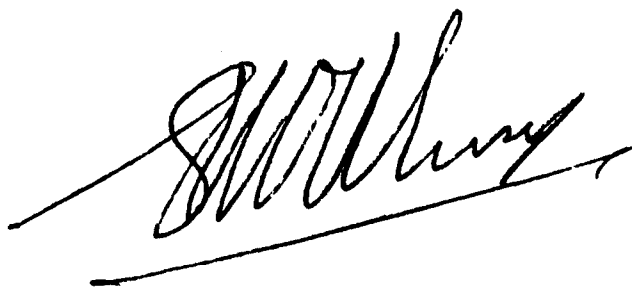
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Pour le président de la République rwandaise

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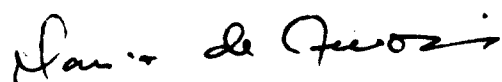
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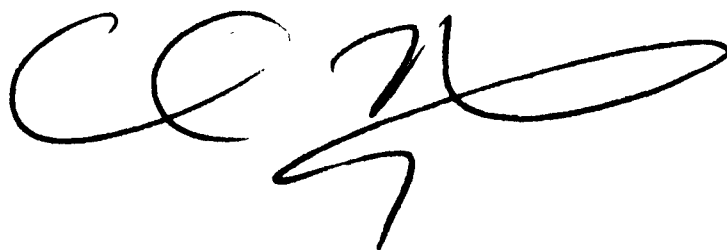
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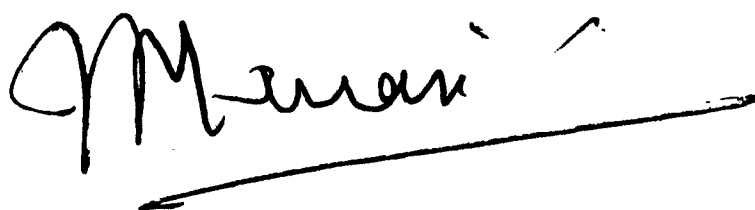
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Pour le président de la république du Sénégal

A handwritten signature in black ink, appearing to be 'C. G.', with a horizontal line extending from the end.

Pour le président de la république des Seychelles

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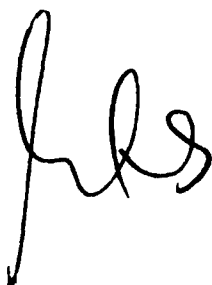
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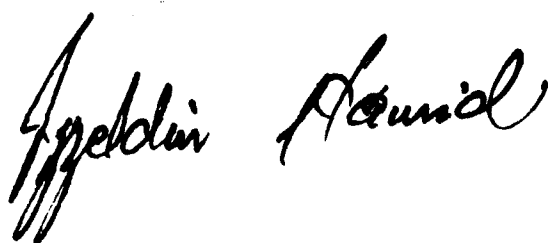
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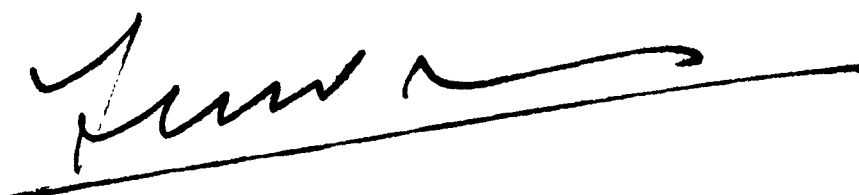
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President of the Supreme Revolutionary Council

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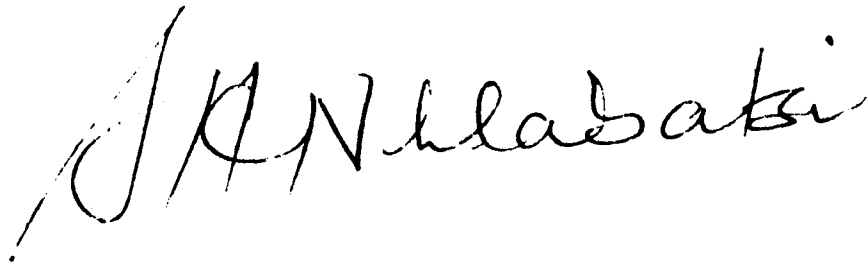
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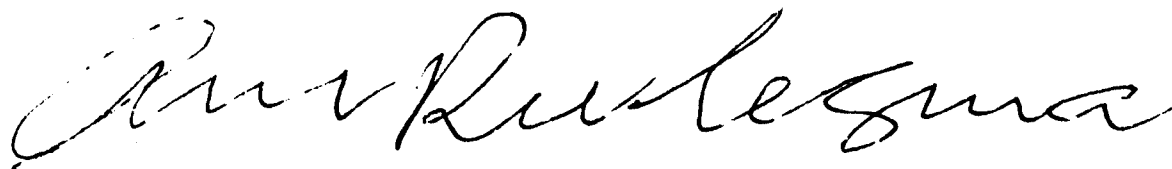
For the President of the Republic of Surinam

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For His Majesty the King of the Kingdom of Swaziland

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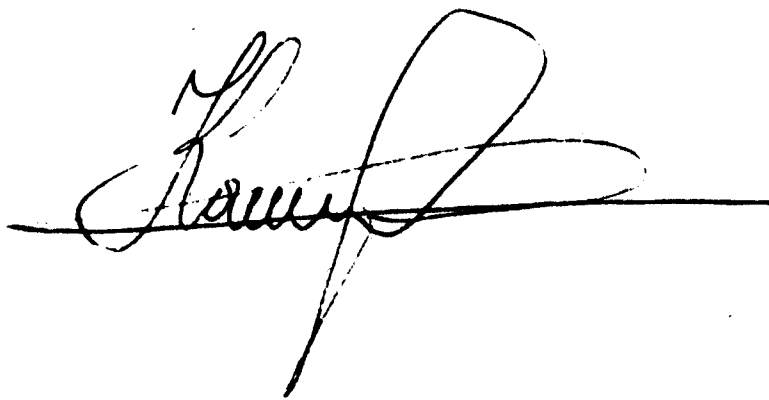
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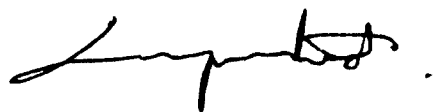
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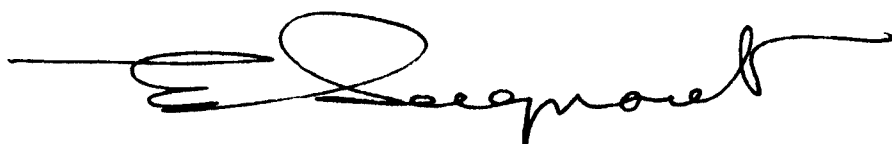
Pour le président de la République togolaise

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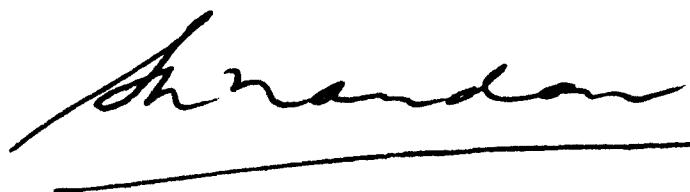
For His Majesty King Taufa'ahau Tupou IV of Tonga

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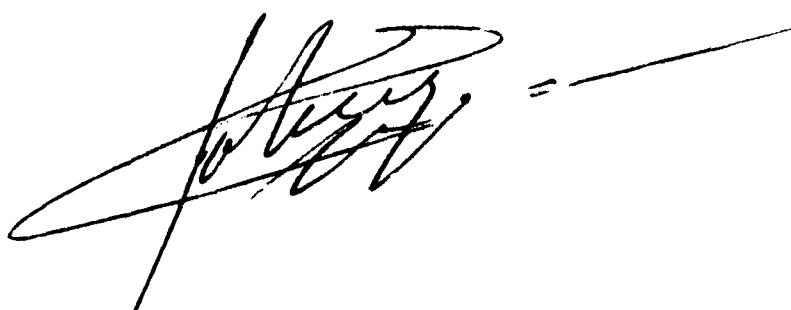
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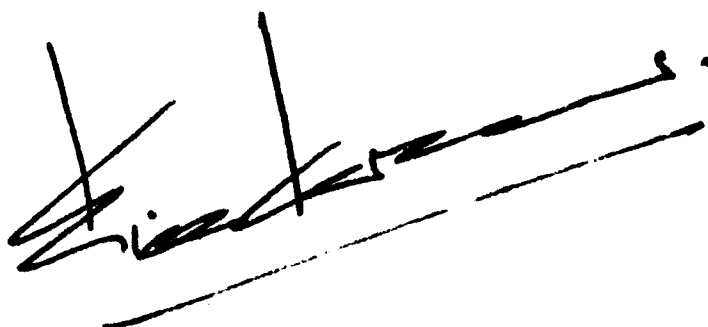
For Her Majesty the Queen of Tuvalu

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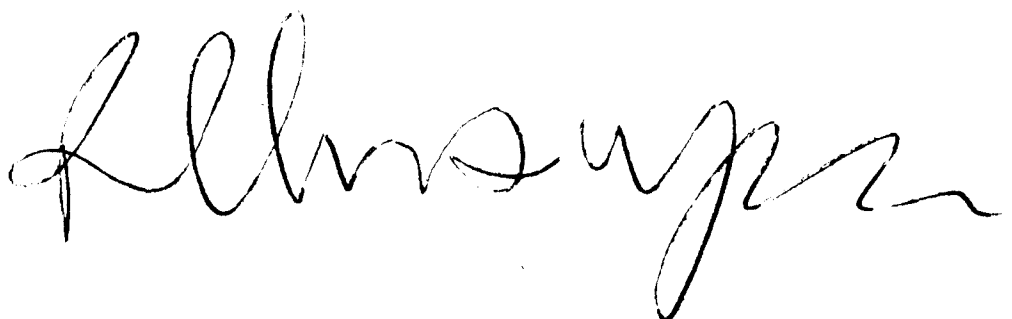
For the President of the Republic of Uganda

A stylized handwritten signature in dark ink, consisting of several loops and a long horizontal stroke extending to the right.

Pour le président de la république du Zaïre

A handwritten signature in dark ink, appearing to read 'Kisanga', written over two horizontal lines.

For the President of the Republic of Zambia

A handwritten signature in dark ink, appearing to read 'Kenneth', written in a cursive style.

ANNEX I

Joint declaration on the presentation of the Convention to GATT

The Contracting Parties will consult when the provisions of the Convention that relate to trade are presented and examined under GATT.

ANNEX II

Joint declaration on the arrangements governing access to the markets of the French overseas departments for products originating in the ACP States referred to in Article 2 (2) of the Convention

The Contracting Parties reaffirm that Chapters 1 and 3 of Title I of the Convention apply to the relations between the French overseas departments and the ACP States.

The Community shall have the right, during the life of the Convention, to amend, in the light of the economic development requirements of the French overseas departments, the arrangements governing access to the latter's markets for products originating in the ACP States referred to in Article 2 (2) of the Convention.

When examining the possible application of this right the Community will take into consideration the direct trade between the ACP States and the French overseas departments. Information and consultation procedures shall apply between the parties concerned in accordance with the provisions of Article 16.

ANNEX III

Joint declaration on Articles 9 and 11 of the Convention

If special tariff treatment were applied by the ACP States to imports of products originating in the Community, the provisions of Protocol 1 would apply *mutatis mutandis*. In all other cases where the treatment applied to imports by the ACP States necessitates the provision of proof of origin, those States shall accept certificates of origin drawn up in accordance with the relevant international agreements.

ANNEX IV**Joint declaration on products covered by the common agricultural policy**

The Contracting Parties recognize that products covered by the common agricultural policy follow specific rules and regulations, in particular with regard to safeguard measures. The provisions of the Convention concerning the safeguard clause may be applied to these products only in so far as they are consistent with the specific nature of these rules and regulations.

ANNEX V**Joint declaration on trade between the European Economic Community and Botswana, Lesotho and Swaziland**

Having regard to Part I (3) of Protocol 22 to the Act concerning the conditions of accession and the adjustments to the Treaties, the Community recognizes, and the Governments of Botswana, Lesotho and Swaziland declare:

- that the three Governments undertake to apply, at the entry into force of the Convention, the same customs tariff treatment to imports originating in the Community, as they apply to those originating in the other country of the customs union to which they adhere,
- that this undertaking should not prejudice the different methods which may exist for financing the three Governments' budgets in relation to imports originating in the Community and those originating in the other country of the customs union to which they adhere,
- that the three Governments undertake to ensure through the provisions of their customs systems, and particularly through the application of the rules of origin established under the Convention, that no trade deflection takes place to the detriment of the Community, as a result of their participation with the other country in the customs union to which they adhere.

ANNEX VI**Joint declaration on Article 46 (3) of the Convention**

The Contracting Parties agree that the decisions taken pursuant to Article 17 (4) of the ACP-EEC Convention of Lomé shall continue to apply to the following ACP States: Burundi, Ethiopia, Guinea Bissau, Rwanda, Swaziland, Comoros, Lesotho, Western Samoa, Seychelles, Tonga, Cape Verde, Solomon Islands and Tuvalu.

ANNEX VII**Joint declaration on ACP-EEC consultations in the event of the establishment of a system for the stabilization of export earnings at world level**

The Contracting Parties agree to concert action in the context of the Convention in order to avoid any double compensation in the event of a world system for the stabilization of export earnings being established during the period of application of the Convention.

ANNEX VIII

Joint declaration on the encouragement of mining investment

In order to encourage European investments in mining and energy development projects promoted by the ACP States, the Community and the Member States, on the one hand, and the ACP States, on the other, pursuant to the general aims of the treatment of investments referred to in Title IV, may also conclude agreements relating to individual projects where the Community and possibly European undertakings contribute towards their financing.

ANNEX IX

Joint declaration on investments relating to Article 64 of the Convention

1. Where an ACP State has entered, or enters, into an inter-governmental agreement relating to the treatment of investments with any Member States, the ACP State concerned recognizes that the right of non-discriminatory treatment of investments coming from Member States of the Community in ACP States takes effect from the entry into force of the Convention.
 2. (a) The application of this right shall be based on bilateral inter-governmental investment agreements which shall serve as reference agreements.
(b) As regards such bilateral inter-governmental investment agreements concluded before the entry into force of this Convention, the application of non-discriminatory treatment shall take into account any provisions in the reference agreement. The ACP State shall have the right to modify or adapt this treatment when international obligations and/or changed *de facto* circumstances so necessitate.
 3. For the purpose of applying non-discriminatory treatment on the basis of paragraph 2 (a), the Contracting States shall proceed to bilateral inter-governmental exchanges of letters or other appropriate form required by law of a Contracting State.
 4. Any Contracting State has the right to ask for such an agreement. The agreement when concluded shall come into effect without delay in accordance with the law of the ACP State concerned.
 5. Such agreements shall cover disputes relating to investments arising only after the entry into force of the new Convention.
 6. The treatment of investments made before the entry into force of this Convention shall be examined by the two parties in the light of the provisions of the agreement of reference.
-

ANNEX X**Joint declaration on complementary financing of industrial cooperation**

1. During the negotiations of the successor arrangement to the ACP-EEC Convention of Lomé, the ACP States and the Member States recognized the need to tap additional financial resources that would make available substantial capital resources for industrial development. In this connection the ACP States and the Community agreed, given the technical quality of cooperation between the Community and the ACP States, to search for and find suitable solutions, in this direction.
2. The Community acknowledges the importance attached by the ACP States to industrial development within the context of their cooperation with the Community. It declares its intention of studying in depth in conjunction with ACP States the ways and means of tapping additional financial resources for industrial development of the ACP States.
3. The complexity and the many facets of this problem and the necessity to tap and find additional resources require detailed study the assistance of the experts.
4. Accordingly the Community and the ACP States agree to carry out a detailed joint analysis of the problem and the means of tapping additional resources to be completed in the shortest possible time, which should not exceed a period of nine months after the signing of the Convention. The report of the study so made will be submitted immediately to the Council of Ministers through the Committee of Ambassadors for consideration and appropriate action.

ANNEX XI**Joint declaration on Article 82 of the Convention**

The Contracting Parties recognize that some of the least-developed, land-locked and island States suffer from certain special disadvantages which tend to render them less attractive to investment than other developing countries.

As a consequence, the Contracting Parties accept that it may be desirable to adopt extra special measures to attract investment to some of these States.

In pursuance of this objective, the Contracting Parties agree to undertake as early as possible after the coming into force of the Convention, a joint study to identify what specific measures it may be desirable to adopt in relation to these States in order to improve their attractiveness to investment.

ANNEX XII

Joint declaration on Article 131 of the Convention

Until the decision provided for in Article 131 is put into effect, the award and performance of public contracts financed by the Fund shall be governed:

- in respect of the ACP States party to the Convention signed at Yaoundé on 29 July 1969, by the legislation in force at 31 January 1975,
- in respect of the other ACP States, by their national legislation or established practices regarding international contracts.

ANNEX XIII

Joint declaration on Article 132 of the Convention

As a transitional measure pending the implementation of the decision provided for in Article 132 the final decision on all disputes shall be taken in accordance with the rules on conciliation and arbitration of the International Chamber of Commerce.

ANNEX XIV

Joint declaration reproducing the text of Articles 24 to 27 of Protocol 2 to the ACP-EEC Convention of Lomé referred to in Article 142 of this Convention and the joint declaration on Article 26 of the said Protocol

Article 24

Technical cooperation contracts shall be awarded by mutual agreement. Certain contracts may be awarded following competitive tendering, notably for important, complicated and technically difficult studies where technical, economic or financial reasons justify recourse to this procedure.

Article 25

1. For each operation of technical cooperation which will involve a mutual agreement procedure, the Commission shall compile a list of selected candidates from Member States or ACP States, selected according to criteria guaranteeing their qualifications, experience and independence and taking into account their availability for the proposed undertaking.

The ACP State concerned shall choose freely the listed candidate it wishes to deal with.

2. When competitive tendering is resorted to, the list of selected candidates shall be drawn up in close collaboration with the Commission and the ACP State concerned on the basis of the criteria set out in paragraph 1. The contract shall be awarded to the listed candidate that submits the tender judged by the Commission and the ACP State concerned to be economically the most advantageous.

3. The ACP firms which may be taken into consideration for technical cooperation actions shall be selected by mutual agreement between the Commission and the ACP State or ACP States concerned.

Article 26

In the context of the common rules provided for in Article 22 and the general conditions of payment established by agreement between the Commission and the ACP States, the technical cooperation contracts shall be prepared, negotiated and concluded by the appropriate authorities of the ACP States, in participation and agreement with the delegate of the European Commission referred to in Article 31 (hereinafter called 'the delegate').

Article 27

The Commission shall, as far as possible, encourage cooperation between consultants and experts of Member States and ACP States, temporary partnerships, subcontracting and the use of national experts in teams of consultants from Member States.

Joint declaration on Article 26 of Protocol 2

- (a) Until the implementation of the decision provided for in Article 22 of Protocol 2, the execution of technical and financial cooperation contracts financed by the Fund is covered:
- for the ACP States party to the Convention signed at Yaoundé on 29 July 1969, by the general clauses currently used in the contracts financed by the Fund,
 - for the other ACP States, by the general clauses currently used in the contracts financed by the Fund, or, if not agreed, by their national legislation or established practices regarding international contracts.
- (b) The Community and the ACP States are agreed that the Commission shall establish and submit for the agreement of the ACP States, as soon as possible after the entry into force of the Convention, the general conditions of payment applicable to the contracts.

ANNEX XV**Joint declaration on workers who are nationals of one of the Contracting Parties and are residing legally in the territory of a Member State or an ACP State**

1. Each Member State shall accord to workers who are nationals of an ACP State legally employed in its territory treatment free from any discrimination based on nationality, as regards working conditions and pay, in relation to its own nationals.

Each ACP State shall accord the same treatment to workers who are nationals of the Member States legally employed on its territory.

2. Workers who are nationals of an ACP State legally employed in the territory of a Member State and members of their families living with them shall, as regards social security benefits linked to employment, in that Member State enjoy treatment free from any discrimination based on nationality in relation to nationals of that Member State.

Each ACP State shall accord to workers who are nationals of Member States and legally employed in its territory, and to members of their families, treatment similar to that laid down in paragraph 1.

3. These provisions shall not affect any rights or obligations arising from bilateral agreements binding the ACP States and the Member States where those agreements provide for more favourable treatment for nationals of the ACP States or of the Member States.

4. The Parties hereto agree that the matters referred to in this Declaration shall be resolved satisfactorily and, if necessary, through bilateral negotiations with a view to concluding appropriate agreements.

ANNEX XVI**Joint declaration on representation of regional economic groupings**

Arrangements shall be made by the Council of Ministers so that the East African Community and the Caribbean Community may be represented in the Council of Ministers and the Committee of Ambassadors as observers. Requests for arrangements in respect of other regional groupings between ACP States shall be examined by the Council of Ministers on a case by case basis.

ANNEX XVII**Joint declaration on Article 185 of the Convention**

The Community and the ACP States are prepared to allow the countries and territories referred to in Part Four of the Treaty which have become independent to accede to the Convention, if they wish to continue their relations with the Community in this form.

ANNEX XVIII**Joint declaration on sea fishing**

1. The Community and the ACP States recognize the importance of the development of fishery resources in waters within the jurisdiction of coastal ACP States as a contribution to the overall development process of these States. Such activities will take place under the policies for the conservation and use of those resources as determined by each ACP State concerned.

2. Conscious of the need for continued cooperation in the field of fisheries, the ACP States declare their willingness to negotiate with the Community bilateral fishery agreements likely to guarantee mutually satisfactory conditions for fishing activities of vessels flying the flag of one of the Member States of the Community in the sea waters within the jurisdiction of the ACP States. ACP States that conclude such agreements will not discriminate between Member States or against the Community, without prejudice to special arrangements amongst neighbouring States within a sub-region, including any reciprocal fishing arrangements.

3. The Community will act in the same spirit in cases in which ACP States, which are located in the same subregion as territories to which the Rome Treaty applies, wish to carry out fishing activities in the corresponding fishing zone.

4. The mutually satisfactory conditions referred to in paragraph 2 bear in particular on the nature and scale of the compensation to be received by the ACP States concerned under bilateral agreements.

Such compensation may serve to encourage the development of the fishing industry of the ACP States concerned and shall be additional to any allocation relating to projects in the same sphere under the financial and technical cooperation provisions of this Convention.

5. The Contracting Parties shall cooperate directly, or on a regional basis, or through appropriate international organizations with a view to ensuring conservation and to promoting the objective of optimum use of fishery resources, including highly migratory species.

ANNEX XIX

Joint declaration on shipping

1. (a) The Contracting Parties recognize that the harmonious development of efficient and reliable shipping services on economically satisfactory terms should accompany the development and promotion of trade between the ACP States and the Community.
 - (b) They stress the importance of the Community's contribution in this context by the adoption of the Regulation on the United Nations Convention on a code of conduct for liner conferences. This Regulation is designed to ensure that developing countries which are parties to it secure the benefits of the code.
 - (c) The Community acknowledges the aspirations of the ACP States for greater participation in bulk cargo shipping.
2. To these ends, the Contracting Parties state their readiness to examine, within the Council of Ministers of the Convention, subjects of common interest relating to this field.
3. The Community recognizes the importance of shipping services as one of the engines of economic growth and development of the ACP States. It states its willingness, within the instruments of financial and technical cooperation set up by the Convention, to contribute to the development of this sector in those ACP States which so request. In particular this contribution could cover:
 - (i) studies aimed at improving the shipping services so as to meet the actual and future needs of international trade, especially between ACP States and the Community, as well as between the ACP States themselves, on the best possible terms and conditions;
 - (ii) the setting up and extension of shipping companies of the ACP States and, the encouragement of ACP-EEC joint ventures in the field of shipping;
 - (iii) provision of technical assistance in maritime training, in shipping policies, maritime law, export and import matters, documentation, marine insurance, etc.;
 - (iv) provision of feasibility studies and technical assistance aimed at the improvement of the efficiency of ports of the ACP States, and the appraisal of projects for harbours and shipyards.

The Community will assist also in studying any further problems of difficulties encountered in shipping.

ANNEX XX

Joint declarations on Protocol 1

1. For the purposes of applying Article 5 (2) (c) of the Protocol, the certificate of sea transport, issued in the first port of embarkation for the Community, shall be equivalent to the through bill of lading for products covered by movement certificates issued in land-locked ACP States.
2. Products exported from land-locked ACP States which are warehoused elsewhere than in the ACP States or the countries and territories referred to in Explanatory Note 9 may be the subject of movement certificates issued under the circumstances referred to in Article 7 (2).
3. For the purpose of Article 7 (1) of the Protocol, certificates EUR.1 issued by a competent authority and endorsed by the customs authorities will be accepted.

4. In order to help ACP undertakings in their efforts to find new sources of supply with a view to benefiting to the maximum extent from the provisions of the Protocol as regards cumulation of origin, steps will be taken to ensure that the Centre for Industrial Development provides assistance to ACP operators in the establishment of appropriate contacts with suppliers in the ACP States, the Community and the countries and territories, as well as to promote relations in the field of industrial cooperation among the operators concerned.

Furthermore, the Contracting Parties agree that a manual on the rules of origin shall be established for the use of the officials involved and of exporters; they also envisage supplementing the issue of this manual by information seminars.

ANNEX XXI

Joint declaration on the origin of fishery products

The Community acknowledges the right of the coastal ACP States to the development and rational exploitation of the fishery resources in all waters within their jurisdiction.

The Contracting Parties agree that the existing rules of origin have to be examined in order to determine what possible changes may have to be made in the light of the above paragraph.

Conscious of their respective concerns and interests, the ACP States and the Community agree to continue examining the problem posed by the entry on to Community markets of fishery products from catches made in zones within the national jurisdiction of the ACP States, with a view to arriving at a solution satisfactory to both sides. This examination will take place within an appropriate framework as soon as possible after the signing of the Convention and will, if need be, continue in the Customs Cooperation Committee after the entry into force of the Convention. The results of this examination shall be submitted, within the first year of application of this Convention, to the Committee of Ambassadors and, at the latest during the second year, to the Council of Ministers for their consideration with a view to arriving at a solution satisfactory to both sides.

For the time being, as regards the processing of fishery products in the ACP States, the Community declares that it is willing to examine with an open mind requests for derogations from the rules of origin for processed products in this production sector based on the existence of compulsory landing requirements provided for in fishery agreements with third countries. The examination the Community is to make will take into account in particular the fact that the third countries concerned should assure the normal market for such products, following processing, in so far as the latter are not intended for national or regional consumption.

ANNEX XXII

Joint declaration on Protocol 5

The Member States undertake that their licensing system shall not be operated by their authorities in such a way as to impede the import of the quantities of rum specified in Article 2 (a).

ANNEX XXIII

Joint declaration on Article 1 of Protocol 5

In the event of the introduction of a common organization of the market in alcohol the Community undertakes to consult with the traditional exporters of rum with the aim of safeguarding their interests under changing market conditions.

ANNEX XXIV

Joint declaration on Article 4 of Protocol 5

The Contracting Parties note that the Community has agreed to the provisions of Article 4 on condition that:

- (a) any ACP State wishing to benefit from these provisions shall include appropriate trade promotion projects for rum in its national indicative programme;
- (b) the Community's acceptance does not prejudice the legislation of Member States in matters of alcohol advertising.

ANNEX XXV

Community declaration on trade liberalization

The Community is conscious of the need to ensure, in the overall application of this Convention, the maintenance of the competitive position of the ACP States where their trade advantages on the Community market are affected by measures relating to general trade liberalization.

The Community declares its willingness, whenever ACP States bring to its attention any specific case, to study jointly specific appropriate action with a view to safeguarding the interests of the latter.

ANNEX XXVI

Community declaration on Article 2 (2) of the Convention

For the purposes of applying Article 2 (2) of the Convention, the Community is prepared, for the purposes of achieving the aims set out in Article 1, to begin an examination of requests by the ACP States that other agricultural products referred to in Article 2 (2) (a) of the Convention should benefit from special treatment.

This examination will cover either new agricultural productions for which there would be real possibilities of export to the Community, or current products not covered by the provisions for implementing the treatment referred to above, in so far as these exports might assume an important position in the exports of one or more ACP States.

ANNEX XXVII

Community declaration on Article 3 of the Convention

Article 3 (1) of the Convention shall be without prejudice to the special system applicable to imports of motor vehicles and the motor vehicle assembly industry in Ireland which are the subject of Protocol 7 to the Act concerning the conditions of accession and the adjustments to the Treaties.

ANNEX XXVIII

Community declaration on Article 9 (2) (a) of the Convention

While agreeing to the reproduction of the text of Article 7 (2) (a), of the ACP-EEG Convention of Lomé in Article 9 (2) (a), the Community reaffirms the interpretation of that text, namely that the ACP States shall grant to the Community treatment no less favourable than that which they grant to developed States under trade agreements where those States do not grant the ACP States greater preferences than those granted by the Community.

ANNEX XXIX

Community declaration on Article 12 (3) of the Convention

Where the Community to adopt the strictly necessary measures referred to in this Article, it would endeavour to seek those which, by reason of their geographical scope and/or the types of products concerned, would least disturb the exports of the ACP States.

ANNEX XXX

Community declaration on Article 21 of the Convention

In respect of the payment of travel expenses and costs of transporting articles and goods that are to be exhibited on the occasion of their participation in fairs and exhibitions, the Community agreed that, in the case of least-developed ACP States, such expenses shall be directly paid at the moment of travel and shipment by the Commission delegate in the country concerned.

ANNEX XXXI

Community declaration on Article 95 of the Convention

1. The Community gives an undertaking that the operating costs of the Commission delegations in the ACP States, which were previously charged to the budget of the European Development Fund, shall be covered, from the date of entry into force of this Convention, by the general budget of the European Communities.

The estimated cost of the delegations under the new Convention is 180 million EUA.

2. The maximum amount of European Investment Bank operations financed from its own resources is laid down in Article 95 (2) of the Convention.

However, additional operations by the Bank financed from its own resources may, in accordance with Article 59, be used for financing mining investment projects and energy investment projects which are of mutual interest to the Community and to the ACP States concerned.

These additional operations, under Article 18 of the Statute of the Bank, will require the authorization of the Board of Governors of the Bank, pursuant to the second subparagraph of Article 18 (1) of this Statute.

It is the Parties' intention that this additional financing should amount to 200 million EUA during the period of application of the Convention.

3. Therefore, the overall amount of financial assistance that the European Economic Community will endeavour to make available to ACP States will be 5 607 million EUA.

Inasmuch as the amount of 180 million EUA mentioned in the second subparagraph of paragraph 1 of the existing declaration will not have been entirely spent to cover the costs of the delegations, the unexpended balance will be earmarked for European Economic Community financial aid to the ACP States.

ANNEX XXXII

Community declaration on Article 95 of the Convention

The amounts indicated in Article 95 to cover all the financial resources placed at the disposal of the ACP States by the Community are expressed in EUA, the EUA being defined by the Council Decision of 21 April 1975 on the definition and conversion of the European unit of account used for expressing the amounts of aid mentioned in Article 42 of the ACP-EEC Convention of Lomé.

By a decision of the Council of the European Communities, which will be communicated to the ACP States, the EUA may be replaced by the ECU as defined by Council Regulation (EEC) No 3180/78 of 18 December 1978.

In the event of such a decision being taken, and in order to simplify the methods of managing the various Conventions, the ECU would also be applied to operations initiated or to be initiated under the previous Conventions.

ANNEX XXXIII**Community declaration on Article 156 of the Convention**

The Community confirms the declaration made during the negotiations concerning the ACP-EEC Convention of Lomé signed on 28 February 1975 by which the Community considers that the deletion of the phrase 'with due regard for Article 157', which the Community had asked to be inserted at the end of Article 156 during the negotiations, does not prejudice the legal relationship existing between Articles 156 and 157.

ANNEX XXXIV**Declaration by the representative of the Government of the Federal Republic of Germany concerning the definition of German nationals**

Wherever the Convention refers to the nationals of the Member States, this expression shall mean, in the case of the Federal Republic of Germany, 'Germans within the meaning of the basic law for the Federal Republic of Germany'.

ANNEX XXXV**Declaration by the representative of the Government of the Federal Republic of Germany concerning the application to Berlin of the Convention**

The Second ACP-EEC Convention of Lomé shall apply equally to Land Berlin, in so far as the Government of the Federal Republic of Germany does not make a declaration to the contrary to the other Contracting Parties within a period of three months from the entry into force of the Convention.

ANNEX XXXVI**Community declaration on Articles 30 and 31 of Protocol 1**

The Community recognizes the special importance for the ACP States of implementing the measures for applying derogation decisions as swiftly as possible after their adoption.

It will introduce procedures which enable it to take such application measures in the shortest possible time, with a view notably to being able to deal with emergency situations, and within the context of Article 31 of the Protocol.

ANNEX XXXVII**Community declaration relating to Protocol 1 on the extent of territorial waters**

The Community, recalling that the relevant acknowledged principles of international law restrict the maximum extent of territorial waters to 12 nautical miles, declares that it will take account of this limit in applying the provisions of the Protocol wherever the latter refers to this concept.

ANNEX XXXVIII**Community declaration on Protocol 2**

Having noted the request by the ACP States concerning a financial contribution towards the operating expenditure of their Secretariat, the Community, in the spirit of the relevant undertaking made at the second meeting of the ACP-EEC Council of Ministers in Fiji, states its readiness to examine with particular attention the specific requests to be made to it in due course with a view to enabling the Secretariat to avail itself of such personnel as may seem necessary.

ANNEX XXXIX**Community declaration relating to Protocol 2 on the operating expenses of the institutions**

The Community, being aware that expenditure in connection with interpreting at meetings and the translation of documents is expenditure incurred essentially for its own requirements, is prepared to continue past practice and meet this expenditure both for meetings of the institutions of the Convention which take place in the territory of a Member State and those which take place in the territory of an ACP State.

ANNEX XL**Community declaration on Protocol 3**

Protocol 3 is a multilateral act from the point of view of international law. However, any specific problems that may arise in the host State regarding the application of Protocol 3 should be settled by bilateral agreement with that State.

The Community has noted the ACP States' requests that certain provisions of Protocol 3 be modified, notably as regards the status of the staff of the ACP Secretariat.

The Community is willing to seek jointly appropriate solutions in respect of the ACP States' requests with a view to establishing a separate legal instrument as referred to above.

In this context, the host country will, without derogating from the present benefits enjoyed by the ACP Secretariat and its staff:

1. show understanding as regards the interpretation of the expression 'staff of senior rank', such an interpretation to be arrived at by mutual agreement;
2. recognize the powers delegated by the President of the Council of ACP Ministers to the chairman of the Committee of ACP Ambassadors, in order to simplify implementation of Article 9 of that Protocol;
3. agree to grant certain facilities to the staff of the ACP Secretariat to facilitate initial installation in the host country;
4. examine in an appropriate way tax-related questions concerning the ACP Secretariat and its staff.

ANNEX XLI

Declaration of the ACP States on Article 2 of the Convention

Conscious of the imbalance and the discriminatory effect resulting from the most-favoured-nation clause treatment applicable to products originating in the ACP States on the Community market under Article 2 (a) (ii), the ACP States reaffirm their understanding that the consultations provided for under this Article shall ensure that the ACP States' main exportable products benefit from treatment at least as favourable as that granted by the Community to countries enjoying the most-favoured-third-State treatment.

In addition similar consultations shall take place in cases where:

- (a) one or more ACP States show potentialities for one or more specific products for which preferential third States enjoy more favourable treatment;
- (b) one or more ACP States envisage exporting to the Community one or more specific products for which preferential third States enjoy more favourable treatment.

ANNEX XLII

Declaration of the ACP States on the scheme for mineral products

1. The ACP States appreciate the introduction of a scheme for the treatment of the ACP/EEC trade in mineral products.
2. The ACP States however regret that the provisions of Title III, by not stabilizing the export earnings of the ACP States from those mineral products, do not adequately meet the problems of the ACP countries whose economies are heavily dependent on exports of mineral products.
3. The ACP States request the Community to agree to re-examine the entire scheme early in the implementation period with a view to improving it and widening its provisions to take account of the economic effects on the producing States of instability in the export earnings from minerals products.

4. Furthermore, throughout the negotiations for the new Convention of Lomé, the ACP States submitted a series of requests for the inclusion of a number of mineral products in the system applicable to this category of products.
5. The Community, however did not accept the inclusion of some of these products.
6. The ACP States stress the importance of these products for the economies of certain ACP States and emphasize the need for the Community to continue the examination of these requests with a view to having these products included in the course of the implementation of the Second Convention of Lomé.

ANNEX XLIII

Declaration by the ACP States concerning Article 95 of the Convention

While the ACP States have, in a spirit of cooperation accepted, for the purposes of this Convention, the total amount of assistance of 5 607 million EUA, the ACP States wish to record that in their opinion this amount is neither adequate nor fully reflects the understanding reached on the volume of financial assistance between the Co-Presidents of the Council of Ministers in the course of the negotiations in June 1979.

Further, it is the understanding of the ACP States that the Community's financial assistance under this Convention will not, in fact, be less than the amount mentioned above.

ANNEX XLIV

Declaration of the ACP States on the origin of fishery products

The ACP States reaffirm the point of view they expressed throughout the negotiations on the rules of origin in respect of fishery products and consequently maintain that following the exercise of their sovereign rights over fishery resources in the waters within their national jurisdiction, all catches effected in those waters and obligatorily landed in ports of the ACP States for processing should enjoy originating status.

THE PRIME MINISTER OF ST VINCENT AND THE GRENADINES,

Having regard to the ACP-EEC Convention of Lomé signed on 28 February 1975, hereinafter referred to as 'the First Convention',

Having regard to the Second ACP-EEC Convention signed in Lomé on 31 October 1979, hereinafter referred to as 'the Second Convention',

Whereas, after becoming independent on 27 October 1979, St Vincent and the Grenadines requested, by letter dated 5 November 1979, to accede to the First and Second Conventions; whereas, with the approval of the ACP-EEC Council of Ministers, it acceded to the First Convention on 27 February 1980, thus becoming an ACP State;

Whereas St Vincent and the Grenadines was not a Contracting Party to the First Convention at the time of signing of the Second Convention on 31 October 1979 and was unable to sign the latter Convention on that date;

Whereas, pursuant to Article 182 (1) of the Second Convention, this latter Convention is to be ratified by the signatory States in conformity with their respective constitutional requirements; whereas ratification of the Second Convention shall also be deemed to constitute ratification of the Agreement on products within the province of the European Coal and Steel Community; whereas therefore, for the purposes of this ratification, St Vincent and the Grenadines should proceed to sign the said Convention and Agreement,

Declares that the present paper constitutes the act of signature, by the Plenipotentiary of St Vincent and the Grenadines, of the Second ACP-EEC Convention and of the Agreement on products within the province of the European Coal and Steel Community.

Done at Kingstown, 2 July 1980.

R. MILTON CATO

Prime Minister of

St Vincent and the Grenadines

**Information on the date of entry into force of the Second ACP-EEC Convention signed at
Lomé on 31 October 1979**

In accordance with Article 183 of the Second ACP-EEC Convention of Lomé, that Convention will enter into force on 1 January 1981, the instruments of ratification of the manuscript, of two thirds of the ACP States and of the Act of notification of the conclusion by the Community having been deposited by 30 November 1980.

II

(Acts whose publication is not obligatory)

COUNCIL

AGREEMENT

on products within the province of the European Coal and Steel Community

(80/1153/ECSC)

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 Coal and Steel Community signed in Paris
on 17 April 1951, whose States are hereinafter referred to as 'Member States',

of the one part, and

THE HEAD OF STATE OF THE BAHAMAS,

THE HEAD OF STATE OF BARBADOS,

THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF BENIN,

THE PRESIDENT OF THE REPUBLIC OF BOTSWANA,

THE PRESIDENT OF THE REPUBLIC OF BURUNDI,

THE PRESIDENT OF THE UNITED REPUBLIC OF CAMEROON,

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC,

THE PRESIDENT OF THE FEDERAL ISLAMIC REPUBLIC OF THE COMOROS,

THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF THE CONGO,

THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST,

THE PRESIDENT OF THE REPUBLIC OF JIBUTI,

THE PRIME MINISTER AND MINISTER OF EXTERNAL AFFAIRS OF THE INDEPENDENT
STATE OF DOMINICA,

THE CHAIRMAN OF THE PROVISIONAL MILITARY ADMINISTRATIVE COUNCIL AND OF
THE COUNCIL OF MINISTERS AND COMMANDER-IN-CHIEF OF THE REVOLUTIONARY
ARMY OF ETHIOPIA,

HER MAJESTY THE QUEEN OF FIJI,

THE PRESIDENT OF THE GABONESE REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF THE GAMBIA,

THE PRESIDENT OF THE REPUBLIC OF GHANA,

THE HEAD OF STATE OF GRENADA,

THE PRESIDENT OF THE REPUBLIC OF GUINEA,

THE PRESIDENT OF THE COUNCIL OF STATE OF GUINEA BISSAU,

THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL GUINEA,

THE PRESIDENT OF THE REPUBLIC OF GUYANA

THE PRESIDENT OF THE REPUBLIC OF UPPER VOLTA,

THE HEAD OF STATE OF JAMAICA,

THE PRESIDENT OF THE REPUBLIC OF KENYA,

THE PRESIDENT OF THE REPUBLIC OF KIRIBATI,

HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO,

THE PRESIDENT OF THE REPUBLIC OF LIBERIA,

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF MADAGASCAR,

THE PRESIDENT OF THE REPUBLIC OF MALAWI,

THE PRESIDENT OF THE REPUBLIC OF MALI,

THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA,

HER MAJESTY THE QUEEN OF MAURITIUS,

THE PRESIDENT OF THE REPUBLIC OF NIGER,

THE HEAD OF THE FEDERAL GOVERNMENT OF NIGERIA,

THE HEAD OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA,

THE PRESIDENT OF THE REPUBLIC OF RWANDA,

THE PRESIDENT OF THE REPUBLIC OF SAINT LUCIA,

THE HEAD OF STATE OF WESTERN SAMOA,

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

THE PRESIDENT OF THE REPUBLIC OF SENEGAL,

THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES,

THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE,

THE PRESIDENT OF THE INDEPENDENT STATE OF SOLOMON ISLANDS,

THE PRESIDENT OF THE SOMALI DEMOCRATIC REPUBLIC, PRESIDENT OF THE SUPREME
REVOLUTIONARY COUNCIL,

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SUDAN,

THE PRESIDENT OF THE REPUBLIC OF SURINAM,

HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND,

THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA,

THE PRESIDENT OF THE REPUBLIC OF CHAD,

THE PRESIDENT OF THE REPUBLIC OF TOGO,

HIS MAJESTY KING TAUFU'AHAU TUPOU IV OF TONGA,

THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO,

HER MAJESTY THE QUEEN OF TUVALU,

THE PRESIDENT OF THE REPUBLIC OF UGANDA,

THE PRESIDENT OF THE REPUBLIC OF ZAIRE,

THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,

whose States are hereinafter called 'the ACP States',

of the other part,

HAVING REGARD to the Treaty establishing the European Coal and Steel Community,

HAVING REGARD to the Treaty establishing the European Economic Community, and in particular Article 232 thereof,

WHEREAS the Second ACP-EEC Convention of Lomé, signed this day, does not apply to products falling within the province of the European Coal and Steel Community,

DESIROUS, however, of developing trade in these products between the Member States and the ACP States,

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

HIS MAJESTY THE KING OF THE BELGIANS:

Mr Paul NOTERDAEME,
Ambassador,
Permanent Representative to the European Communities;

HER MAJESTY THE QUEEN OF DENMARK:

Mr Niels ERSBØLL,
State Secretary,
Ambassador,
Ministry of Foreign Affairs;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Mr Klaus von DOHNANYI,
Minister of State,
Ministry of Foreign Affairs;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr Robert GALLEY,
Minister for Cooperation,

Mr Pierre BERNARD-REYMOND,
State Secretary,
Ministry of Foreign Affairs;

THE PRESIDENT OF IRELAND:

Mr Michael O'KENNEDY,
Minister for Foreign Affairs of Ireland;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

The Honourable Giuseppe ZAMBERLETTI,
Under-Secretary of State for Foreign Affairs;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Mr Jean DONDELINGER,
Ambassador,
Permanent Representative of Luxembourg to the European Communities;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr D.F. VAN DER MEI,
Secretary of State,
Ministry of Foreign Affairs;

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

The Honourable Douglas Richard HURD, CBE,
Member of Parliament,
Minister of State for Foreign and Commonwealth Affairs;

THE HEAD OF STATE OF THE COMMONWEALTH OF THE BAHAMAS:

H.E. Mr R.F. Anthony ROBERTS,
High Commissioner for the Commonwealth of the Bahamas in London;

THE HEAD OF STATE OF BARBADOS:

The Honourable Harold Bernard St JOHN, QC, MP,
Deputy Prime Minister and Minister of Trade, Tourism and Industry;

THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF BENIN:

Mr André ATCHADE,
Minister for Trade and Tourism;

THE PRESIDENT OF THE REPUBLIC OF BOTSWANA:

Mr Archibald MOOKETSA MOGWE,
Minister of External Affairs;

THE PRESIDENT OF THE REPUBLIC OF BURUNDI:

Mr Donatien BIHUTE,
Minister for Planning;

THE PRESIDENT OF THE UNITED REPUBLIC OF CAMEROON:

Mr Robert NAAH,
Deputy Minister for Economic Affairs and Planning;

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE:

Mr Abilio Augusto MONTERO DUARTE,
Minister for Foreign Affairs;

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC:

Mr Jean-Pierre LE BOUDER,
Minister for Cooperation, Planning, General Statistics, Companies and Consultancy Bureaux on
Projects relating *inter alia* to the Organization and Promotion of Agro-Industrial Operations;

THE PRESIDENT OF THE FEDERAL ISLAMIC REPUBLIC OF THE COMOROS:

Mr Ali MROUDJAE,
Minister for Foreign Affairs and Cooperation;

THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF THE CONGO:

Mr Elenga NGAPORO,
Minister for Trade;

THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST:

Mr Abdoulaye KONE,
Minister for Economic Affairs, Financing and Planning;

THE PRESIDENT OF THE REPUBLIC OF JIBUTI:

H.E. Mr Ahmed Ibrahim ABDI,
Ambassador Extraordinary and Plenipotentiary of the Republic of Jibuti to the French
Government and to the European Economic Community;

THE PRIME MINISTER AND MINISTER OF EXTERNAL AFFAIRS OF THE COMMONWEALTH OF DOMINICA:

Mr Arden SHILLINGFORD,
High Commissioner of Dominica in London;

THE CHAIRMAN OF THE PROVISIONAL MILITARY ADMINISTRATIVE COUNCIL AND OF THE COUNCIL OF MINISTERS AND COMMANDER-IN-CHIEF OF THE REVOLUTIONARY ARMY OF ETHIOPIA:

Mr Teferra WOLDE-SEMAIT,
Minister of Finance;

HER MAJESTY THE QUEEN OF FIJI:

Mr Satya Nand NANDAN,
Ambassador Extraordinary and Plenipotentiary,
Head of the Mission of Fiji to the European Communities;

THE PRESIDENT OF THE GABONESE REPUBLIC:

Mr Michel ANCHOUEY,
Minister for Planning, Development, Regional Planning and Tourism;

THE PRESIDENT OF THE REPUBLIC OF THE GAMBIA:

Mr Mohamadu CADI CHAM,
Minister of Finance and Trade;

THE PRESIDENT OF THE REPUBLIC OF GHANA:

H.E. Mr Amon NIKOI,
Minister of Finance and Economic Planning;

THE HEAD OF STATE OF GRENADA:

Mr Fennis AUGUSTINE,
High Commissioner for Grenada in London;

THE PRESIDENT OF THE REPUBLIC OF GUINEA:

Mr N'Faly SANGARE,
Minister Delegate to the European Communities;

THE PRESIDENT OF THE COUNCIL OF STATE OF GUINEA BISSAU:

H.E. Dr VASCO CABRAL,
State Commissioner for Economic Coordination and Planning;

THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL GUINEA:

Lieut. Cristino Seriche MALABO BIOCO,
Member of the Supreme Military Council;

THE PRESIDENT OF THE REPUBLIC OF GUYANA:

Mr Samuel Rudolph INSANALLY,
Guyana's Permanent Representative to the European Economic Community;

THE PRESIDENT OF THE REPUBLIC OF UPPER VOLTA:

Mr Georges SANOGO,
Minister for Planning and Cooperation;

THE HEAD OF STATE OF JAMAICA:

H.E. Mr Donald RAINFORD,
Ambassador Extraordinary and Plenipotentiary of Jamaica to the European Communities;

THE PRESIDENT OF THE REPUBLIC OF KENYA:

Mr Joseph MULIRO,
Permanent Secretary,
Ministry of Agriculture;

THE PRESIDENT OF THE REPUBLIC OF KIRIBATI:

The Honourable Douglas Richard HURD, CBE, MP,
Minister of State for Foreign and Commonwealth Affairs of the United Kingdom of Great
Britain and Northern Ireland;

HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO:

The Honourable Morena MAKHAOLA LEROTHOLI;

THE PRESIDENT OF THE REPUBLIC OF LIBERIA:

The Honourable D. Franklin NEAL,
Minister of Planning and Economic Affairs;

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF MADAGASCAR:

H.E. Mr Justin RARIVOSON,
Minister for Economic Affairs and Trade;

THE PRESIDENT OF THE REPUBLIC OF MALAWI:

The Honourable Stott Zondwayo JERE, MP,
Minister for Trade, Industry and Tourism;

THE PRESIDENT OF THE REPUBLIC OF MALI:

H.E. Mr Alioune Blondin BEYE,
Minister for Foreign Affairs and International Cooperation;

THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA:

Mr Abdellah OULD DADDAH,
Ambassador Extraordinary and Plenipotentiary,
Representative of the Islamic Republic of Mauritania to the European Communities;

HER MAJESTY THE QUEEN OF MAURITIUS:

The Honourable Sir Sateam BOOLELL, Knight,
Minister for Agriculture, Natural Resources and the Environment;

THE PRESIDENT OF THE REPUBLIC OF NIGER:

Mr Mai MAIGENA,
Minister for Economic Affairs, Trade and Industry;

THE HEAD OF THE FEDERAL GOVERNMENT OF NIGERIA:

H.E. Mr P. Ayodele AFOLABI,
Ambassador Extraordinary and Plenipotentiary,
Head of the Mission of the Federal Republic of Nigeria to the European Communities;

THE HEAD OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA:

Mr Frederick Bernard Carl REIHER,
Ambassador to the European Communities;

THE PRESIDENT OF THE REPUBLIC OF RWANDA:

Mr Ambroise MULINDANGABO,
Minister for Planning;

THE PRESIDENT OF THE REPUBLIC OF SAINT LUCIA:

Mr George William ODLUM,
Deputy Prime Minister,
Minister for Foreign Affairs and Trade;

THE HEAD OF STATE OF WESTERN SAMOA:

The Honourable Filipo VAOVASAMANAIA,
Minister for Finance;

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

Mrs Maria de AMORIM,
Minister for Foreign Affairs and Cooperation;

THE PRESIDENT OF THE REPUBLIC OF SENEGAL:

Mr Ousmane SECK,
Minister for Finance and Economic Affairs;

THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES:

Mr Maxime FERRARI,
Minister for Planning and Development;

THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE:

The Honourable Dr I.M. FOFANA,
Minister for Trade and Industry;

THE PRESIDENT OF THE INDEPENDENT STATE OF SOLOMON ISLANDS:

The Honourable Douglas Richard HURD, CBE, MP,
Minister of State,
Ministry of Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and
Northern Ireland

THE PRESIDENT OF THE SOMALI DEMOCRATIC REPUBLIC, PRESIDENT OF THE SUPREME
REVOLUTIONARY COUNCIL:

H.E. Mr Omar Salah AHMED,
Ambassador Extraordinary and Plenipotentiary,
Representative of the Somali Democratic Republic to the European Communities;

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE SUDAN:

Mr IZZ EL DIN HAMID,
Minister of State in the Council of Ministers;

THE PRESIDENT OF THE REPUBLIC OF SURINAM:

Mr Ludwig C. ZUIVERLOON,
Minister of Economic Affairs;

HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND:

Mr DZABULUMJIVA H.S. NHLABATSI,
Deputy Minister for Works, Power and Communications;

THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA:

Mr Alphonse M. RULEGURA,
Minister for Trade;

THE PRESIDENT OF THE REPUBLIC OF CHAD:

Mr Issaka Ramat AL HAMDOU,
Chargé d'affaires a.i.
Brussels Embassy of the Republic of Chad;

THE PRESIDENT OF THE REPUBLIC OF TOGO:

Mr Koudjolou DOGO,
Minister for Planning, Industrial Development and Administrative Reform;

HIS MAJESTY KING TAUFU'AHAU TUPOU IV OF TONGA:

H.R.H. Crown Prince TUPOUTO'A,

THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO:

H.E. Mr Eustace SEIGNORET,
High Commissioner (London);

HER MAJESTY THE QUEEN OF TUVALU:

Mr Satya Nand NANDAN,
Ambassador Extraordinary and Plenipotentiary, Head of the Mission of Fiji to the European
Communities;

THE PRESIDENT OF THE REPUBLIC OF UGANDA:

The Honourable Ateker EJALU,
Minister of Regional Cooperation;

THE PRESIDENT OF THE REPUBLIC OF ZAIRE:

Mr KIAKWAMA Kia KIZIKI,
State Commissioner for the Economy, Industry and Trade;

THE PRESIDENT OF THE REPUBLIC OF ZAMBIA:

Mr Remi CHISUPA, MP,
Minister of Commerce and Industry;

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

HAVE AGREED AS FOLLOWS:

Article 1

Products within the province of the European Coal and Steel Community shall, when they originate in the ACP States, on import into the Community be admitted free of customs duties and charges having equivalent effect.

Article 2

Products referred to in Article 1 originating in the Member States shall, on import into the ACP States, be admitted in accordance with the provisions of Title I, Chapter 1, of the Second ACP-EEC Convention of Lomé signed this day.

Article 3

If the offers made by firms of the ACP States are likely to be detrimental to the functioning of the common market and if any such detriment is attributable to a difference in the conditions of competition as regards prices, Member States may take appropriate measures, such as withdrawing the concessions referred to in Article 1.

Article 4

Consultations shall take place between the parties concerned in all cases where, in the opinion of one of them, the implementation of the above provisions calls for such consultations.

Article 5

The provisions laying down the rules of origin for the

application of the Second ACP-EEC Convention of Lomé shall also apply to this Agreement.

Article 6

This Agreement shall not affect the provisions of the Treaty establishing the European Coal and Steel Community, or the powers of jurisdiction conferred by that Treaty.

Article 7

This Agreement shall be ratified by the Signatory States under the conditions provided for in Article 182 of the Second ACP-EEC Convention of Lomé signed this day.

It shall enter into force at the same time as the said Convention.

Article 8

This Agreement shall expire after a period of five years from the first day of March 1980, namely the 28th day of February 1985. It shall cease to apply to any Signatory State which, under Article 189 of the Second ACP-EEC Convention of Lomé is no longer a party to that Convention.

Article 9

This Agreement, drawn up in two originals, 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 with 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 signed 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 Lomé, den enogtredivte oktober nitten hundrede og nioghalvfjerds.

Geschehen zu Lomé am einunddreißigsten Oktober neunzehnhundertneunundsiebzig.

Done at Lomé on the thirty-first day of October in the year one thousand nine hundred and seventy-nine.

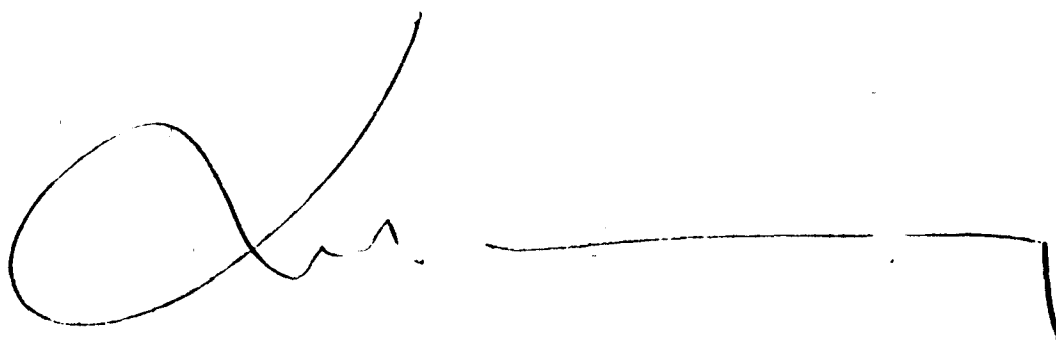
Fait à Lomé, le trente et un octobre mil neuf cent soixante-dix-neuf.

Fatto a Lomé, addì trentuno ottobre millenovecentosettantanove.

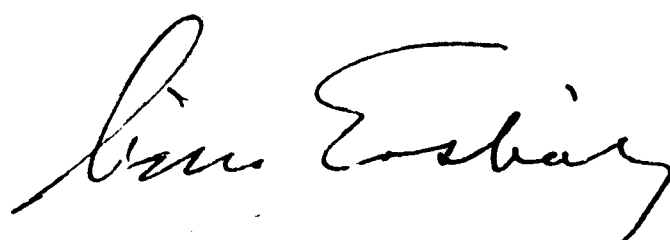
Gedaan te Lomé, de eenendertigste oktober negentienhonderd negenzeventig.

Pour Sa Majesté le roi des Belges

Voor Zijne Majesteit de Koning der Belgen

A large, stylized handwritten signature in black ink, likely belonging to a Belgian representative, positioned below the text for the King of Belgium.

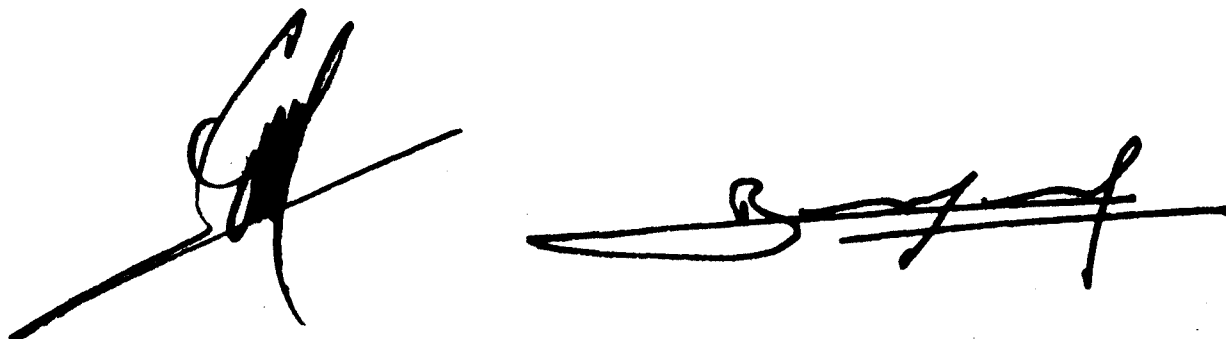
For Hendes Majestæt Dronningen af Danmark

A large, stylized handwritten signature in black ink, likely belonging to a Danish representative, positioned below the text for the Queen of Denmark.

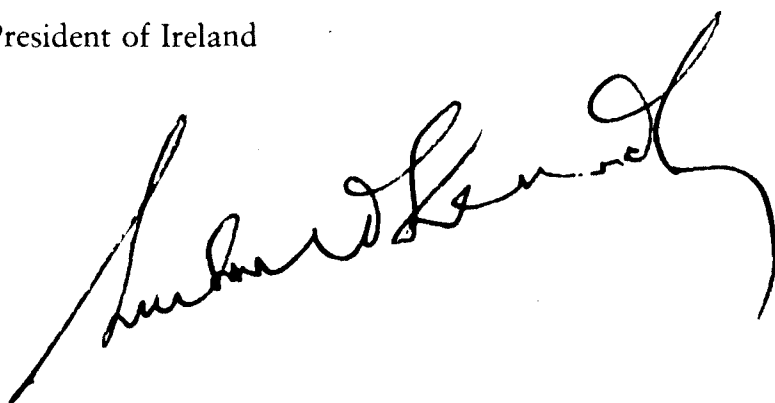
Für den Präsidenten der Bundesrepublik Deutschland



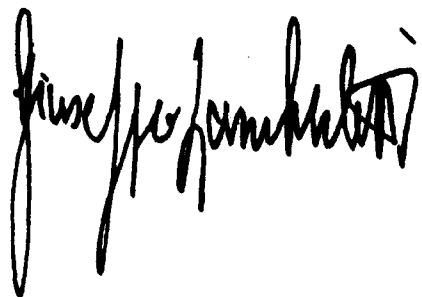
Pour le président de la République française



For the President of Ireland



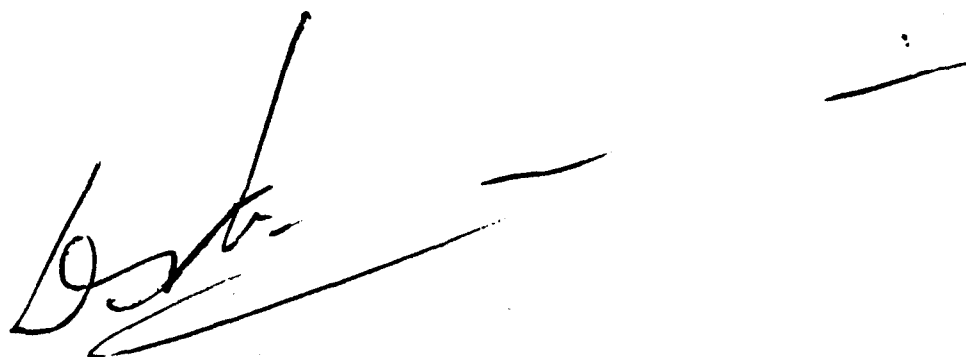
Per il Presidente della Repubblica italiana



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

Douglas Hurd.

For the Head of State of the Bahamas

Hubert

For the Head of State of Barbados

Asa M.

Pour le président de la république populaire du Bénin

by

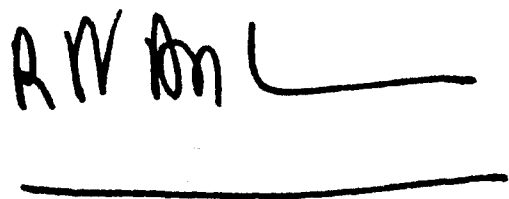
For the President of the Republic of Botswana

Mogae

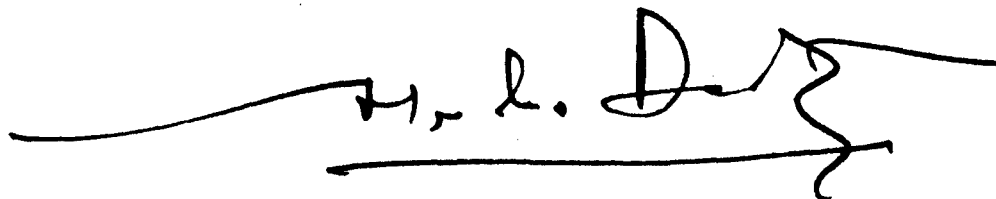
Pour le président de la république du Burundi

Amal

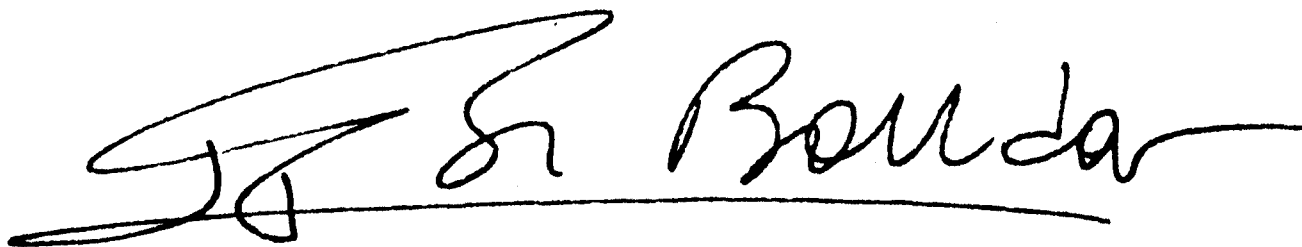
Pour le président de la république unie du Cameroun

A stylized signature in black ink, consisting of several loops and a long horizontal stroke at the end.

For the President of the Republic of Cape Verde

A signature in black ink, featuring a series of connected loops and a long horizontal stroke at the end.

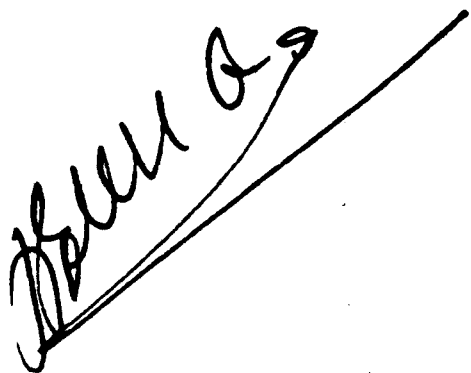
Pour le président de la République centrafricaine

A signature in black ink, with a large, bold initial 'S' followed by the name 'Boukoko' in a cursive script.

Pour le président de la république fédérale islamique des Comores

A signature in black ink, featuring a large, bold initial 'S' followed by the name 'Moussad' in a cursive script.

Pour le président de la république populaire du Congo

A signature in black ink, with a large, bold initial 'S' followed by the name 'Boukoko' in a cursive script.

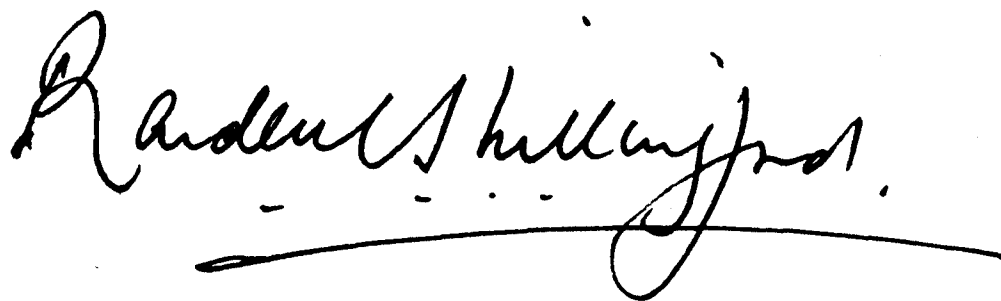
Pour le président de la république de Côte-d'Ivoire

A signature in black ink, featuring a large, bold initial 'S' followed by the name 'Boukoko' in a cursive script.

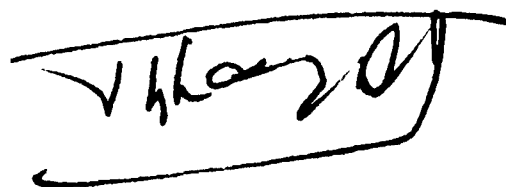
Pour le président de la république de Djibouti

A stylized handwritten signature in black ink, consisting of a large loop at the top and a series of diagonal strokes below.

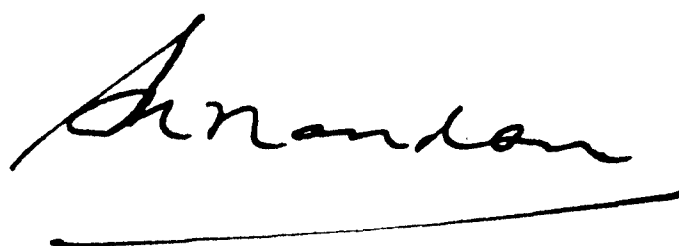
For the Prime Minister and Minister of External Affairs of the Independent State of Dominica

A handwritten signature in black ink that reads "Randal Shillingford" in a cursive script, followed by a long horizontal underline.

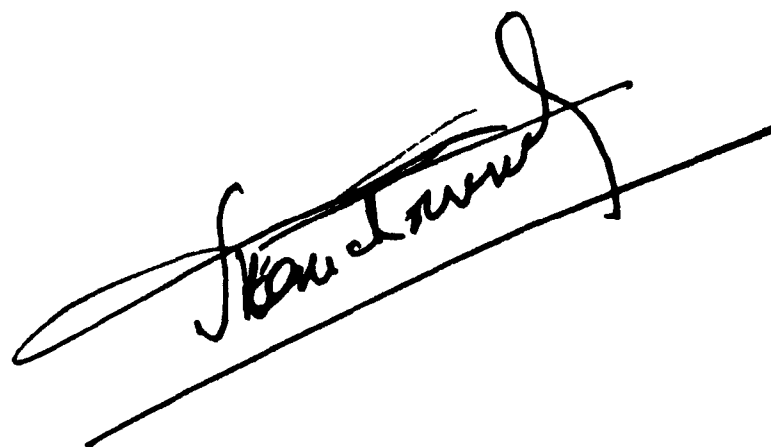
For the Chairman of the Provisional Military Administrative Council and of the Council of Ministers and Commander-in-Chief of the Revolutionary Army of Ethiopia

A handwritten signature in black ink, appearing to be "Viktor", enclosed within a rectangular box with a slightly irregular border.

For Her Majesty the Queen of Fiji

A handwritten signature in black ink that reads "Ananda" in a cursive script, followed by a long horizontal underline.

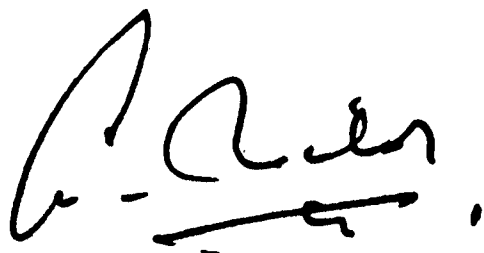
Pour le président de la République gabonaise

A handwritten signature in black ink, appearing to be "Jean-François", written diagonally across the page and underlined.

For the President of the Republic of the Gambia

A stylized handwritten signature in black ink, featuring a large loop on the left and a smaller loop on the right.

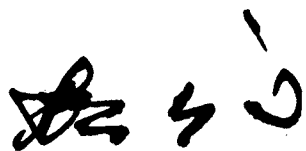
For the President of the Republic of Ghana

A handwritten signature in black ink, consisting of a large, sweeping 'A' followed by a series of connected loops.

For the Head of State of Grenada

A handwritten signature in black ink, written in a cursive style that reads 'Geoffrey Burgin'.

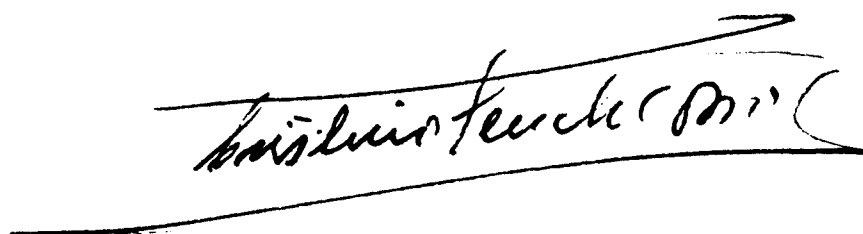
Pour le président de la république du Guinée

A handwritten signature in black ink, featuring a large, bold 'S' followed by a smaller 'O'.

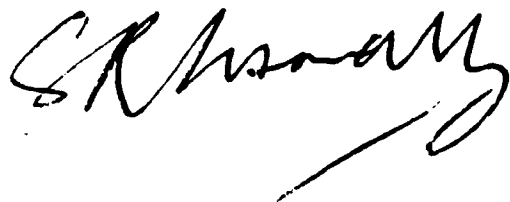
Pour le président du conseil d'État de la Guinée-Bissau

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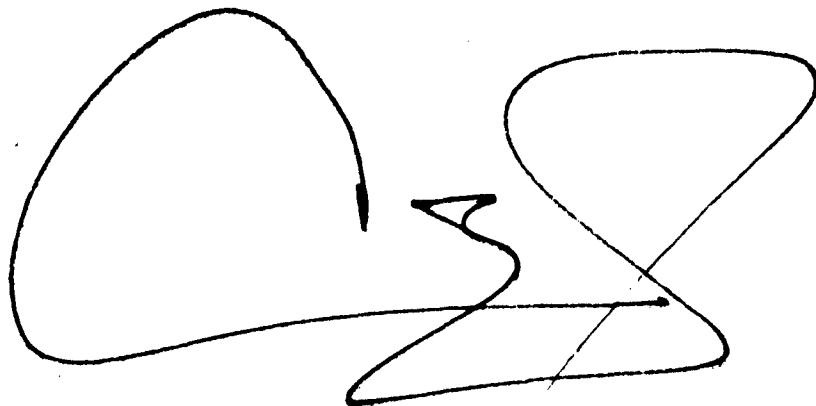
Pour le président de la république de Guinée équatoriale

A handwritten signature in black ink, written in a cursive style that reads 'Francisco Macías Nguema'.

For the President of the Republic of Guyana



Pour le président de la république de la Haute-Volta



For the Head of State of Jamaica



For the President of the Republic of Kenya



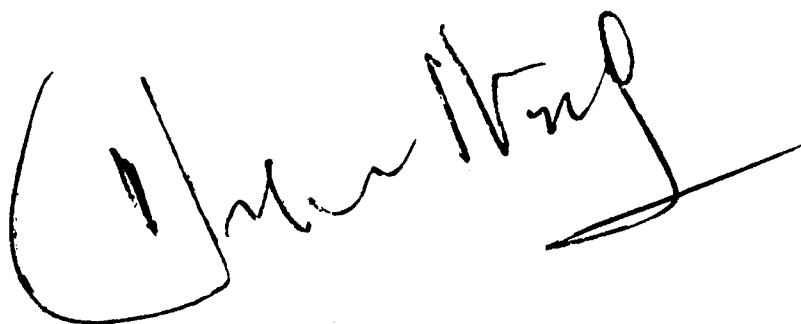
For the President of the Republic of Kiribati



For His Majesty the King of the Kingdom of Lesotho



For the President of the Republic of Liberia

A handwritten signature in black ink, featuring a large, stylized 'L' and 'P' followed by a long horizontal stroke.

Pour le président de la république démocratique de Madagascar

A handwritten signature in black ink, consisting of a large 'M' and 'P' followed by a long horizontal stroke.

For the President of the Republic of Malawi

A handwritten signature in black ink, featuring a large 'M' and 'P' followed by a long horizontal stroke.

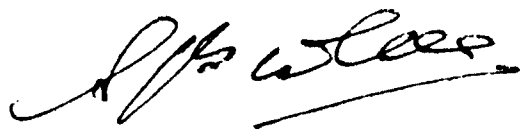
Pour le président de la république du Mali

A handwritten signature in black ink, featuring a large 'M' and 'P' followed by a long horizontal stroke.

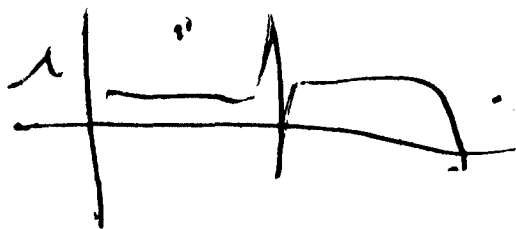
Pour le président de la république islamique de Mauritanie

A handwritten signature in black ink, featuring a large 'M' and 'P' followed by a long horizontal stroke.

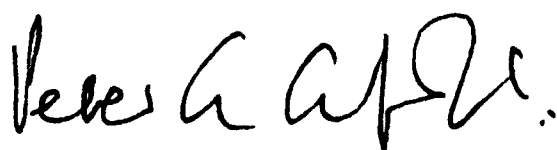
Pour Sa Majesté la reine de l'île Maurice



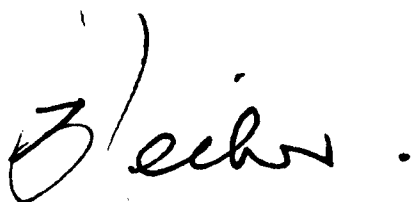
Pour le président de la république du Niger



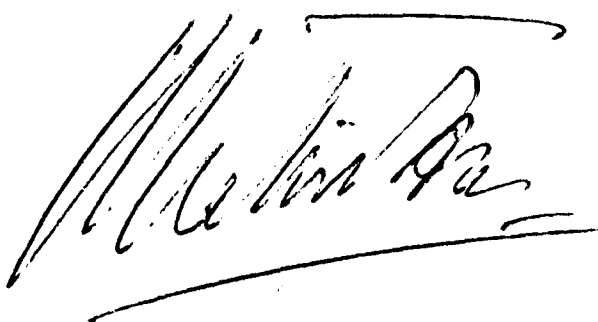
For the Head of the Federal Government of Nigeria



For the Head of the Independent State of Papua New Guinea



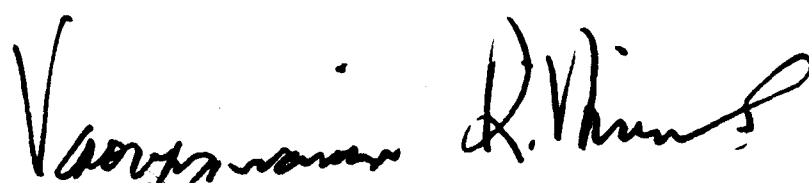
Pour le président de la République rwandaise



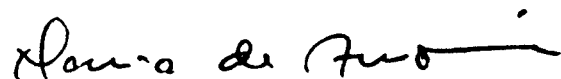
For the President of the Republic of Saint Lucia



For the Head of State of Western Samoa



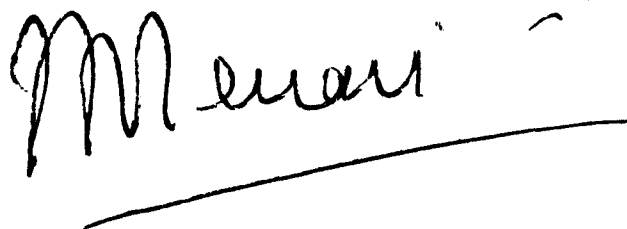
For the President of the Democratic Republic of Sao Tome and Principe



Pour le président de la république du Sénégal



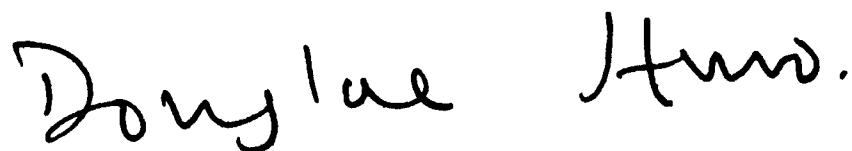
Pour le président de la république des Seychelles



For the President of the Republic of Sierra Leone



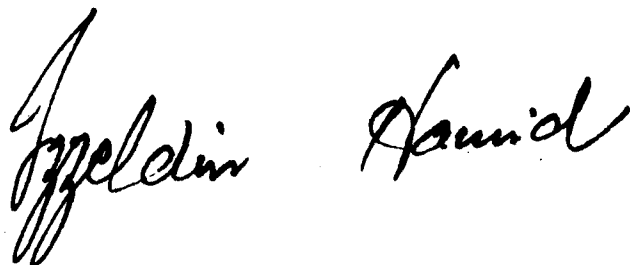
For the President of the Independent State of the Solomon Islands



For the President of the Somali Democratic Republic,
President of the Supreme Revolutionary Council



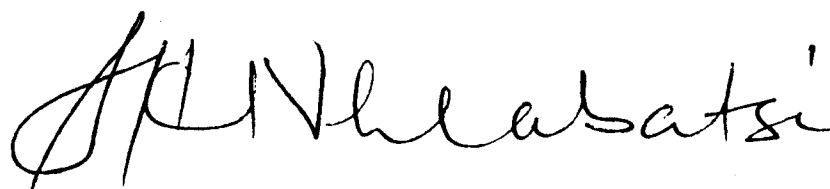
For the President of the Democratic Republic of the Sudan



For the President of the Republic of Surinam



For His Majesty the King of the Kingdom of Swaziland



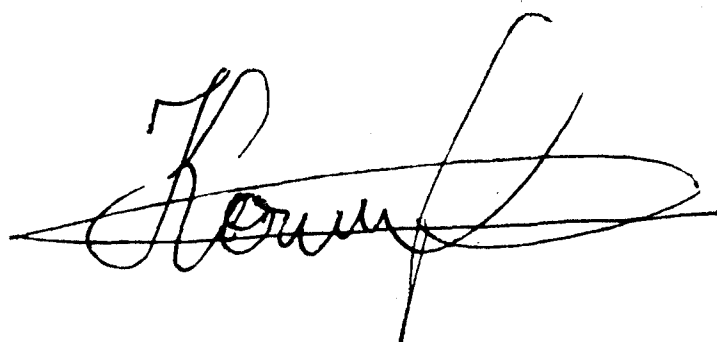
For the President of the United Republic of Tanzania



Pour le président de la république du Tchad



Pour le président de la République togolaise



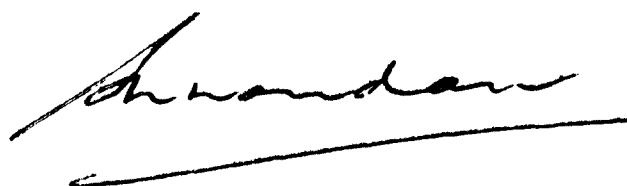
For His Majesty King Taufa'ahau Tupou IV of Tonga



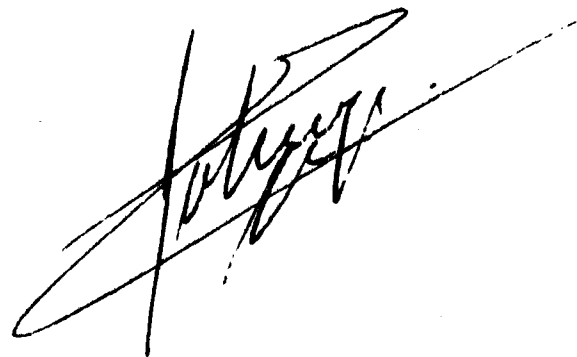
For the President of the Republic of Trinidad and Tobago



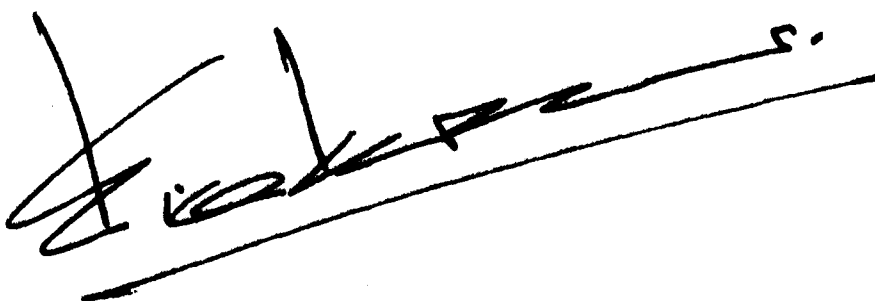
For Her Majesty the Queen of Tuvalu



For the President of the Republic of Uganda



Pour le président de la République du Zaïre



For the President of the Republic of Zambia



INTERNAL AGREEMENT

on the measures and procedures required for implementation of the Second ACP-EEC Convention of Lomé

(80/1154/EEC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN ECONOMIC COMMUNITY, MEETING IN THE COUNCIL,

HAVE AGREED AS FOLLOWS:

Article 1

Having regard to the Treaty establishing the European Economic Community (hereinafter called 'the Treaty') and the Second ACP-EEC Convention of Lomé signed on 31 October 1979, (hereinafter called 'the Convention'),

Whereas the representatives of the Community will have to adopt common positions in the Council of Ministers provided for by the Convention (hereinafter called 'the Council of ACP-EEC Ministers'); whereas, moreover, implementation of the decisions, recommendations and opinions of this Council may require, where appropriate, action by the Community, joint action by the Member States or action by a Member State;

Whereas, therefore, it is necessary for the Member States to specify the conditions for determining, in the fields for which they are competent, the common positions to be adopted by the representatives of the Community within the Council of ACP-EEC Ministers; whereas, in the same fields, it will also be for them to take the measures implementing such decisions, recommendations and opinions of that Council as may require joint action by the Member States or action by a Member State;

Whereas provision should, likewise, be made for the Member States to communicate to one another and to the Commission any Treaty, Convention, Agreement or arrangement and any part of a Treaty, Convention, Agreement or arrangement which concerns matters dealt with in the Convention and which has been, or will be, concluded between one or more Member State and one or more ACP State;

Whereas procedures should also be laid down whereby Member States may settle any disputes which may arise between them with regard to the Convention;

After consulting the Commission of the European Communities,

1. The common position to be supported by the representatives of the Community in the Council of ACP-EEC Ministers when the latter considers matters for which the Member States are competent shall be adopted by the Council, acting unanimously after consulting the Commission.

2. Where, pursuant to Article 169 of the Convention, the Council of ACP-EEC Ministers envisages delegating to the Committee of Ambassadors provided for by the Convention the power to take decisions or put forward recommendations or opinions in the fields for which the Member States are competent, the common position shall be adopted by the Council, acting unanimously after consulting the Commission.

3. Common positions which the representatives of the Community support in the Committee of Ambassadors shall be adopted under the same conditions as those laid down in paragraph 1.

Article 2

1. Decisions and recommendations adopted by the Council of ACP-EEC Ministers in the fields for which the Member States are competent shall be implemented by acts adopted by the latter.

2. Paragraph 1 shall also apply in respect of decisions and recommendations adopted by the Committee of Ambassadors pursuant to Article 171 of the Convention.

Article 3

Any Treaty, Convention, Agreement or arrangement, or any part of a Treaty, Convention, Agreement or arrangement, of whatever form or nature, which has been, or will be, concluded between one or more Member States and one or more ACP States and which concerns matters dealt with in the Convention, shall be communicated as soon as possible by the Member State

or States concerned to the other Member States and to the Commission.

At the request of a Member State or of the Commission, any texts so communicated shall be discussed by the Council.

Article 4

If a Member State considers it necessary to invoke Article 176 of the Convention on matters for which the Member States are competent, it shall first consult the other Member States.

If the Council of ACP-EEC Ministers has to reach a decision on the action by the Member State referred to in the first paragraph, the position to be taken by the Community shall be that of the Member State concerned, unless the representatives of the Governments of the Member States, meeting in the Council, decide otherwise.

Article 5

Disputes arising between Member States concerning the Convention, the Protocols annexed thereto or the Internal Agreements signed for its implementation shall, at the request of the party making the complaint, be submitted to the Court of Justice of the European Communities under the conditions laid down in the Treaty and in the Protocol on the Statute of the Court of Justice annexed to the Treaty.

Article 6

After consulting the Commission, the representatives of the Governments of the Member States, meeting in the Council, may at any time amend or supplement this Agreement.

Article 7

This Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The government of each Member State shall notify the Secretariat of the Council of the European Communities of the completion of the procedures required for the entry into force of the Agreement.

Provided that the conditions of the first paragraph have been complied with, this Agreement shall enter into force at the same time as the Convention. It shall remain in force for the duration of that Convention.

Article 8

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

Udfærdiget i Bruxelles, den tyvende november nitten hundrede og nioghalvfjerds.

Geschehen zu Brüssel am zwanzigsten November neunzehnhundertneunundsiebzig.

Done at Brussels on the twentieth day of November in the year one thousand nine hundred and seventy-nine.

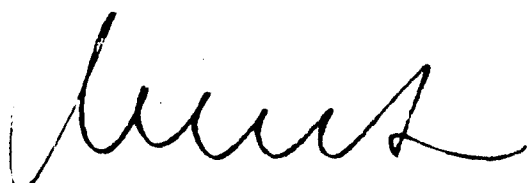
Fait à Bruxelles, le vingt novembre mil neuf cent soixante-dix-neuf.

Fatto a Bruxelles, addì venti novembre millenovecentosettantanove.

Gedaan te Brussel, de twintigste november negentienhonderdneenenzeventig.

Pour le gouvernement du royaume de Belgique

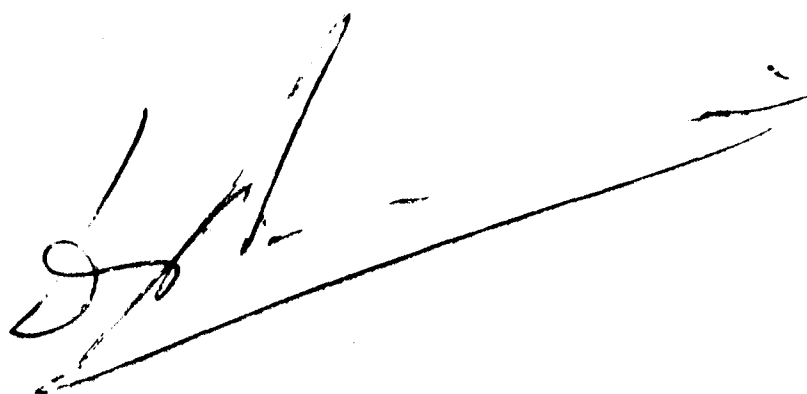
Voor de Regering van het Koninkrijk België



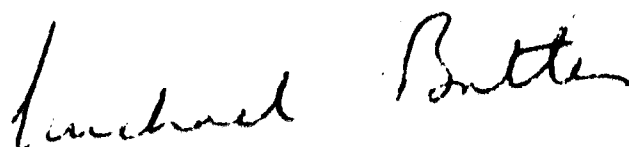
Pour le gouvernement du grand-duché de Luxembourg



Voor de Regering van het Koninkrijk der Nederlanden



For the Government of the United Kingdom of Great Britain and Northern Ireland



INTERNAL AGREEMENT
of 1979
on the financing and administration of Community aid
(80/1155/EEC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community (hereinafter called 'the Treaty'),

Whereas the Second ACP-EEC Convention of Lomé (hereinafter called 'the Convention') set the aggregate amount of Community aid to the ACP States at 5 227 million units of account;

Whereas the representatives of the Governments of the Member States, meeting within the Council, agreed to set at 94 million units of account the amount of aid to be borne by the European Development Fund for the benefit of the overseas countries and territories having special relations with France, the Netherlands and the United Kingdom (hereinafter called 'the countries and territories'); whereas provision is also made for loans to the amount of 15 million units of account to be granted by the European Investment Bank (hereinafter called 'the Bank') from its own resources in the countries and territories;

Whereas the unit of account used in application of this Agreement is that defined in Council Decision 75/250/EEC of 21 April 1975 ⁽¹⁾; whereas steps should be taken to allow for the possibility, by Council decision, of replacing the said unit of account by the ECU;

Whereas, in order to implement the Convention and the Decision concerning the countries and territories (hereinafter called 'the Decision'), a fifth European Development Fund should be established and a procedure should be laid down for the provision of funds and for contributions from Member States to these funds;

Whereas the rules for the management of financial cooperation should be determined, the procedure for programming, examining and approving aid should be decided and the detailed rules for supervising the use of the aid should be defined;

Whereas a Committee of Representatives of the Governments of the Member States should be set up under the auspices of the Commission and a similar committee should be set up under the auspices of the Bank;

Whereas the work done by the Commission and the Bank to apply the Convention and the corresponding provisions of the Decision should be harmonized; whereas it is therefore desirable that, as far as possible, the composition of the committees set up under the auspices of the Commission and of the Bank should be identical;

Whereas the Council adopted on 16 July 1974 a resolution on the harmonization and coordination of Member States' cooperation policies;

After consulting the Commission of the European Communities,

HAVE AGREED AS FOLLOWS:

CHAPTER I

Article 1

1. The Member States hereby set up a European Development Fund (1980) hereinafter called 'the Fund'.

2. (a) The Fund shall consist of 4 636 million European units of account (hereinafter called 'EUA'), to be financed by the Member States as follows:

Belgium	273 524 million EUA (5.9 %)
Denmark	115 900 million EUA (2.5 %)
Germany	1 311 988 million EUA (28.3 %)
France	1 186 816 million EUA (25.6 %)
Ireland	27 816 million EUA (0.6 %)
Italy	533 140 million EUA (11.5 %)
Luxembourg	9 272 million EUA (0.2 %)
Netherlands	343 064 million EUA (7.4 %)
United Kingdom	834 480 million EUA (18.0 %)

⁽¹⁾ OJ No L 104, 24. 4. 1975, p. 35.

- (b) This schedule may be amended by Council Decision reached unanimously in the event of the accession of a new Member State to the Community.

3. The amount stated in paragraph 2 shall be allocated as follows:

(a) 4 542 million EUA for the ACP States, comprising:

- 2 928 million EUA in the form of grants,
- 504 million EUA in the form of special loans,
- 208 million EUA in the form of risk capital,
- 550 million EUA in the form of transfers pursuant to Title II, Chapter 1 of the Convention,
- 280 million EUA in the form of the special financing facility pursuant to Title III, Chapter 1 of the Convention;

(b) 85 million EUA for the countries and territories, comprising:

- 51 million EUA in the form of grants,
- 27 million EUA in the form of special loans,
- seven million EUA in the form of risk capital,
- for the record in the form of the special financing facility pursuant to the provisions of the Decision relating to mining products;

(c) nine million EUA in the form of transfers for the countries and territories, pursuant to those provisions of the Decision which concern the system for stabilizing export earnings.

4. Where a country or territory which has become independent accedes to the Convention, the amounts indicated in paragraph 3 (b) shall be reduced and those indicated in paragraph 3 (a) correspondingly increased by a decision of the Council acting unanimously on a proposal from the Commission.

5. In this case, the country concerned will continue to be eligible for the funds provided for in paragraph 3 (c), subject to the management rules laid down in Title II of the Convention.

Article 2

To the amount laid down in Article 1 (2) shall be added up to 700 million EUA in the form of loans granted by the Bank from its own resources under the conditions laid down by it in accordance with its Statute.

These loans shall be allocated as follows:

- (a) up to the amount of 685 million EUA, for financing operations to be carried out in the ACP States;
- (b) up to the amount of 15 million EUA, for financing operations to be carried out in the countries and territories.

Article 3

1. For the purposes of this Agreement, the unit of account shall be that defined in Decision 75/250/EEC.

2. The unit of account may, by a Council Decision, be replaced by the ECU as defined by the Council in accordance with Regulation (EEC) No 3180/78 ⁽¹⁾.

Article 4

An amount of up to 175 million EUA shall be set aside from the grant aid specified in Article 1 (3) (a) and (b) for financing the interest rate subsidies referred to in Article 104 of the Convention and in the corresponding provisions of the Decision. Any part of this amount not committed by the end of the period during which loans are granted by the Bank shall again become available as grant aid.

The Council may decide, on a proposal from the Commission drawn up in agreement with the Bank, to raise this ceiling.

Article 5

With the exception of loans granted by the Bank from its own resources, all financial operations undertaken for the benefit of the ACP States or the countries and territories shall be carried out in accordance with the conditions laid down in this Agreement and shall be charged to the Fund.

Article 6

1. Within one month of the entry into force of the Convention, and subsequently before 1 September of each year, the Commission shall draw up estimates of the commitments to be entered into during the budget year, taking into account the Bank's forecasts in respect of the operations which it manages, and shall communicate these estimates to the Council.

2. In the same year, the Commission shall establish and communicate to the Council the total amount of the payments to be made in the budget year in question.

⁽¹⁾ OJ No L 379, 30. 12. 1978, p. 1.

On the basis of this amount and taking into account cash requirements, including those arising from expenditure incurred in implementing Title II, Chapter 1 of the Convention and the corresponding provisions of the Decision and expenditure incurred in implementing Title III, Chapter 1 of the Convention, the Commission shall draw up a schedule of calls for contributions determining the dates on which payment is due; the detailed rules for payment of such contributions by the Member States shall be determined by the Financial Regulation referred to in Article 28. This schedule shall be submitted by the Commission to the Council, which shall decide thereon by the qualified majority laid down in Article 17 (4).

If the contributions are insufficient to meet the actual requirements of the Fund in the budget year in question, proposals for supplementary payments shall be submitted by the Commission to the Council, which shall decide thereon as soon as possible by the qualified majority laid down in Article 17 (4).

3. Until used by the Commission for financing projects, programmes or transfers adopted under the conditions laid down in Articles 10 to 21, 26 and 27, the funds obtained from the calls for contributions referred to in paragraph 2 shall remain deposited in special accounts opened by each Member State with its treasury or with such bodies as it may designate, in accordance with the rules laid down by the Financial Regulation referred to in Article 28.

Article 7

1. Any remaining balance of the Fund shall be used up in accordance with the same rules as those laid down in the Convention, the Decision and this Agreement.

2. Upon expiry of this Agreement, Member States shall still be obliged to pay, as provided in Article 6, that portion of their contributions not yet called for.

Article 8

1. The Member States undertake to act as guarantor for the Bank, waiving any right to object and in proportion to their contributions to its capital, in respect of all financial commitments arising for its borrowers out of the loan contracts concluded by the Bank with its own resources in implementation both of Article 95 of the Convention and the corresponding provisions of the Decision and, where appropriate, Article 59 of the Convention.

2. This guarantee shall be restricted to 75 % of the total amount of the credits opened by the Bank under

all the loan contracts; it shall be applied to cover all risks.

3. Notwithstanding the overall guarantee referred to in paragraphs 1 and 2 above, the Member States may, with regard to financial commitments under Article 59 of the Convention, act as guarantor for the Bank, in specific cases and at the latter's request, in respect of a percentage greater than 75 % and up to 100 % of the credits opened by the Bank under the corresponding loan contracts.

4. The undertakings arising from paragraphs 1 to 3 shall be the subject of guarantee contracts between each Member State and the Bank.

Article 9

1. Payments made to the Bank in respect of special loans granted to the ACP States, the countries and territories and the French overseas departments since 1 June 1964, as well as the proceeds and income from risk capital operations undertaken since 1 February 1971 for the benefit of those States, countries, territories and departments, shall be credited to the Member States in proportion to their contributions to the Fund from which the sums are derived, unless the Council decides unanimously, on a proposal from the Commission, to place them in reserve or allocate them to other operations.

Any commission due to the Bank for managing the loans and operations referred to in the first subparagraph shall be deducted in advance from these sums.

2. The amount of the grants from the Fund, as fixed in Article 1 (3) (a) and (b), shall be supplemented by any other revenue accruing to the Fund.

CHAPTER II

Article 10

1. Subject to Articles 17 to 21 and without prejudice to the Bank's responsibilities for the administration of certain forms of aid, the Fund shall be administered by the Commission in accordance with the rules laid down by the Financial Regulation referred to in Article 28.

2. Subject to Articles 22 to 24, risk capital and interest rate subsidies financed from the Fund's resources shall be administered by the Bank on behalf of the Community in accordance with its Statute and the rules laid down by the Financial Regulation referred to in Article 28.

Article 11

The Commission shall be responsible for implementing the aid policy defined by the Council and the general guidelines for financial and technical cooperation defined by the ACP-EEC Council of Ministers pursuant to Article 119 of the Convention.

Article 12

1. The Commission and the Bank shall periodically provide each other with appropriate information on the requests made to them for finance and on preliminary contacts made with them by the relevant bodies of the ACP States, the countries and territories, or other recipients of aid as provided for in Article 94 of the Convention and in the corresponding provisions of the Decision, before their requests were submitted.

2. The Commission and the Bank shall keep each other informed of the progress made in appraising requests for finance.

3. The Commission shall channel the information referred to in paragraphs 1 and 2 through its liaison office. In addition, the liaison office shall collect and provide any general information which would promote the harmonization of administrative procedures and the assessment of requests.

Article 13

1. The Commission shall appraise projects which, pursuant to Article 101 of the Convention and the corresponding provisions of the Decision, could be financed by grants or special loans from the Fund's resources.

The Commission shall also appraise requests for transfers submitted pursuant to Title II, Chapter 1 of the Convention and the corresponding provisions of the Decision, together with projects and programmes eligible for the special financing facility pursuant to Title III, Chapter 1 of the Convention.

2. The Bank shall appraise projects which, pursuant to its Statute, Article 101 of the Convention and the corresponding provisions of the Decision, could be financed by loans from its own resources, with or without interest rate subsidies, or by risk capital.

3. Productive investment projects which come under the industrial, agri-industrial, mining or tourism sectors, and energy-production schemes linked to an investment

in those sectors, shall be submitted to the Bank, which shall examine whether they are eligible for one of the forms of aid it administers.

4. Where, in the course of appraisal of a project or programme by the Commission or by the Bank, it is found that such project or programme could not be financed by one of the forms of aid administered by the institution in question, the latter will, having informed the potential recipient, transmit the request to the other institution.

Article 14

1. Without prejudice to special instructions which the Bank receives from the Community in respect of the recovery of principal and interest relating to special loans and operations under the special financing facility, the Commission shall undertake, on behalf of the Community, the financial execution of operations carried out with the Fund's resources in the form of grants, special loans, transfers or of the special financing facility; it shall make payments in accordance with the Financial Regulation referred to in Article 28.

2. The Bank shall undertake, on behalf of the Community, the financial execution of operations carried out with the Fund's resources in the form of risk capital. In such cases, the Bank shall act on behalf and at the risk of the Community. Any resulting rights, and particularly rights as creditor or owner, shall be vested in the Community.

3. The Bank shall undertake the financial execution of operations carried out in the form of loans from its own resources combined with interest rate subsidies from the Fund's resources.

Article 15

1. For the purposes of Article 109 of the Convention, programming missions shall be carried out under the general responsibility of the Commission, with the participation of the Bank, in order to draw up an indicative programme which specifies in particular the sectoral, sub-sectoral and regional objectives and priorities of the ACP State concerned, naming those projects that have been clearly identified.

2. In order to prepare these missions the Commission shall provide the Member States with the information obtained from the ACP States on the content, prospects and objectives of their development plans and on clearly defined projects, which could attain those objectives, for which they would like financing. The Commission shall prepare such information in liaison with the Bank, as regards the matters which concern the latter.

At the same time the Member States shall notify the Commission of any bilateral aid which has been granted or which is envisaged.

Each Member State and the Commission shall periodically bring such information up to date, making use in particular of data gathered and collated in accordance with the customary procedures.

They shall provide each other with available data on other bilateral, regional and multilateral aid granted to or proposed for the ACP States concerned.

3. This Article shall also apply as regards the overseas countries and territories, where appropriate, in a simplified and more flexible form adjusted to the constitutional structures peculiar to each group of countries or territories.

Article 16

1. Before programming missions are sent out the Commission shall, in collaboration with the Bank, prepare a brief document on each country, containing all the information collected from the Member States and the ACP States and analysed by the Commission, with a view to evaluating future development cooperation between the ACP State concerned and the Community.

An exchange of views will take place between the representatives of the Member States, of the Commission and of the Bank, on the basis of this document, in order to evaluate the general framework of the Community's cooperation with each ACP State and to ensure as far as possible, coherence between Community aid and aid from the Member States to the ACP States.

2. Following the programming mission undertaken in the ACP States by the Commission and the Bank, the indicative programme of Community aid for each ACP State shall be forwarded to the Member States so that an exchange of views can take place between the representatives of the Member States, of the Commission and of the Bank. This exchange of views will be held if one or more Member States so request.

3. If need be, and at least once during the period covered by the Convention, the representatives of the Member States, of the Commission and of the Bank shall examine progress in implementing the indicative programmes and any amendments to be made thereto at the request of the ACP States concerned.

Article 17

1. A Committee (hereinafter called 'the EDF Committee') consisting of representatives of the

Governments of the Member States shall be set up under the auspices of the Commission.

The EDF Committee shall be chaired by a Commission representative, and its secretariat shall be provided by the Commission.

A representative of the Bank shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the EDF Committee.

3. Within the EDF Committee, the votes of the Member States shall be weighted as follows:

Belgium	6
Denmark	3
Germany	27
France	24
Ireland	2
Italy	12
Luxembourg	1
Netherlands	8
United Kingdom	17

4. The EDF Committee shall act by a qualified majority of 69 votes.

5. The weightings laid down in paragraphs 3 and the qualified majority mentioned in paragraph 4 may be amended by a decision of the Council, acting unanimously, in the event of the accession of a new Member State to the Community.

Article 18

1. The EDF Committee shall give its opinion on financing proposals, submitted to it by the Commission, for projects or programme financed by grants, special loans or special financing facility resources.

2. The financing proposals for projects shall explain the relevance of the projects to the development prospects of the country or countries concerned; where appropriate, they shall mention the use to which such countries have put previous Community aid.

They shall include in particular measures promoting in accordance with Title VII, Chapter 7 of the Convention and the corresponding provisions of the Decision, participation by national undertakings of the ACP States and of the countries and territories in carrying out the projects.

3. If the EDF Committee requests substantial changes in the financing proposal or in the absence of a favourable opinion on the latter, the Commission shall

consult the representatives of the ACP State or ACP States concerned. In the absence of a favourable opinion the latter shall, at their request, be heard by the representatives of the Community, in accordance with Article 113 (3) of the Convention.

4. In the cases mentioned in paragraph 3, the financing proposal, after review or extension, as the case may be, shall be submitted afresh to the EDF Committee at one of its subsequent meetings.

If the Committee still refuses to deliver a favourable opinion, the Commission shall consult afresh the representatives of the ACP State or ACP States concerned, in accordance with Article 113 (4) of the Convention.

Article 19

1. The financing proposals, together with the opinion of the EDF Committee, shall be submitted to the Commission for its decision.

2. If the Commission decides to differ from the opinion expressed by the Committee, or if the Committee has not delivered a favourable opinion, the Commission shall either withdraw the financing proposal or, at the earliest opportunity, refer the proposal to the Council, which shall decide on it according to the same voting procedure as the EDF Committee.

In the latter case the ACP State concerned may, as provided in Article 113 (5) of the Convention, transmit to the Council any additional information it considers necessary before the final decision is taken and may be heard by the President and members of the Council.

Article 20

The Commission shall regularly inform the EDF Committee of all requests for financing officially submitted to it by one or more ACP State, irrespective of whether these are selected by its departments.

Article 21

The EDF Committee shall be kept informed of the results of work periodically done by the Commission on the evaluation of projects being carried out or completed, particularly in relation to development objectives set.

Article 22

1. A Committee (hereinafter called 'the Article 22 Committee') consisting of representatives of the Governments of the Member States shall be set up under the auspices of the Bank.

The Article 22 Committee shall be chaired by the representative of the Member State currently occupying the Presidency of the Board of Governors of the Bank and its secretariat shall be provided by the Bank.

A representative of the Commission shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the Article 22 Committee.

3. Within the Article 22 Committee, the votes of the Member States shall be weighted as provided for in Article 17 (3).

4. The Article 22 Committee shall act by a qualified majority of 69 votes.

5. The weightings referred to in paragraph 3 and the qualified majority mentioned in paragraph 4 may be amended by a decision of the Council, acting unanimously, in the event of the accession of a new Member State to the Community.

Article 23

1. The Article 22 Committee shall deliver an opinion on requests for loans with interest rate subsidies and on proposals for financing by risk capital which are submitted to it by the Bank.

The Commission representative may, at meetings, submit the Commission's assessment of these proposals. This assessment shall cover the conformity of the projects with Community development aid policy, with the objectives of financial and technical cooperation laid down by the Convention and with the general guidelines adopted by the ACP-EEC Council of Ministers.

In addition, the Bank shall inform the Article 22 Committee of any loans without interest rate subsidies that it intends to grant in the oil sector.

2. The document submitted to the Article 22 Committee by the Bank shall, in particular, explain the relevance of the project to the development prospects of the country or countries concerned and, where appropriate, indicate the situation as regards repayable loans granted by the Community and holdings acquired by it.

3. Where the Article 22 Committee does not deliver a favourable opinion on a proposal concerning an ACP State or group of ACP States, the Bank shall consult the

representatives of the said State or States, and the procedure laid down in Article 113 (3), and (4) of the Convention shall apply.

4. Where the Article 22 Committee delivers a favourable opinion in respect of a request for a loan with an interest rate subsidy, the request, together with the reasoned opinion of the Committee and, where appropriate, the assessment of the Commission representative, shall be submitted for a decision to the Board of Directors of the Bank, which shall act in accordance with the provisions of the Bank's Statute.

In the absence of a favourable opinion from the Article 22 Committee, the Bank shall either withdraw the request or decide to uphold it. In the latter event this request, together with the reasoned opinion of the Committee and, where appropriate, the assessment given by the Commission representative, shall be submitted for a decision to the Board of Directors of the Bank, which shall act in accordance with the provisions of the Bank's Statute.

5. Where, in respect of a proposal for financing by risk capital, the Article 22 Committee delivers a favourable opinion, the proposal shall be submitted for a decision to the Board of Directors of the Bank which shall act in accordance with the provisions of the Bank's Statute.

In the absence of a favourable opinion from the Article 22 Committee, the Bank shall either withdraw the proposal or request that the Member State chairing the Article 22 Committee refer the matter to the Council as soon as possible.

In the latter case, the proposal shall be submitted to the Council together with the reasoned opinion of the Article 22 Committee and, where appropriate, the assessment of the Commission representative.

The Council shall act in accordance with the same voting procedure as the Article 22 Committee.

If the Council decides to confirm the Article 22 Committee's position, the Bank shall withdraw its proposal.

If, however, the Council is in agreement with the Bank's proposal, the Bank shall implement the procedures laid down in its Statute.

Article 24

1. Subject to such adjustments as are necessary to take account of the nature of the operations financed and of the procedures laid down in the Statute of the Bank, the latter shall regularly inform the Article 22 Committee of all requests for financing officially submitted to it,

irrespective of whether these are selected by its departments.

2. The Article 22 Committee shall be kept informed of the results of work periodically done by the Bank on the assessment of projects being carried out or completed, particularly in relation to the development objectives set.

Article 25

1. The Commission and the Bank shall ascertain how the Community aid administered by each of them is used by the ACP States, the countries and territories or any other recipients.

2. They shall also ascertain, each for their respective parts and in close collaboration with the relevant authorities of the country or countries concerned, how projects financed with Community aid are used by the recipients.

3. When ascertaining how Community aid and projects are used, as provided for in paragraphs 1 and 2, the Commission and the Bank shall examine the extent to which the objectives referred to in Articles 91 and 92 of the Convention and in the corresponding provisions of the Decision have been attained.

4. The Commission and the Bank shall inform the Council at least once a year of their findings pursuant to paragraphs 1, 2 and 3.

The Council, acting by the qualified majority laid down in Article 17 (4), shall take the necessary measures.

CHAPTER III

Article 26

The amounts of the transfers referred to in Articles 39 and 40 respectively of Title II of the Convention and in the corresponding provisions of the Decision, and the contributions to the replenishment of resources mentioned in Article 42 of the Convention and in the corresponding provisions of the Decision, shall be expressed in units of account as laid down in Article 3.

Payments shall be made in the currency of one or more Member States chosen by the Commission after consultation of the ACP State or the relevant authorities of the countries and territories.

Article 27

Each year the Commission shall draw up a comprehensive report for the Member States on the

operation of the system of stabilization of export earnings and the use made by the ACP States of the funds transferred.

The report shall indicate in particular the effect of the system on the economic development of the recipient countries and on the development of external trade.

This Article shall also apply as regards the countries and territories.

CHAPTER IV

Article 28

The provisions for implementing this Agreement shall be the subject of a Financial Regulation adopted, upon the entry into force of the Convention, by the Council, acting by the qualified majority laid down in Article 17 (4), on the basis of a Commission draft, after an opinion has been delivered by the Bank on the provisions concerning it and by the Court of Auditors established by Article 206 of the Treaty.

Article 29

1. At the close of each financial year the Commission shall adopt the revenue and expenditure account and the balance sheet of the Fund.

2. Without prejudice to paragraph 4, the Court of Auditors established by Article 206 of the Treaty shall also exercise its powers in respect of the Fund's operations. The conditions under which the Court exercises its powers shall be laid down in the Financial Regulation referred to in Article 28.

3. The discharge for the financial management of the Fund shall be given to the Commission by the European Parliament on the recommendation of the Council, which shall act by the qualified majority laid down in Article 17 (4).

4. The operations financed from the resources of the Fund and managed by the Bank shall be subject to the control and discharge procedures laid down by the Statute of the Bank for all its operations. Each year the Bank shall send the Commission and the Council a report on the execution of operations financed from the resources of the Fund and managed by the Bank.

Article 30

1. The remaining balance of the Development Fund for the overseas countries and territories established by the

Implementing Convention annexed to the Treaty shall continue to be administered as provided in that Implementing Convention and in accordance with the rules and regulations in force on 31 December 1962.

The remaining balance of the Fund set up by the Internal Agreement on the financing and administration of Community aid signed at Yaoundé on 20 July 1963 shall continue to be administered as provided in that Internal Agreement and in accordance with the rules and regulations in force on 31 May 1969.

The remaining balance of the Fund set up by the Internal Agreement on the financing and administration of Community aid signed at Yaoundé on 29 July 1969 shall continue to be administered as provided in that Internal Agreement and in accordance with the rules and regulations in force on 31 January 1975.

The remaining balance of the Fund set up by the Internal Agreement on the financing and administration of Community aid signed in Brussels on 11 July 1975 shall continue to be administered as provided in that Internal Agreement and in accordance with the rules and regulations in force on 1 March 1980.

2. In the event of successful completion of projects financed from the Funds referred to in paragraph 1 being jeopardized by a lack of resources due to the remaining balance being used up, proposals for additional financing may be submitted by the Commission under the conditions laid down in Article 18.

Article 31

This Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The government of each Member State shall notify the Secretariat of the Council of the European Communities when the procedures required for its entry into force have been completed.

This Agreement is concluded for the same duration as the Convention. However, it shall remain in force for as long as is necessary for all the operations financed under the Convention to be fully executed.

Article 32

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German and Italian languages, each of these texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities, which shall transmit a certified copy to each of the Governments of the Signatory States.

Udfærdiget i Bruxelles, den tyvende november nitten hundrede og nioghalvfjerds.

Geschehen zu Brüssel am zwanzigsten November neunzehnhundertneunundsiebzig.

Done at Brussels on the twentieth day of November in the year one thousand nine hundred and seventy-nine.

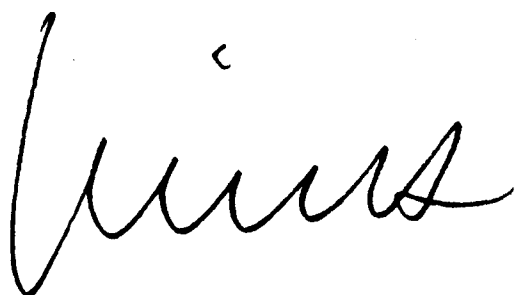
Fait à Bruxelles, le vingt novembre mil neuf cent soixante-dix-neuf.

Fatto a Bruxelles, addì venti novembre millenovecentosettantanove.

Gedaan te Brussel, de twintigste november negentienhonderd negenenzeventig.

Pour le gouvernement du royaume de Belgique

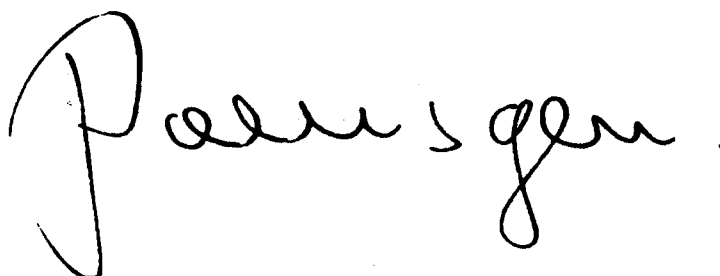
Voor de Regering van het Koninkrijk België



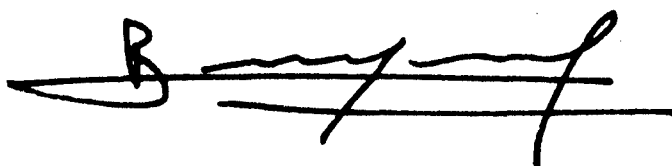
På Kongeriget Danmarks vegne



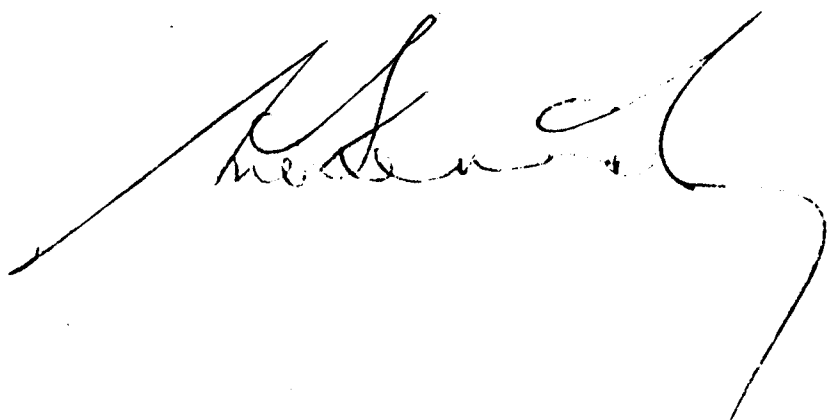
Für die Regierung der Bundesrepublik Deutschland



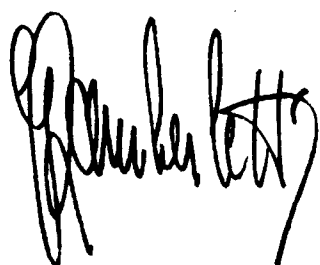
Pour le gouvernement de la République française



For the Government of Ireland



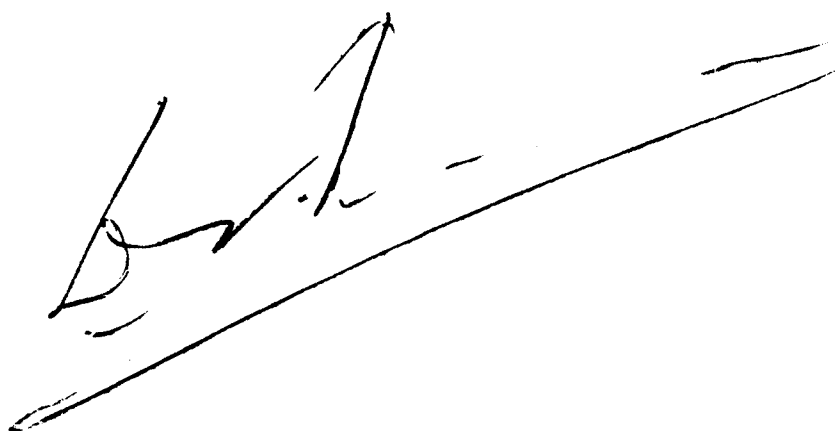
Per il Governo della Repubblica italiana



Pour le gouvernement du grand-duché de Luxembourg



Voor de Regering van het Koninkrijk der Nederlanden



For the Government of the United Kingdom of Great Britain and Northern Ireland