

ACP - EEC CONVENTION OF LOME

TEXTS
relating to
INDUSTRIAL CO-OPERATION

31 August 1977

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I - PRINCIPLES

Lomé Convention (extract)

TITLE III

INDUSTRIAL CO-OPERATION ⁽¹⁾

ARTICLE 26

The Community and the ACP States, acknowledging the pressing need for the industrial development of the latter, agree to take all measures necessary to bring about effective industrial co-operation.

Industrial co-operation between the Community and the ACP States shall have the following objectives:

- (a) to promote the development and diversification of industry in the ACP States and to help bring about a better distribution of industry both within those States and between them;
- (b) to promote new relations in the industrial field between the Community, the Member States and the ACP States, in particular the establishment of new industrial and trade links between the industries of the Member States and those of the ACP States;
- (c) to increase the links between industry and the other sectors of the economy, in particular agriculture;
- (d) to facilitate the transfer of technology to the ACP States and to promote the adaptation of such technology to their specific conditions and needs, for example by expanding the capacity of the ACP States for research, for adaptation of technology and for training in industrial skills at all levels in these States;

⁽¹⁾ Only Articles 26, 27, 28, 29, 30, 31, 32, 33, 34, 37, 38 and 39 of the ACP-EEC Convention of Lomé are reproduced in this part of the collected texts ("Principles").

- (e) to promote the marketing of industrial products of the ACP States in foreign markets in order to increase their share of international trade in those products;
- (f) to encourage the participation of nationals of ACP States in particular that of small and medium-sized industrial firms, in the industrial development of those States;
- (g) to encourage Community firms to participate in the industrial development of the ACP States, where those States so desire and in accordance with their economic and social objectives.

ARTICLE 27

In order to attain the objectives set out in Article 26, the Community shall help to carry out, by all the means provided for in this Convention, programmes, projects and schemes submitted to it on the initiative or with the agreement of the ACP States in the fields of industrial infrastructures and ventures, training, technology and research, small and medium-sized firms, industrial information and promotion, and trade co-operation.

ARTICLE 28

The Community shall contribute to the setting up and the extension of the infrastructure necessary for industrial development, particularly in the fields of transport and communications, energy and industrial research and training.

ARTICLE 29

The Community shall contribute to the setting up and the extension in the ACP States of industries processing raw materials and industries manufacturing finished and semi-finished products.

ARTICLE 30

At the request of the ACP States and on the basis of the programmes submitted by the latter, the Community shall contribute to the organization and financing of the training, at all levels, of personnel of the ACP States in industries and institutions within the Community.

In addition, the Community shall contribute to the establishment and expansion of industrial training facilities in the ACP States.

ARTICLE 31

With a view to helping the ACP States to overcome obstacles encountered by them in matters of access to and adaptation of technology, the Community is prepared in particular to:

- (a) keep the ACP States better informed on technological matters and assist them in selecting the technology best adapted to their needs;
- (b) facilitate their contacts and relations with firms and institutions in possession of the appropriate technological know-how;

- (c) facilitate the acquisition, on favourable terms and conditions, of patents and other industrial property, in particular through financing and/or through other suitable arrangements with firms and institutions within the Community;
- (d) contribute to the establishment and expansion of industrial research facilities in the ACP States with particular reference to the adaptation of available technology to the conditions and needs of those States.

ARTICLE 32

The Community shall contribute to the establishment and development of small and medium-sized industrial firms in the ACP States through financial and technical co-operation schemes adapted to the specific needs of such firms and covering inter alia:

- (a) the financing of firms,
- (b) the creation of appropriate infrastructure and industrial estates,
- (c) vocational and advanced training,
- (d) the setting up of specialized advisory services and credit facilities.

The development of these firms shall, as far as possible, be conducive to the strengthening of the complementary relationship between small and medium-sized industrial firms and of their links with large industrial firms.

ARTICLE 33

Industrial information and promotion schemes shall be carried out in order to secure and intensify regular information exchanges and the necessary contacts in the industrial field between the Community and the ACP States.

These schemes could have the following aims:

- (a) to gather and disseminate all relevant information on the trends in industry and trade in the Community and on the conditions of and possibilities for industrial development in the ACP States;
- (b) to organize and facilitate contacts and meetings of all kinds between Community and ACP States' industrial policy-makers, promoters and firms;
- (c) to carry out studies and appraisals aimed at pinpointing the practical opportunities for industrial co-operation with the Community in order to promote the industrial development of the ACP States;
- (d) to contribute, through appropriate technical co-operation schemes, to the setting up, launching and running of the ACP States' industrial promotion bodies.

ARTICLE 34

In order to enable the ACP States to obtain full benefit from trade and other arrangements provided for in this Convention, trade promotion schemes shall be carried out to encourage the marketing of industrial products of ACP States both in the Community as well as in other external markets. Furthermore, programmes shall be drawn up jointly between the Community and the ACP States in order to stimulate and develop the trade of industrial products among the said States.

.....

ARTICLE 37

Programmes, projects or schemes **undertaken** in the field of industrial co-operation and involving **Community** financing shall be implemented in accordance with Title IV, taking into account the particular characteristics of **interventions** in the industrial sector.

ARTICLE 38

1. Each ACP State shall endeavour to give as clear an indication as possible of its priority areas for industrial co-operation and the form it would like such co-operation to take. It will also take such steps as are necessary to promote effective co-operation within the framework of this Title with the Community and the Member States or with firms or nationals of Member States who comply with the development programmes and priorities of the host ACP State.
2. The Community and the Member States, for their part, shall endeavour to set up measures to attract the participation of their firms and nationals in the industrial development efforts of the ACP States concerned, and shall encourage such firms and nationals to adhere to the aspirations and development objectives of those ACP States.

ARTICLE 39

This Title shall not prevent any ACP State or group of ACP States from entering into specific arrangements for the development in ACP States of agricultural, mineral, energy and other specific resources with a Member State or States of the Community, provided that these arrangements are compatible with this Convention. Such arrangements must be complementary to the efforts on industrialization and must not operate to the detriment of this Title.

II - COMMITTEE ON INDUSTRIAL CO-OPERATION

(CIC)

Lomé Convention (extract)

ARTICLE 35

1. A Committee on Industrial Co-operation shall be established. It shall be supervised by the Committee of Ambassadors.
2. The Committee on Industrial Co-operation shall:
 - (a) see to the implementation of this Title;
 - (b) examine the problems in the field of industrial co-operation submitted to it by the ACP States and/or by the Community, and suggest appropriate solutions;
 - (c) guide, supervise and control the activities of the Centre for Industrial Development referred to in Article 36 and report to the Committee of Ambassadors and, through it, to the Council of Ministers;
 - (d) submit from time to time reports and recommendations which it considers appropriate to the Committee of Ambassadors;
 - (e) perform such other functions as may be assigned to it by the Committee of Ambassadors.
3. The composition of the Committee on Industrial Co-operation and the details for its operation shall be determined by the Council of Ministers.

DECISION No 1/76 OF THE ACP-EEC COUNCIL OF MINISTERS

OF 14 JULY 1976

on the composition of the Committee on Industrial Co-operation
and its Rules of Operation

THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the ACP-EEC Convention of Lomé, signed on
28 February 1975 (hereinafter referred to as "the Convention") and
in particular Article 35 thereof,

Having regard to the proposal from the Committee of Ambassadors

Anxious to ensure the fulfilment of the objectives which the
ACP States and the Community have set themselves under Title III of
the Convention;

Having regard to the contribution that effective industrial co-operation between the ACP States and the Community can make to the industrial development of the former;

HAS ADOPTED the following composition for and rules of operation of the Committee on Industrial Co-operation,

Article 1

1. The Committee on Industrial Co-operation set up by Article 35 of the Convention (hereinafter referred to as "the Committee") shall be composed, on the one hand, of representatives of the nine Member States of the European Economic Community, a representative of the Commission of the European Communities and a representative of the European Investment Bank and, on the other hand, of fifteen representatives of the ACP States.
2. The term of office of the representatives of the ACP States shall be one year and shall be renewable.

Article 2

As set out in Article 35(2) of the Convention, the Committee shall:

- (a) see to the implementation of Title III of the Convention;

- (b) examine the problems in the field of industrial co-operation submitted to it by the ACP States and/or by the Community, and suggest appropriate solutions;
- (c) guide, supervise and control the activities of the Centre for Industrial Development referred to in Article 36 of the Convention and report to the Committee of Ambassadors and, through it, to the Council of Ministers;
- (d) submit from time to time reports and recommendations which it considers appropriate to the Committee of Ambassadors;
- (e) perform such other functions as may be assigned to it by the Committee of Ambassadors.

The Committee shall also carry out such other tasks as may be entrusted to it by the Council of Ministers, pursuant, in particular, to Decision No 2/76 laying down the Statutes and rules of operation of the Centre for Industrial Development.

Article 3

The office of Chairman of the Committee shall be held alternately, for periods of six months, by the ACP States and the Community.

Article 4

Meetings of the Committee shall be convened by the Chairman under the conditions set out in the Rules of Procedure laid down in Article 7.

Article 5

Without prejudice, to Article 1, any ACP State which is not a member of the Committee may participate in meetings of the Committee as an observer.

Article 6

Within the framework of its duties, the Committee shall act by mutual agreement between the ACP States on the one hand and the Community on the other.

Article 7

The Committee shall adopt its own rules of procedure.

Article 8

The regional economic groupings of the ACP States referred to in Annex V to the Final Act of the Convention as well as any other regional economic groupings between ACP States as may be approved by the Council of Ministers may be represented at meetings of the Committee as observers.

Article 9

The Centre for Industrial Development shall be represented at the meetings of the Committee at which the latter lays down guidelines and defines the periodic reviews of the activities of the Centre.

Article 10

The Committee shall lay down detailed arrangements for the regular consultation of the economic and social sectors of the ACP States and of the Community.

Article 11

The ACP States, the Member States and the Community shall, each for their own part, take the measures necessary to implement this Decision.

Article 12

This Decision shall enter into force on 16 July 1976.

Done at Brussels, 14 July 1976

For the ACP-EEC Council of Ministers

The President

(s.) KING

DECISION No 5 /77 OF THE ACP-EEC COUNCIL OF MINISTERS
OF 14 APRIL 1977

amending Decision No 1/76
of the ACP-EEC Council of Ministers of 14 July 1976
on the composition of the Committee on Industrial Co-operation
and its Rules of Operation

THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the ACP-EEC Convention of Lomé, hereinafter called the "Convention", and in particular Article 35 thereof,

Whereas Article 1 of Decision No 1/76 of the ACP-EEC Council of Ministers of 14 July 1976 provides that the Committee on Industrial Co-operation set up under Article 35 of the Convention (hereinafter called the "Committee") shall be composed, on the one hand, of representatives of the nine Member States of the European Economic Community, a representative of the Commission of the European Communities and a representative of the European Investment Bank and, on the other hand, of fifteen representatives of the ACP States;

Whereas, in order to ensure more appropriate representation of the ACP States on the Committee following the accessions to the Convention, the number of representatives of these States should be increased from 15 to 17,

HAS DECIDED AS FOLLOWS:

Article 1

Article 1(1) of Decision No 1/76 of the ACP-EEC Council of Ministers of 14 July 1976 is replaced by the following:

"The Committee on Industrial Co-operation set up under Article 35 of the Convention (hereinafter called the "Committee") shall be composed, on the one hand, of representatives of the nine Member States of the European Economic Community, a representative of the Commission of the European Communities and a representative of the European Investment Bank and, on the other hand, of seventeen representatives of the ACP States."

Article 2

The ACP States, the Member States and the Community shall, for their part, take the measures necessary to implement this Decision.

Article 3

This Decision shall enter into force on 16 April 1977.

Done at Suva, 14 April 1977
For the ACP-EEC Council of Ministers
The President

(s.) Ratu Sir K.K.T. MARA K.B.E.

RULES OF PROCEDURE OF THE
COMMITTEE ON INDUSTRIAL CO-OPERATION

Article 1

1. The Committee on Industrial Co-operation, hereinafter called the "Committee", shall meet at least twice a year on dates to be fixed by it by joint agreement between the ACP States and the Community.
2. The Committee may also meet on any other date at the request either of the ACP States or the Community, following consultation between the Chairman and both parties.
3. There shall normally be a period of notice of not less than 7 days for the meetings of the Committee except in cases of emergency where the time-limit stipulated above may be reduced.

Article 2

The Committee shall meet either at the places where the meetings of the Council of the European Communities are usually held, or at the premises of the ACP General Secretariat or in an ACP State, in conformity with a special decision taken by the Committee.

Article 3

1. The provisional agenda for each meeting shall be drawn up by the Chairman. It shall be communicated to the other members of the Committee not less than 7 days before the meeting.
2. The agenda shall be adopted by the Committee at the beginning of each meeting. In an emergency the Committee may decide, at the request of the ACP States or the Community, to include on the agenda items in respect of which the time-limit laid down in paragraph 1 has not been met.

3. When the Committee meets under emergency conditions referred to in the third paragraph of Article 1 the time-limit laid down in paragraph 1 of this Article may be reduced.

Article 4

The members of the Committee shall be appointed by the ACP States and the Community respectively.

Article 5

The members of the Committee may be accompanied by officials to assist them.

They may be represented by persons appointed by them.

Article 6

At the request of the ACP States or the Community, the Committee may decide to hold meetings without the participation provided for in Article 8 of Decision No 1/76 of the Council of Ministers, of observers from regional economic groupings of ACP States.

Article 7

Meetings of the Committee shall not be public.

Without prejudice to such other provisions as may apply, the deliberations of the Committee shall be covered by the obligations of professional secrecy unless the Committee should decide otherwise.

Article 8

Correspondence intended for the Committee shall be sent to the Chairman of the Committee at the address of the Secretariat of the Council of Ministers.

Article 9

Unless otherwise decided, the Committee shall base its deliberations on documentation prepared in Danish, Dutch, English, French, German and Italian.

Article 10

The proceedings of the Committee shall be valid only if at least five of the representatives of the Member States of the Community, one Commission representative, one representative of the EIB and eight representatives of the ACP States are present.

Article 11

The Committee may set up sub-committees responsible for specific tasks.

Article 12

The Committee shall submit reports on its work to the ACP-EEC Committee of Ambassadors.

Article 13

Secretarial and other work required for the functioning of the Committee (preparation of agenda and circulation of documents relating thereto, etc.) shall be carried out by the Secretariat of the Council of Ministers.

Article 14

The Secretariat shall, after each meeting of the Committee, draw up the record of the meeting.

Done at Brussels, 21 March 1977
For the Committee on
Industrial Co-operation
The Chairman

L.C.J. MARTIN

III - CENTRE FOR INDUSTRIAL DEVELOPMENT

(CID)

Lomé Convention (extract)

ARTICLE 36

A centre for Industrial Development shall be set up. It shall have the following functions:

- (a) to gather and disseminate in the Community and the ACP States all relevant information on the conditions of and opportunities for industrial co-operation;
- (b) to have, at the request of the Community and the ACP States, studies carried out on the possibilities and potential for industrial development of the ACP States, bearing in mind the necessity for adaptation of technology to their needs and requirements, and to ensure their follow-up;
- (c) to organize and facilitate contacts and meetings of all kinds between Community and ACP States' industrial policy-makers, promoters, and firms and financial institutions;
- (d) to provide specific industrial information and support services;
- (e) to help to identify, on the basis of needs indicated by ACP States, the opportunities for industrial training and applied research in the Community and in the ACP States, and to provide relevant information and recommendations.

The Centre's Statutes and rules of operation shall be adopted by the Council of Ministers on a proposal from the Committee of Ambassadors upon the entry into force of this Convention.

DECISION No 2 /76 OF THE ACP-EEC COUNCIL OF MINISTERS

OF 14 JULY 1976

laying down the statutes
and rules of operation of
the Centre for Industrial Development

THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the ACP-EEC Convention of Lomé signed on
28 February 1975 (hereinafter referred to as "the Convention"), and
in particular Article 36 thereof,

Having regard to the proposal from the Committee of Ambassadors,

Anxious to ensure the fulfilment of the objectives which the ACP States and the Community have set themselves,

Having regard to the contribution that effective industrial co-operation between the ACP States and the Community can make to the industrial development of the former and, amongst others, the need for information, promotion and technical co-operation in the industrial field,

HAS ADOPTED the following Statutes and rules of operation of the Centre for Industrial Development:

Article 1

1. The Centre for Industrial Development set up by Article 36 of the Convention (hereinafter referred to as "the Centre") shall enjoy in each of the States which are Parties to the Convention the most extensive legal capacity accorded to legal persons.
2. The Centre shall be non-profit-making. It shall have its seat in Brussels.
3. The functions of the Centre, as set out in Article 36 of the Convention, are as follows:
 - (a) to gather and disseminate in the Community and the ACP States all relevant information on the conditions of and opportunities for industrial co-operation;

- (b) to have, at the request of the Community and the ACP States, studies carried out on the possibilities and potential for industrial development of the ACP States, bearing in mind the necessity for adaptation of technology to their needs and requirements, and to ensure their follow-up;
- (c) to organize and facilitate contacts and meetings of all kinds between Community and ACP States' industrial policy-makers, promoters and firms and financial institutions;
- (d) to provide specific industrial information and support services;
- (e) to help to identify, on the basis of needs indicated by the ACP States, the opportunities for industrial training and applied research in the Community and in the ACP States, and to provide relevant information and recommendations.

Article 2

The activities of the Centre shall be guided, supervised and controlled by the Committee on Industrial Co-operation (hereinafter referred to as "the Committee") in accordance with Article 35 of the Convention.

Article 3

1. The Centre shall be headed by a Director, appointed by the Committee.
2. The Director shall be assisted by a Deputy Director appointed by the Committee.

3. The Director shall be the legal representative of the Centre.

Article 4

1. An Advisory Council (hereinafter referred to as "the Council") shall be established to advise the Director.

The Council shall assist the Director and be consulted by him on all matters of major importance deriving from the work programme of the Centre. It may also, on its own initiative, raise such matters and any other matters relating thereto with the Director. In the event of disagreement between the Director and the Council, the Committee shall be informed of the views of the Council.

2. The Council shall be composed of 12 members with industrial experience, chosen on the individual basis from nationals of the States which are parties to the Convention on the grounds of their qualifications and experience.

They shall be appointed by the Committee.

3. Members of the Council shall be appointed for a period of two years. Their term of office may be extended.
4. Members of the Council shall select from among their number a Chairman who shall hold office for one year.

The Council shall lay down the number of meetings it shall hold each year. It shall also meet whenever necessary for the execution of its tasks, either at the request of the Director or on its own initiative when so requested by at least 2/3 of its members.

6. The Director or his representative shall take part in the proceedings of the Council. The Centre shall prepare the Council's meetings and provide the secretariat thereof.
7. The Council may invite experts from outside the Centre to give opinions on specific questions.
8. The Council shall adopt its own rules of procedure and submit them to the Committee for approval.

Article 5

1. The Director, after consulting the Council, shall submit the annual work programme of the Centre to the Committee for approval together with the opinion of the Council.
2. The Director shall regularly inform the Committee of the activities of the Centre.
3. The Director shall each year draw up a general report on the activities of the Centre and, after consulting the Council, shall submit it to the Committee.

4. The Director shall be responsible for the management of the Centre.
5. The Committee shall adopt the staff regulations.

Article 6

1. The Director shall, on the basis of the work programme referred to in Article 5(1) and after consulting the Council, draw up a preliminary annual draft budget for the Centre which he shall submit, together with the opinion of the Council, to the Committee.
2. All expenditure and all revenue to cover such expenditure shall be the subject of detailed estimates for each financial year and must be entered in the budget.

The estimates of the expenditure shall include its recurrent and capital expenditure.

The estimates of the revenue shall include the contribution expected from the European Development Fund and from any other sources.

3. The draft budget finalized by the Committee shall be forwarded to the Commission of the European Communities, which shall initiate the Community procedures in force as regards the contribution requested from the European Development Fund. The budget shall be finally approved by the Committee in the light of the decision taken on the contribution from the Fund.

4. The financial year shall in principle run from 1 January to 31 December of each year.

Expenditure entered in the budget shall be authorized for period of one financial year. However, the Director shall be authorized to carry forward appropriations which have not been used up at the end of a financial year to the following financial year only.

5. If, at the beginning of a financial year, the budget has not yet been adopted, the Director may incur current expenditure monthly, provided that such expenditure does not exceed one-twelfth of the appropriations entered under this heading in the budget for the previous financial year and that this arrangement does not have the effect of placing at his disposal appropriations in excess of one-twelfth of those provided for in the draft budget.

6. The Director shall ensure that the budget is implemented on his own responsibility and within the limit of the appropriations allocated. He shall report to the Committee on the administration of the budget.

7. The expenditure of the Centre shall be effected in accordance with the provisions of the Financial Regulations adopted by the Committee.

8. The Committee shall appoint an auditor.

The task of the auditor shall be to audit the books and the cash of the Centre, to verify that the inventories and balance sheets have been drawn up in a regular manner and in good faith and to ensure that the information given regarding the accounts of the Centre is correct.

The purpose of the audit, which shall be based on records and, if necessary, performed on the spot, shall be to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner and that the financial management has been sound.

After the close of each financial year the auditor shall draw up a report to the Committee on the manner in which he has carried out his task.

On the basis of this report and the balance sheet for the financial year, the Committee shall give the Director a discharge in respect of the implementation of the budget.

Article 7

Members of the Council, the Director, the staff and all other persons participating in the activities of the Centre shall be bound, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

Article 8

Protocol No 5 on Privileges and Immunities annexed to the Convention shall apply to the staff of the Centre as provided for in Article 1 of the said Protocol.

Article 9

These Statutes may be amended by the Council of Ministers on the recommendation of the Committee of Ambassadors.

Article 10

Article 91 of the Convention shall apply to the Centre.

Article 11

The ACP States, the Member States and the Community shall, each for their own part, take the measures necessary to implement this Decision.

Article 12

, This Decision shall enter into force on 16 July 1976.

Done at Brussels, 14 July 1976.

For the ACP-EEC Council of Ministers
The President

(s.) KING

DECISION No 7 /77 OF THE ACP-EEC COUNCIL OF MINISTERS
OF 14 APRIL 1977

amending Decision No 2/76
of the ACP-EEC Council of Ministers of 14 July 1976
laying down the statutes and rules of operation of
the Centre for Industrial Development

THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the ACP-EEC Convention of Lomé, hereinafter
called the "Convention", and in particular Article 36 thereof,

Whereas Article 4 of Decision No 2/76 establishes an Advisory
Council composed of twelve members with industrial experience,
chosen on an individual basis from nationals of the States
which are parties to the Convention on the grounds of their
qualifications and experience;

Whereas, in order to ensure more appropriate representation
of the ACP States on this Council following the accessions to
the Convention, the number of its members should be increased
from 12 to 14,

HAS DECIDED AS FOLLOWS:

Article 1

The first subparagraph of Article 4(2) of Decision No 2/76 of the ACP-EEC Council of Ministers of 14 July 1976 is replaced by the following:

"The Council shall be composed of 14 members with industrial experience, chosen on an individual basis from nationals of the States which are parties to the Convention on the grounds of their qualifications and experience."

Article 2

The ACP States, the Member States and the Community shall, for their part, take the measures necessary to implement this Decision.

Article 3

This Decision shall enter into force on 16 April 1977.

Done at Suva, 14 April 1977
For the ACP-EEC Council of Ministers
The President

(s.) Ratu Sir K.K.T. MARA K.B.E.

DECISION No 1/76 OF THE COMMITTEE ON INDUSTRIAL CO-OPERATION
OF 20 DECEMBER 1976

on the
appointment of the Director and the Deputy Director
of the Centre for Industrial Development
and the drawing up of their contracts

THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the ACP-EEC Convention of Lomé, and in particular Articles 35 and 36 thereof,

Having regard to Decision No 2/76 of the Council of Ministers laying down the statutes and rules of operation of the Centre for Industrial Development, and in particular Article 3(1) and (2) thereof,

Whereas it is for the Committee on Industrial Co-operation to appoint the Director and the Deputy Director of the Centre for Industrial Development;

Whereas the European Economic Community has proposed to the Committee on Industrial Co-operation that Mr Roger THEISEN be appointed to the post of Director of the Centre for Industrial Development and the ACP States have proposed that Dr Isaac Adedayo AXINRELE be appointed to the post of Deputy Director of the Centre;

Whereas the authority empowered to sign the contracts of the Director and the Deputy Director of the Centre should be designated; whereas the Committee on Industrial Co-operation is the supervisory authority of the Centre, under the terms of Article 35 of the Lomé Convention, and whereas its Chairman is therefore in a position to act on behalf of the Centre to appoint the Director and Deputy Director thereof,

HAS DECIDED AS FOLLOWS:

Article 1

1. Mr Roger THEISEN is hereby appointed Director of the Centre for Industrial Development.
2. Dr Isaac Adedayo AKINRELE is hereby appointed Deputy Director of the Centre for Industrial Development.

Article 2

The Committee on Industrial Co-operation empowers its Chairman and the spokesman of the delegation which will be the next to hold the office of Chairman, in accordance with Article 3 of Decision No 1/76 of the ACP-EEC Council of Ministers, jointly to sign the contracts of the Director and the Deputy Director on behalf of the Centre for Industrial Development.

Done at Brussels, 20 December 1976

(s.) H.L.M. van CORSCHOT
The Chairman
of the Committee
on Industrial Co-operation

DECISION No 2/76 OF THE COMMITTEE ON INDUSTRIAL CO-OPERATION
OF 20 DECEMBER 1976

authorizing the Director
of the Centre for Industrial Development
to engage the staff
necessary to set up
the Centre for Industrial Development

THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the ACP-EEC Convention of Lomé, and in particular Articles 35 and 36 thereof,

Having regard to Decision No 2 of the Council of Ministers laying down the statutes and rules of operation of the Centre for Industrial Development, and in particular Article 5(4) and (5) thereof,

Having regard to Decision No 1 of the Committee on Industrial Co-operation on the appointment of the Director and the Deputy Director of the Centre for Industrial Development and the drawing up of their contracts,

Whereas the Committee on Industrial Co-operation will shortly be adopting the staff regulations of the Centre for Industrial Development, in accordance with Article 5(5) of Decision No 2/76 of the ACP-EEC Council of Ministers;

Whereas pending adoption of these regulations the Director of the Centre for Industrial Development must have the necessary staff to enable him to organize the initial work of the Centre,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The Director of the Centre for Industrial Development is hereby authorized to engage, by means of contracts based on the law of the Member State in which the Centre for Industrial Development has its headquarters, the support staff (in particular shorthand-typists and messengers) strictly necessary for the initial setting up of the Centre.
2. The total financial commitments resulting therefrom must remain within the limits of the financial means at his disposal, taking into account the other financial commitments involved in the initial setting up of the Centre.
3. The Director shall regularly inform the Chairman of the Committee on Industrial Co-operation of employment contracts concluded and the terms thereof.

Done at Brussels, 20 December 1976

(s.) H.L.M. van COORSCHOT
The Chairman
of the Committee
on Industrial Co-operation

DECISION No 1/77/CIC
OF THE COMMITTEE ON INDUSTRIAL CO-OPERATION
OF 15 FEBRUARY 1977

amending Decision No 2/76
authorizing the Director
of the Centre for Industrial Development
to engage the staff necessary
to set up
the Centre for Industrial Development

THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the ACP-EEC Convention of Lomé, and in particular Articles 35 and 36 thereof,

Having regard to Decision No 2/76 of the ACP-EEC Council of Ministers of 14 July 1976 laying down the Statutes and rules of operation of the Centre for Industrial Development, hereinafter called "the Centre", and in particular Article 5(4) and (5) thereof,

Whereas, pending the adoption of the conditions of employment of the staff, Decision No 2/76 of the Committee on Industrial Co-operation authorized the Director of the Centre to engage the executive staff strictly necessary for the initial setting up of the Centre;

Whereas the adoption of all the provisions necessary for the entry into force of the conditions of employment of the staff will probably be delayed and, in these circumstances, it appears to be necessary to extend the recruitment authorization issued to the Director,

HAS DECIDED AS FOLLOWS:

Article 1

The following text shall be substituted for paragraph 1 of the Sole Article of Decision No 2/76 of the Committee on Industrial Co-operation:

- "1. The Director is hereby authorized to engage, by means of contracts based on the law of the Member State in which the Centre has its headquarters, the staff necessary for the initial setting up of the Centre."

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 15 February 1977
For the Committee
on Industrial Co-operation

The Chairman

L.C.J. MARTIN

DECISION No 6/77 OF THE ACP-EEC COUNCIL OF MINISTERS
OF 14 APRIL 1977

on the arrangements applicable to the staff
of the Centre for Industrial Development
as regards taxation, social security and jurisdiction

THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the Lomé Convention, and in particular
Article 36 thereof,

Having regard to the proposal from the Committee of
Ambassadors,

Whereas steps should be taken to ensure the proper functioning
of the Centre for Industrial Development and to determine the
conditions under which Protocol No 5 to the Lomé Convention, on
privileges and immunities, can be applied to certain staff of
that Centre;

Whereas by its Decision No 2/76 of 14 July 1976 the ACP-EEC
Council of Ministers laid down the Statutes and rules of operation
of the Centre for Industrial Development and gave the Committee on
Industrial Co-operation a mandate to adopt the conditions of
employment of the staff; whereas those conditions of employment
are to be adopted very shortly by that Committee;

Whereas, as provided for in the said Protocol No 5, the staff of
the Centre for Industrial Development shall enjoy the customary
privileges, immunities and facilities in the territory of the
Member States and of the ACP States, in particular, whilst carrying
out their duties; whereas these privileges, immunities and
facilities must be treated as comparable to those of similar
institutions operating under like conditions,

HAS DECIDED AS FOLLOWS:

Article 1

The Director, the Deputy Director and the staff of the Centre for Industrial Development and, to the extent necessary, members of their families, shall, as regards social security schemes, be subject to the law of the State in whose territory the Centre has its headquarters, unless they opt for the application of the law of the State to whose law they were last subject or the law of the State of which they are nationals. However, this right of option may be exercised once only and must be exercised within the six months following the date of appointment; it shall take effect on the date of entry into service.

Article 2

1. The Director, the Deputy Director and the staff of the Centre for Industrial Development shall be liable to a tax for the benefit of the Centre on salaries, wages and emoluments paid by the Centre.

The conditions and procedures for applying this tax are laid down in the Annex. The Committee on Industrial Co-operation shall be empowered to amend that Annex if necessary.

2. Tax shall be collected by the Centre by means of deduction at source. The proceeds of the tax shall be entered as revenue in the budget of the Centre.

3. The persons referred to in paragraph 1 shall be exempt from national tax on salaries, wages and emoluments paid by the Centre.

Article 3

1. In the event of a dispute between the Director, the Deputy Director or the staff of the Centre on the one hand and the Centre on the other, the dispute shall be brought to the attention of the Committee, which, with a view to seeking a solution, shall examine it in accordance with the arrangements and procedures which it shall lay down.

2. If the Committee is unable to reach a solution acceptable to the parties to the dispute within two months of its notification either party may initiate arbitration proceedings. To this end one party shall inform the other of the nomination of an arbitrator. The other party shall then be required to nominate a second arbitrator within one month. The two arbitrators shall choose a third arbitrator.

3. The decisions taken by the arbitration body shall be binding on the parties and, to the extent necessary, shall be rendered enforceable for the relevant authorities of the Member States and for the institutions and bodies set up under the Convention.

4. The disputes referred to in paragraph 1 may not be subject to any other method of settlement.

Article 4

This Decision shall enter into force on 16 April 1977.

Article 5

The ACP States, the Member States and the Community shall each take the measures necessary to implement this Decision.

Done at Suva, 14 April 1977
For the ACP-EEC Council of Ministers
The President

(s.) Ratu Sir K.K.T. MARA K.B.E.

Conditions and procedure for applying the tax for the benefit
of the Centre for Industrial Development

1. The Director, the Deputy Director and the Staff of the Centre, excluding local staff, shall be liable to the tax for the benefit of the Centre referred to in Article 2 of the Decision.

The tax shall be payable each month on salaries and emoluments of any kind paid by the Centre to each person liable.

However, monies and allowances, whether lump sums or not, which represent compensation for expenses incurred in the performance of official duties, shall be excluded from the basic taxable amount.

2. Family allowances and social benefits shall be deducted from the basic taxable amount.
3. An abatement of 10% for occupational and personal expenses shall be made from the amount obtained by applying the preceding provisions.

An additional abatement equivalent to twice the amount of the allowance for a dependent child paid to the person liable shall be made for each child or person dependent on the person liable.

Sums paid by persons liable on account of the social legislation to which he is subject shall be deducted from the basic taxable amount.

4. The tax shall be calculated on the taxable amount obtained by applying paragraph 3, disregarding any amount not exceeding Bfrs 803 and by applying the rate of:

8	% to amounts between Bfrs	803 and 14,178
10	% to amounts between Bfrs	14,179 and 19,528
12.50	% to amounts between Bfrs	19,529 and 22,380
15	% to amounts between Bfrs	22,381 and 25,413
17.50	% to amounts between Bfrs	25,414 and 28,265
20	% to amounts between Bfrs	28,266 and 31,030
22.50	% to amounts between Bfrs	31,031 and 33,883
25	% to amounts between Bfrs	33,884 and 36,648
27.50	% to amounts between Bfrs	36,649 and 39,500
30	% to amounts between Bfrs	39,501 and 42,265
32.50	% to amounts between Bfrs	42,266 and 45,118
35	% to amounts between Bfrs	45,119 and 47,883
40	% to amounts between Bfrs	47,884 and 50,735
45	% to amounts above Bfrs	50,735.

The amount of tax shall be rounded down to the lower unit.

5. By way of derogation from paragraphs 3 and 4, sums paid as compensation for overtime shall be taxed at the rate which, in the month preceding that of payment, was applied to the highest portion of the taxable amount of the employee's remuneration.

Payments made on account of termination of service shall be taxed, after applying the abatements laid down in the first two subparagraphs of paragraph 3, at a rate equal to two thirds of the ratio existing, at the time of last salary payment, between:

- the amount of tax payable and
- the basic taxable amount as defined in paragraphs 1, 2 and 3.

6. When the taxable payment covers a period of less than one month the rate of the tax shall be that which is applicable to the corresponding monthly payment.

When the taxable payment covers a period of more than one month the tax shall be calculated as if this payment had been spread evenly over the months to which it relates.

Corrective payments not related to the month during which they are paid shall be subject to the tax to which they would have been subject had they been made at the proper time.

7. The Committee on Industrial Co-operation shall adopt any necessary provisions concerning the application of the arrangements laid down in this Annex.

The Director of the Centre shall ensure that these arrangements are applied.

Where necessary he shall refer by analogy to the relevant arrangements applicable to officials of the European Communities and in particular to Council Regulation (EEC, Euratom, ECSC) No 260/68 of 29 February 1968.

DECISION No 2/77/CIC
OF THE COMMITTEE ON INDUSTRIAL CO-OPERATION
OF 28 JULY 1977

laying down the conditions of employment of the staff
of the Centre for Industrial Development

THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the ACP-EEC Convention of Lomé signed on
28 February 1975, hereinafter called the "Convention", and in
particular Articles 35 and 36 thereof,

Having regard to Decision No 2/75 of the ACP-EEC Council of
Ministers of 14 July 1975 laying down the Statutes and rules of
operation of the Centre for Industrial Development, hereinafter
called the "Centre", and in particular Article 5(5) thereof,

Whereas the conditions of employment of the staff of the Centre should be laid down;

Whereas these conditions of employment should also apply to the Director and Deputy Director of the Centre, who are appointed by the Committee on Industrial Co-operation, hereinafter called the "Committee", pursuant to Article 3(1) and (2) of Decision No 2/75 of the ACP-EEC Council of Ministers,

HAS DECIDED AS FOLLOWS:

TITLE I

GENERAL PROVISIONS

Article 1

1. This Decision lays down the conditions of employment applicable to:
 - the Director and Deputy Director of the Centre;
 - the staff of the Centre;
 - the local staff of the Centre.

2. For the purposes of this Decision persons engaged to perform advisory duties which require university education or equivalent professional experience shall be regarded as staff.

For the purposes of this Decision persons engaged to perform executive duties which require an advanced or intermediate level of secondary education or equivalent professional experience shall be regarded as local staff.

TITLE II

STAFF

CHAPTER 1

Provisions concerning recruitment

Article 2

1. Staff shall be appointed by the Director for a specified period which may not exceed the duration of the Convention.
2. The Director shall furnish the Committee with advance information on all pertinent matters relating to the recruitment of staff.

Pertinent matters include the available posts, mode of advertisement, applications received and the method and basis of selection of the candidates.

3. The Director shall inform the Committee of the decisions which he has taken regarding the recruitment of staff.

Article 3

Staff shall be divided into categories corresponding to the duties to be performed.

Staff shall be graded according to qualifications and professional experience.

The following table shows the category and remuneration corresponding to each basic post:

	Category	Basic post	Remuneration Bfrs (Gross)		
			(a)	(b)	(c)
I. Directorate	1	Director	221,000	-	-
	2	Deputy Director	178,000	-	-
II. Administrative staff	3 A)	Technical adviser	144,000	152,500	161,000
	3 B)		127,000	135,000	144,000
	4 A)	Officer assigned special duties	110,000	118,000	127,000
	4 B)		92,500	101,000	110,000
III. Administrative assistants	5 A	Assistant	67,500	75,500	84,000
	5 B	Executive secretary	29,000	35,000	41,000

Article 4

Decisions whereby staff are appointed shall specify the duties to be performed by them and the remuneration to which they are entitled.

CHAPTER 2

Rights and obligations

Article 5

Staff shall carry out their duties and conduct themselves solely with the interests of the Centre in mind; they shall neither seek nor take instructions from any government, authority, organization or person outside the Centre.

They shall not without the permission of the Director accept from any government or from any other source outside the Centre any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before engagement or during leave for military or other national service and in respect of such service.

Article 6

Staff shall abstain from any action and, in particular, any public expression of opinion which may reflect adversely on their position.

They may not engage in an outside activity, whether gainful or not, that may be incompatible with the normal efficient performance of their duties or is likely to be detrimental to the best interests of the Centre.

Article 7

If the spouse of a staff member is in gainful employment, the staff member shall inform the Director thereof.

Should the nature of the employment prove to be incompatible with that of the staff member and if the latter is unable to give an undertaking that it will cease within a specified period, the Director shall decide whether the staff member is to continue in his post.

Article 8

Any staff member who in the performance of his duties is called upon to decide on a matter in the handling or outcome of which he has a personal interest such as to impair his independence shall inform the Director thereof.

Article 9

After leaving the service, staff shall be expected to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

Article 10

Staff shall exercise the greatest discretion with regard to all facts and information coming to their knowledge in the course of or in connection with the performance of their duties; they shall not in any manner whatsoever disclose to any unauthorized natural or legal person any document or information not already made public. They shall continue to be bound by this obligation after leaving the service.

Staff shall not, whether alone or together with others, publish or cause to be published, without the permission of the Director, any matter dealing with the work of the Centre. Permission shall be refused only where the proposed publication is liable to prejudice the interests of the Centre.

All rights in any writings or other work done by staff in the performance of their duties shall be the property of the Centre.

Article 11

Staff shall reside either in the place where they are employed or at no greater distance therefrom than is compatible with the proper performance of their duties.

Article 12

Whatever his rank, a staff member shall assist and tender advice to his superiors; he shall be responsible for the performance of the duties assigned to him.

A staff member in charge of any branch of the service shall be responsible to his superiors in respect of the authority conferred on him and for the carrying out of instructions given by him. The responsibility of his subordinates shall in no way release him from his own responsibilities.

A staff member who receives instructions which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior thereof, if necessary in writing. If he then receives written confirmation of the instructions from his superior, he shall carry them out unless they constitute a breach of criminal law.

Article 13

A staff member may be required to make good, in whole or in part, any damage suffered by the Centre as a result of serious misconduct on his part in the course of or in connection with the performance of his duties. A reasoned decision shall be given by the Director.

Article 14

The Centre shall compensate any staff member for damage suffered as a result of threats, insulting or defamatory acts or utterances, or any attack to person or property to which he or a member of his family is subjected by reason of his position or duties, insofar as he did not either intentionally or through grave negligence cause the damage and has been unable to obtain compensation from the person who did cause it.

Article 15

Staff shall be entitled to exercise the right of association; they may in particular be members of trade unions or staff associations.

CHAPTER 3

Conditions of engagement

Article 16

1. Recruitment of staff shall be directed to securing for the Centre the services of persons of the highest standard of ability, efficiency and integrity.

Staff shall be selected without reference to race, creed or sex.

2. A staff member may be appointed only on condition that:
 - (a) he is a national of one of the States signatory to the Convention, unless an exception is authorized by the Committee, and enjoys his full rights as a citizen;
 - (b) he has fulfilled any obligations imposed on him by the laws concerning military service applicable to him;
 - (c) he produces the appropriate character references as to his suitability for the performance of his duties.

3. Before being engaged, a staff member shall be medically examined by a medical practitioner appointed by the Centre.

Article 17

A staff member shall be required to serve a probationary period not exceeding six months.

During the probationary period, the employment of a staff member whose work proves unsatisfactory may be terminated by the Director. In such case the staff member shall be paid, in lieu of notice, one month's salary or one third of his basic salary for each complete month worked on probation, whichever is the greater.

CHAPTER 4

Working conditions

Article 18

Staff in active employment shall at all times be at the disposal of the Centre. However, the normal working week shall not exceed forty-two hours, the hours of the normal working day to be determined by the Director.

Article 19

Staff may not be required to work overtime except in cases of urgency or exceptional pressure of work; night work and all work on Sundays or public holidays may be authorized only in accordance with the procedure laid down by the Director.

Article 20

Staff shall be entitled to annual leave of not less than twenty-four working days nor more than thirty working days per calendar year, in accordance with rules to be laid down by the Director.

Apart from this annual leave, staff may exceptionally, on application, be granted by the Director special leave of very short duration with full pay, for example in the case of unusual domestic circumstances .

Article 21

Pregnant women shall, in addition to the leave provided for in Article 20, be entitled on production of a medical certificate to leave with full pay starting six weeks before the expected date of confinement shown in the certificate and ending eight weeks after the date of confinement; such leave shall not be for less than fourteen weeks.

Article 22

A staff member who provides evidence of incapacity to perform his duties because of sickness or accident shall automatically be entitled to paid sick leave within the limits set by detailed rules to be established by the Director.

Article 23

Except in case of sickness or accident, a staff member may not be absent without prior permission from his immediate superior. Without prejudice to any disciplinary measures that may apply, any unauthorized absence which is duly established shall be deducted from the annual leave of the staff member concerned. If he has used up his annual leave, he shall forfeit his remuneration for an equivalent period.

Article 24

In exceptional circumstances the Director may grant a staff member, at the latter's request, unpaid leave on compelling personal grounds. The Director shall determine the length of such leave, which shall not exceed one quarter of the length of time already worked by the staff member concerned or three months, whichever is the shorter.

. The length of the period of leave referred to in the preceding paragraph shall not count for the purposes of applying the second paragraph of Article 27.

Article 25

The list of public holidays shall be drawn up by the Director.

Article 26

A staff member who is recalled to serve in the armed forces shall be placed on leave with full remuneration, for a period equal to the length of time worked by him, up to a maximum of three months. At the end of this period he shall, for the remainder of his service in the armed forces and up to a maximum of half the length of time worked by him, receive compensation equal to one third of his basic salary. At the end of this further period he shall be placed on unpaid leave.

However, the payments provided for in the preceding paragraph shall be reduced by the amount of service pay received by the staff member concerned during the relevant period.

CHAPTER 5

Remuneration and expenses

Article 27

A staff member shall be entitled to the remuneration carried by his category.

The Director may grant a staff member who has two years' seniority an increase in salary corresponding to 6% of his initial salary.

The Committee may decide, on a proposal from the Director, to adjust the remunerations laid down in Article 3 in order to take account of trends in the cost of living and in purchasing power.

Article 28

In the event of a staff member's death the surviving spouse or dependent children shall receive the deceased's full remuneration until the end of the third month after the month in which the death occurred.

Article 29

A staff member shall be entitled to reimbursement of expenses incurred by him on taking up appointment or leaving the service.

A member of staff shall also be entitled to reimbursement of expenses incurred by him in the course of or in connection with the performance of his duties.

The conditions governing reimbursement shall be determined by the Director. The latter will bring these conditions to the notice of the Committee.

Article 30

In the event of a staff member's death the Centre shall bear the costs involved in transporting the body to his place of origin.

CHAPTER 6

Recovery of overpayments

Article 31

Any sum overpaid shall be recovered if the recipient was aware that there was no due reason for the payment or if the fact of the overpayment was patently such that he could not have been unaware of it.

CHAPTER 7

Termination of employment

Article 32

Apart from cessation on death or dismissal at the end of the probationary period, employment shall cease:

- (a) on the date stated in the instrument of appointment;
- (b) at the end of the period of notice specified in the instrument of appointment where the latter contains a clause giving the staff member or the Centre the option to terminate earlier.
Such period of notice shall be not more than three months;
- (c) not later than the date of expiry of the Convention.

If the Director, acting in the name of the Centre, terminates the employment, the staff member shall be entitled to compensation equal to one third of his basic salary for the period between the date when his employment ends and the date when his engagement was due to terminate. Such compensation may not, however, be equal to more than six months' basic salary.

Article 32

1. Employment may be terminated without notice on disciplinary grounds in serious cases of failure of staff to comply with their obligations, whether intentionally or through negligence on their part. A reasoned decision shall be taken by the Director after the person concerned has had an opportunity to submit his defence.
2. In the case referred to in paragraph 1 the Director may decide to withhold from the person concerned all or part of the compensation provided for in Article 32.

TITLE III

THE DIRECTOR AND DEPUTY DIRECTOR

Article 34

1. The provisions laying down rights and obligations for staff shall apply mutatis mutandis to the Director and Deputy Director.
2. Where in the context of the conditions of employment laid down in this Decision it is provided that the Director shall take decisions with respect to the staff and local staff, the Committee shall take such decisions with respect to the Director and Deputy Director.

Similarly, where it is provided that the staff and local staff shall give information to the Director, the Director and Deputy Director shall give such information to the Committee.

TITLE IV

LOCAL STAFF

Article 35

With the exception of Articles 3, 17, 20 to 24, 27 and 32 Title II shall apply mutatis mutandis to local staff.

Article 36

The conditions of employment of local staff and in particular:

- (a) the manner of their engagement and termination of their contract,
- (b) their leave, and
- (c) their grading and remuneration.

shall be determined by the Director in accordance with current rules and practice in the place where they are to perform their duties.

Article 37

As regards social security, the Centre shall cover the employer's share of the social security contributions required under current regulations in the place where the local staff are to perform their duties.

TITLE V

FINAL PROVISION

Article 38

Any member of the staff or the local staff may submit to the Director a request that he take a decision relating to him. The Director shall notify the person concerned of his reasoned decision within one month from the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it.

Done at Brussels, 28 July 1977

For the Committee on
Industrial Co-operation

The Chairman

DECISION No 3/77/CIC
OF THE COMMITTEE ON INDUSTRIAL CO-OPERATION
OF 15 FEBRUARY 1977

adopting the Financial Regulation of the
ACP-EEC Centre
for Industrial Development

THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the ACP-EEC Convention of Lomé signed on
28 February 1975, and in particular Articles 35 and 36 thereof,

Having regard to Decision No 2/76 of the ACP-EEC Council of Ministers
of 14 July 1976 laying down the statutes and rules of operation of
the Centre for Industrial Development, hereinafter called "Centre",
and in particular Article 6 thereof,

Whereas, pursuant to paragraph 7 of the said Article, the expenditure of the Centre shall be effected in accordance with the provisions of the Financial Regulation adopted by the Committee,

HAS DECIDED TO ADOPT THIS FINANCIAL REGULATION OF THE CENTRE:

I. GENERAL PRINCIPLES

Article 1

1. All items of revenue and expenditure of the Centre shall be included in estimates to be drawn up for each financial year and shall be shown in the budget.
2. The revenue and expenditure shown in the budget shall be in balance.

Article 2

The budget shall be drawn up in European Units of Account, hereinafter called "EUA".

Article 3

Revenue shall include the contribution by the European Development Fund and from any other sources.

Article 4

1. The estimates of the expenditure shall include recurrent and capital expenditure.
2. The financial year shall run from 1 January to 31 December of each year.

Expenditure entered in the budget shall be authorized for a period of one financial year. However, the Director of the Centre, hereinafter called "Director", shall be authorized to carry forward appropriations which have not been used up at the end of a financial year to the following financial year only.

3. If, at the beginning of a financial year, the budget has not yet been adopted, the Director may incur current expenditure monthly, provided that such expenditure does not exceed one-twelfth of the appropriations entered under this heading in the budget for the previous financial year and that this arrangement does not have the effect of placing at his disposal appropriations in excess of one-twelfth of those provided for in the draft budget.

II. ESTABLISHMENT OF THE BUDGET

Article 5

1. The Director shall, on the basis of the annual work programme of the Centre and after consulting the Advisory Council of the Centre, draw up a preliminary draft annual budget for the Centre which he shall submit, together with the opinion of the Advisory Council, to the Committee.

2. The budget shall include a schedule for the paying in of revenue.

The dates for the payment of the contribution to be made by the European Development Fund shall be fixed by agreement with the Commission of the European Communities, hereinafter called "Commission".

3. The budget shall be subdivided into titles, chapters, articles and items according to the nature or purpose of the revenue or expenditure.

Article 6

The draft budget, -drawn up as far as possible within the framework of multiannual estimates, shall be finalized by the Committee. It shall be forwarded to the Commission, which shall initiate the Community procedures in force as regards the contribution requested from the European Development Fund. The budget shall be finally adopted by the Committee in the light of the decisions taken on the contribution from the Fund.

Article 7

Where necessary the Director may submit a draft supplementary or rectifying budget which shall be submitted, examined, established and finally adopted in the same form and according to the same procedure as the budget of which it amends the estimates.

III. IMPLEMENTATION OF THE BUDGET

Article 8

1. The Director shall ensure that the budget is implemented on his own responsibility and within the limit of the appropriations allocated. He shall report to the Committee on the administration of the budget.
2. The Director must apply the budget appropriations in accordance with the principles of economy and sound financial management.

Article 9

No revenue expenditure may be effected unless charged to the appropriate Article of the Budget.

Save where otherwise provided in this Financial Regulation, no expenditure may be committed in excess of the appropriations authorized for the financial year concerned or of the authorizations granted in respect of subsequent financial years.

No expenditure shall be authorized in excess of the limit of the appropriations allocated. The entire amount of proceeds shall be recorded as revenue without any setting-off between revenue and expenditure.

Article 10

Transfers from one chapter to another shall be decided by the Committee.

Transfers from one article to another within a chapter shall be decided by the Director who shall inform the Committee accordingly.

Article 11

The revenue of the Centre shall be paid into one or more accounts opened in the name of the Centre.

IV. ADMINISTRATION OF THE BUDGET

Article 12

1. The budget of the Centre shall be administered in accordance with the principle that authorizing officers and accounting officers fulfil separate functions. The appropriations shall be administered by the authorizing officer, who alone shall have the power to enter into commitments regarding expenditure, establish sums due to be collected and issue revenue and payment orders.
2. Collection and payment operations shall be carried out by the accounting officer.
3. The authorizing officer may not exercise the functions of accounting officer.

Article 13

1. All measures which may give rise to expenditure payable by the Centre must be preceded by a commitment on the part of the authorizing officer.
2. A provisional commitment may be entered into in respect of current expenditure.
3. An account shall be kept of commitments and authorizations.

Article 14

1. The purpose of clearance of expenditure by the authorizing officer shall be:
 - (a) to verify the existence of the rights of the creditor;
 - (b) to determine or verify the existence and the amount of the debt;
 - (c) to verify the conditions under which payment falls due.
2. Clearance of any expenditure shall be subject to the submission of supporting documents showing the creditor's claim and, where appropriate, the service rendered.

Article 15

1. Authorization shall be the act whereby the authorizing officer, by the issue of a payment order, authorizes the accounting officer to pay an item of expenditure which he has cleared.
2. The payment order shall be accompanied by the original supporting documents, which shall bear or be accompanied by the approval of the authorizing officer confirming that the amounts to be paid are correct, that the supplies have been received or that the service has been performed.
3. Copies of the supporting documents, certified as true copies by the authorizing officer, may, in some cases, be accepted in place of the originals.

Article 16

1. Payment shall be the final act whereby the Centre is discharged of its obligations towards its creditors.
2. Payment shall be made by the accounting officer within the limits of the funds available.

In the event of an error of substance or of the validity of the discharge being contested or of failure to comply with the procedures prescribed by this Financial Regulation, the accounting officer must suspend payment.

3. Payments shall, as a general rule, be effected through a bank or post office giro account.

4. Cheques and post office or bank transfer orders shall bear two signatures, one of which must be that of the accounting officer.
5. A receipt shall be obtained in respect of cash payments.
6. The conversion rates to be used for the calculation in EUA of payments to be made or of revenue to be collected shall be those in force on the effective date of such operations. This date shall correspond to that on which the account or accounts of the Centre were debited or credited.

Article 17

1. The Director shall be the authorizing officer for the appropriations allocated to the Centre.
2. The Director may delegate his powers to the Deputy Director or to an agent under his authority. Each decision to delegate powers shall state the duration and extent of the mandate.

Article 18

The collection of revenue and the payment of expenditure shall be carried out by the accounting officer, who shall alone be empowered to manage funds and assets. He shall be responsible for their care.

Article 19

1. The recovery of any sum due to the Centre shall give rise to the issue, by the authorizing officer, of a revenue order.
2. The accounting officer shall assume responsibility for revenue orders forwarded to him by the authorizing officer.
3. A receipt shall be issued in respect of all cash payments made to the accounting officer.

V. AUDITOR

Article 20

The Committee shall appoint an auditor.

The task of the auditor shall be to audit the books and the cash of the Centre, to verify that the inventories and balance sheets have been drawn up in a regular manner and in good faith and to ensure that the information given regarding the accounts of the Centre is correct.

The purpose of the audit, which shall be based on records and, if necessary, performed on the spot, shall be to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner and that the financial management has been sound.

After the close of each financial year the auditor shall draw up a report to the Committee on the manner in which he has carried out his task.

On the basis of this report and the balance sheet for the financial year, the Committee shall give the Director a discharge in respect of the implementation of the budget.

VI. GENERAL PROVISIONS

Article 21

Contracts relating to purchases of supplies, equipment and movable property, the provision of services, or works shall be concluded following an invitation to tender.

However, they may be concluded by direct agreement

- (a) where the amount of the contract does not exceed 2,000 EUA;
- (b) where, because of the extremely urgent nature of the supplies, services or works concerned there is no time to use the tendering procedure, provided that prior approval is obtained from the Chairman of the Committee;
- (c) exceptionally, where the nature or specialized character of the operation necessitates recourse to specific equipment or to a specific expert.

Article 22

1. A permanent quantitative inventory shall be kept of all movable and immovable property belonging to the Centre.

Only movable property whose value is 10 EUA or more shall be entered in the inventory.

The inventory number shall be entered on each invoice before the latter is paid.

2. The sale of movable property and equipment of a unit purchase value in excess of 500 EUA shall be suitably advertised.
3. A record signed by both the Director of the Centre and the person responsible for the equipment shall be drawn up whenever any property or article in the inventory is disposed of, scrapped or is missing on account of loss, theft, or any other reason.

Article 23

1. The accounts shall be kept, expressed in EUA, by the double entry method and on the basis of the calendar year. They shall show all revenue and expenditure between 1 January and 31 December of each year and shall include the supporting documents.

Entries shall be made on the basis of an accounting system comprising a nomenclature of budgetary items which makes a clear distinction between the accounts which permit the balance sheet to be drawn up and those which permit the revenue and expenditure account to be drawn up. These entries shall be recorded in books or on cards, which shall make it possible to draw up a general monthly balance.

3. Each quarter a statement shall be drawn up showing the situation of the current budget and the expenditure effected.
4. The balance sheet and the revenue and expenditure account shall be submitted to the Committee in EUA.

Done at Brussels, 15 February 1977

For the Committee on Industrial
Co-operation

The Chairman

J.L.C. MARTIN

DECISION No 4/77/CIC
OF THE COMMITTEE ON INDUSTRIAL CO-OPERATION
OF 28 JULY 1977

giving final approval to the budget of the
Centre for Industrial Development
for the financial year 1977

THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the ACP-EEC Convention of Lomé, and in particular Articles 35 and 36 thereof,

Having regard to Decision No 2/76 of the ACP-EEC Council of Ministers of 14 July 1976 laying down the statutes and rules of operation of the Centre for Industrial Development, and in particular Article 6(1), (2) and (3) thereof,

Having regard to Decision No 3/77/CIC of the Committee on Industrial Co-operation of 15 February 1977 laying down the Financial Regulation of the Centre for Industrial Development, hereinafter called the "Centre",

Whereas the Committee on Industrial Co-operation has drawn up a draft budget on the basis of the preliminary draft budget prepared by the Director of the Centre and of the opinion of the Advisory Council on that preliminary draft;

Whereas the Community procedures in force have been implemented as regards the contribution requested from the European Development Fund; whereas on 13 July 1977 the Commission of the European Communities adopted a financing decision covering an amount of 1,300,000 European units of account,

HAS DECIDED AS FOLLOWS:

Sole Article

The budget of the Centre for the financial year 1977 as it appears in the Annex hereto is hereby finally approved.

Done at Brussels, 28 July 1977
For the Committee on
Industrial Co-operation
The Chairman

BUDGET
OF THE CENTRE
FOR INDUSTRIAL DEVELOPMENT
FOR THE FINANCIAL YEAR 1977

I. EXPENDITURE

A. Administrative expenditure

	<u>Amount in EUA</u>	
	<u>Net</u>	<u>Gross</u>
(a) <u>Personnel</u>		
Director, Deputy Director		
5 technical advisers		
2 special duty officers	241,000	
2 assistants, 1 accountant	33,875	
5 secretaries, 1 messenger	48,000	
	<hr/>	
TOTAL salaries	322,875	398,655 ⁽¹⁾
Plus: 50% social charges and related benefits (Social security + pension)	161,437	
Installation and removal allowances and travel	33,780	
	<hr/>	
TOTAL personnel	573,092	
(b) <u>Office expenses</u>		
Rent		⁽²⁾
Joint Services with ACP Group (provision to cover sharing of costs of electricity, heating, water, insurance, curtains etc.)	15,000	
Telephone installation + rent	8,887	
Telex installation + rent	1,000	
Telephone + telex calls	4,000	
	<hr/>	
TOTAL telephone + telex	13,887	

- ⁽¹⁾ Staff are liable to tax on their gross salaries. This tax is deducted at source and retained for the benefit of the Centre and is therefore not an additional charge on the overall budget here presented. Total tax payable estimated at 75,780 EUA or 23% of total salary bill.
- ⁽²⁾ Symbolic rent of 1 BF payable to ACP Group.

Amount in EUA

Photocopier rent		1,300
Stationery (including printing + office supplies)		5,000
Postage (including customs)		4,000
Subscriptions + publications		2,500
Cleaning		5,000
Insurance: office contents		100
Repairs + maintenance + sundries		5,000
TOTAL office expenses		<u>51,787</u>
<u>(c) Transport, travel + representation</u>		
European trips		8,750
ACP trips		30,000
Contingency travel (car hire, taxi etc., emergency travel)	8,000	
Representation (entertainment)	8,000	16,000
TOTAL travel + representation		<u>54,750</u>
Advisory Council expenses		28,750
TOTAL transport + representation		<u>83,500</u>
<u>(d) Office furniture + equipment</u>		
Basic furniture (including additions to original order)	18,500	
Cloakroom - cupboard	898	
Typewriters	6,000	
Adding machines	140	
Refrigerator	125	
Dictaphones	3,000	
Extra furniture + equipment (unforeseen)	3,000	
TOTAL furniture + equipment		31,663
TOTAL Administrative expenditure		<u>740,042</u>
SAY		<u>740,000</u> =====

B. Programme Expenditure

	<u>Amount in EUA</u>
(a) <u>Promotional contacts and meetings</u> 55 man-months at 4,000 EUA each	220,000
(b) <u>Information and press relations</u>	30,000
(c) <u>Contribution to pre-feasibility studies</u> 10 studies at an average 10,000 EUA	100,000
(d) <u>Short-term expertises</u> 12 expertises at an average 8,000 EUA	96,000
(e) <u>Assistance to existing industries</u> (management diagnosis and therapy) 2 missions at 10,000 EUA 4 missions at 20,000 EUA	100,000
(f) <u>Training programme</u>	14,000
TOTAL	<u>560,000</u> =====

GRAND TOTAL (A + B)

Administrative expenditure	740,000
Programme expenditure	560,000
	<u>1,300,000</u> =====

II. REVENUE

	<u>Amount in EUA</u>
(a) Contribution from the European Development Fund	1,300,000
(b) Other resources	Token entry

ACP-EEC COUNCIL OF MINISTERS
BRUSSELS