ACP-EEC COUNCIL OF MINISTERS Brussels

TEXTS RELATING TO AGRICULTURAL AND RURAL COOPERATION

IV

THIRD ACP-EEC CONVENTION OF LOMÉ (signed on 8 December 1984)

1 January 1986 - 31 December 1986

ACP-EEC COUNCIL OF MINISTERS Brussels

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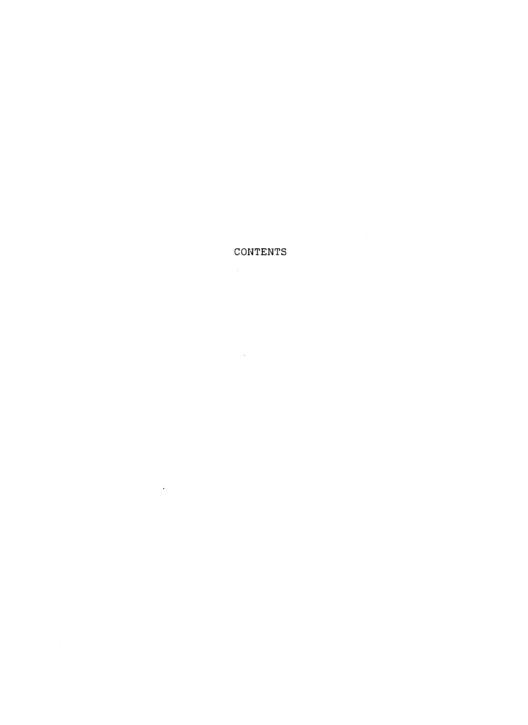
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DECISION No 1 /86 OF THE ACP-EEC COMMITTEE OF AMBASSADORS Of 25. ||. 1986

adopting the budget of the Technical Centre for Agricultural and Rural Co-operation (1986)

THE ACP-EEC COMMITTEE OF AMBASSADORS.

Having regard to the Second ACP-EEC Convention, signed at Lome on 31 October 1979, and in particular Article 88(4)(d) thereof,

Having regard to Decision No 1/83 of the ACP-EEC Committee of Ambassadors of 8 June 1963 laying down the rules of co-operation of the Technical Centre for Agricultural and Rural Co-operation, and in particular Article 6 thereof,

Having regard to Decision No 2/83 of the ACP-EEC Committee of Ambassadors of 8 June 1983 adopting the Financial Regulation of the Technical Centre for Agricultural and Rural Co-operation, and in particular Articles 5 and 6 thereof,

laring regard to Decision No 2/85 of the ACP-EEC Council of Ministers of 22 February 1985 on transitional measures valid from 1 March 1985, and in particular Articles 1 and 6 thereof,

whereas, pursuant to Article 5(1) of Decision No 2'83, the Director of the Centre submitted to the ACP-EEC Subcommittee on Co-operation in Agricultural and Rural Development (hereinafter referred to as the "Subcommittee") a preliminary draft annual budget of the Centre (financial year 1986) and the annual work programme of the Centre for 1986:

whereas, at its meeting on 11 December 1985, the Subcommittee examined this preliminary draft and, after making amendments agreed jointly by the Community and the ACP States, adopted the draft budget in accordance with Article 6 of Decision No 2/83;

whereas the draft budget has been forwarded to the Commission which, with regard to the contribution requested from the European Development Fund, has implemented the current Community procedures;

whereas, on 17 January 1986, the competent Community authority adopted the financing decision on the said contribution;

Whereas, this being so, the Committee is in a position definitively to adopt the budget,

HAS DECIDED AS FOLLOWS:

Sole Article

The budget for the Centre for the financial year 1986 is hereby definitively adopted as it appears in the Annex hereto.

ANNEX

1986 BUDGET (ECU)

| TITLE 1 - STAFF EXPENDITURE | Appropriations 1986 | Appropriations 1985 |
|--|--------------------------------|---------------------|
| Chapter 11 - Staff | | |
| Article 111 - Salaries and wages (18 staff members) | 573 000 | 566 000 |
| Article 112 - Provision for the adjustment of salar (after decision of Subcommittee pursua the third paragraph Article 27 of Decision No 3/83 of Committee of Ambass | the ant to n of f the | 28 000 |
| Article 113 - Welfare contribution | ons 218 000 | 191 000 |
| Article 114 - Allowances | 157 000 | 112 000 |
| Total Chapter | 11 977_000 | 887_000 |
| TOTAL TITLE I | 977 000 | 887 000 ====== |
| TITLE II - BUILDINGS, EQUIPMENT A MISCELLANEOUS OPERATIN EXPENDITURE | | |
| Chapter 21 - Rental of buildings associated costs | and | |
| Article 211 - Rent | 84 000 | 79 000 |
| Article 212 - Associated costs | 6 000 | 15 000 |
| Total Chapter | 21 90 000 | 94_000 |
| Chapter 22 - Movable property an associated costs Article 221 - Purchase of office machines and movable furniture and equip | 28 000 e | 43 000 |
| Article 222 - Rental of furniture equipment | and 10 000 | 20 000 |
| Article 223 - Maintenance of furn and equipment | iture 5 000 | 5 000 |
| Article 224 - Maintenance and use vehicles | of 5 000 | 5 000 |
| Total Chapter 2 | 2 48 000 | 73_000 |

| Chapter 23 - Current administrative expenditu | ıre | |
|--|-------------|---------|
| Article 231 - Stationery and Office supplies | 15 000 | 15 000 |
| Article 232 - Postage and telecommunication | 149 000 | 50 000 |
| Article 234 - Subscription to periodicals, etc | 30 000 | 25 000 |
| Article 235 - Other operating expenditure | 80 000 | 15 000 |
| Total Chapter 23 | 274_000 | 105_000 |
| Chapter 24 - Mission expenses, representation and entertainment expenses | <u> </u> | |
| Article 241 - General expenditure on duty travel | 12 000 | 12 000 |
| Article 242 - General representation and entertainment expenses | 10 000 | 15 000 |
| Total Chapter 24 | 22_000 | 27_000 |
| Chapter 25 - Brussels branch office (except for staff expenditure) | 30_000 | 30_000 |
| TOTAL TITLE II | 464 000 | 329_000 |
| TITLE III - ACTIVITIES | | |
| Chapter 31 - Studies, experts' reports | 400 000 | 300 000 |
| Chapter 32 - <u>Seminars</u> (1985: 6; 1986: 6) | 550 000 | 440 000 |
| Chapter 33 - Publications and files | 655 000 | 235 000 |
| Chapter 34 - Missions | | |
| Article 341 - Programmed missions | 105 000 | 86 000 |
| Article 342 - Attendance at seminars and meetings | 51 000 | 24 000 |
| Chapter 35 - <u>Documentation Centres</u> in ACP States | 250_000 | |
| TOTAL TITLE III | 2 011 000 1 | |
| GRAND TOTAL OF EXPENDITURE | 3 452 000 2 | 301 000 |
| | | |

(ANNEX)

| GRAND TOTAL OF REVENUE | 3 452 000 | 2 301 000 |
|--|-----------|-----------|
| (b) Tax on salaries and any other revenue | 270 000 | 84 000 |
| (a) European Development Fund contribution | 3 182 000 | 2 217 000 |

Hecho en Bruselas, el Udfærdiget i Bruxelles, den Geschehen zu Brüssel am 'Eytve στις Βρυξέλλες, στις Done at Brussels, Fait à Bruxelles, le Fatto a Bruxelles, addi' Gedaan te Brussel, Feito em Bruxelas, em

25. II. 1986

Por el Comité de Embajadores
På AVS-EØF Ambassadørudvalgets vegne
Im Namen des AKF-EWG-Botschafterausschusses
Για την Επιτροπή των Πρέσβεων ΑΚΕ-ΕΟΚ
For the ACP-EEC Committee of Ambassadors
Par le Comité des Ambassadeurs ACP-CEE
Per il Comitato degli Ambasciatori ACP-CEE
Voor de ACS-EEG-Comité van Ambassadeurs
Pelo Comité dos Embaixadores ACP-CEE

El Presidente Formand Der Präsident O Πρόεδρος The President Le président Il Presidente De Voorzitter O Presidente

M.H.J.CH. BUTTEN



DECISION No 2/86 OF THE ACP-EEC COMMITTEE OF AMBASSADORS of 24 March 1986

on the rules of operation of the Technical Centre for Agricultural and Rural Co-operation

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Third ACP-EEC Convention, signed at Lomé on 8 December 1984 (hereinafter referred to as "the Convention"), and in particular Article 37(4) thereof,

Whereas it falls to the Committee of Ambassadors to lay down the rules of operation of the Technical Centre for Agricultural and Rural Co-operation,

HAS DECIDED AS FOLLOWS:

Article 1

- 1. The Technical Centre for Agricultural and Rural Co-operation hereinafter referred to as "the Centre" shall enjoy in each of the States which are Parties to the (onvention the most extensive legal capacity accorded to legal persons.
- The Centre shall be non-profit-making.
- The Centre currently has its seat in Wageningen (Netherlands) with a branch office in Brussels.

Article 2

- 1. The tasks of the Centre, as set out in Article 37(2) of the Convention, shall be to:
- (a) ensure, where so requested by the ACP States, the dissemination of scientific and technical information on methods and means of encouraging agricultural production and rural development (including the planning of agricultural and rural development and the preparation, implementation and evaluation of agricultural and rural development operations);
- (b) refer the ACP States' requests for information to the bodies qualified to deal with them, or deal direct with such requests;
- (c) provide ACP national and regional documentation centres and research institutes with easier access to scientific and technical publications dealing with agricultural and rural development issues and to data banks in the Community and the ACP States;
- (d) in general, help the ACP States to gain easier access to the results of work carried out by the national, regional and international bodies, more especially those qualified in the technical aspects of agricultural and rural development, based in the Community and in the ACP States, and maintain contact with those bodies;
- (e) foster the exchange of information between those engaged in agricultu-

- ral and rural development on the results of field work carried out in the context of agricultural and rural development operations;
- (f) sponsor and help organize meetings of specialists, research workers, planners and development personnel so that they may exchange experience gained in specific ecological environments;
- (g) facilitate access by the ACP States' training and extension personnel to the information they need to carry out their tasks and refer requests for specific training to the existing qualified bodies;
- (h) help facilitate the adaptation of available information to the needs of the ACP States' departments responsible for development, training and extension services;
- (i) facilitate the dissemination of information concerning agricultural research and extension work by reference to the priority requirements of development.
- In the performance of its tasks the Centre shall pay particular attention to the needs of the least-developed ACP States.

- 1) The activities of the Centre shall be guided, supervised and controlled by the Committee of Ambassadors and by the Sub-Committee for co-operation on agricultural and rural development, hereinafter referred to as the "Sub-Committee", and in accordance with Article 37(4) of the Convention and paragraph (e) of the Joint Declaration on Article 26 of the Convention.
- 2) (a) In order to provide the director of the Centre with technical and scientific assistance in working out appropriate solutions to the problems encountered by the ACP States, in particular to improve their access to information, technical innovation, research and development in the sphere of agricultural and rural development and to devise the Centre's action programmes, an advisory committee, hereinafter referred to as "the Advisory Committee", shall be set up, composed on a parity basis of agricultural and rural development experts.
 - (b) The members of the Advisory Committee shall be appointed by the Committee of Ambassadors in accordance with the procedures and criteria determined by it.

3. The activities of the Centre shall be conducted in close co-operation with the institutions and bodies referred to in the Convention or in the declarations annexed thereto, in accordance with Article 37(1) of the Convention; regional and international institutions shall be called upon for assistance as appropriate, particularly those located in the Community and in the ACP States dealing with agricultural and rural development matters.

Article 4

 The Centre shall be headed by a Director appointed by the Committee of Ambassadors.

The Co-Chairmen of the Committee of Ambassadors shall be authorized by the Committee to sign the Director's contract. This contract shall be drawn up and administered in accordance with the conditions of employment of the staff of the Centre. The Committee of Ambassadors shall have the power to take any decision which may prove necessary with regard to the Director of the Centre, after receiving the opinion of the Sub-Committee.

- 2. The Director shall be the legal representative of the Centre.
- 3. The Director, after having received the opinion of the Advisory Committee, shall submit to the Sub-Committee for approval the annual work programme of the Centre, drawn up in accordance with the tasks set out in Article 2.
- The Director shall keep the Sub-Committee and the Advisory Committee regularly informed of the activities of the Centre.
- 5. The Director shall each year draw up a general report on the activities of the Centre and shall submit it to the Sub-Committee, the Advisory Committee, and the Committee of Ambassadors.
- The Director shall be responsible for the organization and management of the Centre.

On a proposal from the Sub-Committee, the Committee of Ambassadors shall adopt the conditions of employment of the staff of the Centre.

Article 6

The budget provisions applicable to the Centre, and in particular those concerning the procedure for adopting the budget, shall be laid down in the Decision of the Committee of Ambassadors adopting the Financial Regulation of the Centre.

Article 7

Protocol No 3 on Privileges and Immunities and the Community Declaration (Annex LII) annexed to the Convention shall apply to the Centre.

Article 8

Article 291 of the Convention shall apply to the Centre.

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

Article 10

This Decision shall enter into force on the same day as the Convention.

Hecho en Bruselas, el Udfærdiget i Bruxelles, den Geschehen zu Brüssel am 'Eyıvz στις Bpuξέλλες, στις Done at Brussels, Fait à Bruxelles, le Fatto a Bruxelles, addi' Gedaan te Brussel, Feito em Bruxelas, em

24. 111. 1986

Por el Comité de Embajadores På AVS-EβF Ambassadørudvalgets vegne Im Namen des AKF-EWG-Botschafterausschusses Για την Επιτροπή των Πρέσβεων ΑΧΕ-ΕΟΚ For the ACP-EEC Committee of Ambassadors Par le Comité des Ambassadeurs ACP-CEE Per il Comitato degli Ambasciatori ACP-CEE Voor de ACS-EEG-Comité van Ambassadeurs Pelo Comité dos Embaixadores ACP-CEE

> El Presidente Formand Der Präsident O Npósópog The President Le président Il Presidente De Voorzitter O Presidente

M.H.J.CH. RUTTEN

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DECISION No 3/86 OF THE ACP-EEC COMMITTEE OF AMBASSADORS of 24 March 1986

adopting the Financial Regulation of the Technical Centre for Agricultural and Rural Co-operation

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Third ACP-EEC Convention, signed at Lomé on 8 December 1984, hereinafter referred to as "the Convention", and in particular Article 37(4) thereof,

Whereas it is for the Committee of Ambassadors to determine the procedure for adopting the budget and other budget provisions of the Technical Centre for Agricultural and Rural Co-operation (hereinafter referred to as "the Centre").

HAS DECIDED AS FOLLOWS:

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 entered 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 ECU as defined by the Council of the European Communities.

Article 3

Revenue shall include the contribution by the European Development Fund, and income from other sources available to the Centre.

- 1. The estimates of expenditure shall include recurrent capital and intervention 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 referred to as "the Director") shall be authorized to carry forward appropriations which have been committed and not yet paid as at 31 December to the following financial year only.

Exceptionally, such appropriation may be carried forward for another financial year with the permission of the Committee of Ambassadors.

Appropriations which are carried over to the following financial year shall be entered separately in the accounts for the current financial year.

3. If, at the beginning of a financial year, the budget has not yet been adopted, the Director may, on the authority of the Chairman and Co-Chairman of the Committee of Ambassadors, incur expenditure on a monthly basis, provided that such expenditure does not exceed one-twelfth of the appropriations entered under this title 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 Sudget.

II. PREPARATION OF THE BUDGET

Article 5

- 1. On the basis of the annual work programme of the Centre, the Director shall draw up a preliminary draft annual budget for the Centre which he shall submit to the Subcommittee for Co-operation on Agricultural and Rural Development (hereinafter referred to as "the Subcommittee") not later than 1 July of the year prior to that of its implementation.
- 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 referred to as "the 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 Subcommittee. 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 of Ambassadors in the light of the decision taken on the contribution from the Fund.

Where necessary, the Director may submit a draft supplementary or amending 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 Subcommittee on the administration of the budget.
- The Director must apply the budget appropriations in accordance with the principles of economy and sound financial management.

Article 9

No revenue or expenditure may be effected unless charged to the appropriate article of the budget.

No expenditure may be committee 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. Revenue shall be entered separately and shall not be set off against any expenditure.

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

Transfers from one article to another within a chapter shall be decided on by the Director, who shall inform the Subcommittee 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.
- Collection and payment operations shall be carried out by the accounting officer.
- The authorizing officer may not exercise the functions of accounting officer.

- 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. Current expenditure may be covered by a provisional commitment.
- An account shall be kept of commitments and authorizations.

Article 14

- The purpose of clearance of expenditure by the authorizing officer shall be:
- (a) to verify the extistence 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 becomes 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.

- 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 and that the supplies have been received or that the service has been performed.
- 3. Copies of the supporting docupments, 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.

- 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 ECU of payments to be made or of revenue to be collected shall be those in force on the first working day of the month of the effective date of such operations. This date shall correspond to that on which the account or accounts of the Centre was or were debited or credited.

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

Article 18

Revenue collection and payments effecting expenditure shall be effected by the accounting officer, who shall alone be empowered to manage funds and assets. He shall be responsible for their care.

- 1. The recovery of any sum due to the Centre shall give rise to the issue, by the authorizing officer, of a revenue order.
- 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. AUDITORS

Article 20

The Subcommittee shall appoint on a joint basis two auditors who shall carry out their duties jointly.

The task of the auditors 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 auditors shall draw up a report to the Subcommittee on the execution of their task.

On the basis of this report and the balance sheet for the financial year, the Subcommittee 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 2 500 ECU:
- (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 has been obtained from the Chairman of the Subcommittee;
- (c) exceptionally, where the nature or specialized character of the operation necessitates recourse to specific equipment or to a specific expert, and provided the Chairman of the Subcommittee has given prior approval.

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 ECU or more shall be entered in the inventory.

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

- The sale of movable property and equipment of a unit purchase value in excess of 500 ECU 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 for any other reason.

Article 23

- 1. The accounts shall be kept in ECU, by the double entry method, on a calendar year basis. They shall show all revenue and expenditure between 1 January and 31 December of each year and shall include the supporting documents.
- 2. 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 enabling the balance sheet to be drawn up and those enabling the revenue and expenditure account to be drawn up. These entries shall be recorded in books or on cards enabling a general monthly balance to be drawn up.

- 3. Each quarter a statement shall be drawn up and sent to the Subcommittee showing the situation relating to the current budget and the expenditure effected.
- 4. The balance sheet and the revenue and expenditure account shall be submitted to the Subcommittee in ECU not later than 31 March of the following year.

The ACP States, the Member States and the Community shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

Article 25

This Decision shall enter into force on the same day as the Convention.

Hecho en Bruselas, el Udfærdiget i Bruxelles, den Geschehen zu Brüssel am 'Eyıve στις Βρυξέλλες, στις Done at Brussels, Fait à Bruxelles, le Patto a Brussels, addi' Gedaan te Brussel, Feite em Bruxelas, em

24. 111. 1986

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Por el Consejo de Ministros ACP-CEE For AVS-EØF Ministerrādets vegne Für den AKP-EWG-Ministerrat PLG TO ZUUBOÓLIO TAV YROUDYÁW AKE-EOK FOR the ACP-EEC Council of Ministers Pour le Conseil des Ministres ACP-CEE Per il Conseil des Ministri ACP-CEE Voor de ACS-EEG-Raad vin Ministers Pelo Conselho de Minis:ros ACP-CEE

Por el Comité de Embajadores
På AVS-EØF Ambassadørudvalgets vegne
Im Namen des AKF-EWG-Botschafterausschusses
Για την Επιτροπή των Πρέσβεων ΑΚΕ-ΕΟΠ
For the ACF-EEC Committee of Ambassadors
Par le Comité des Ambassadeurs ACF-CEE
Per il Comitato degli Ambasciatori ACF-CEE
Voor de ACS-EEG-Comité van Ambassadeurs
Pelo Comité dos Embaixadores ACF-CEE

El Presidente Formand Der Präsident O Noccopos The President Le président Il Presidente De Voorzitter O Presidente

M.H.J.CH. RUTTEN

DECISION NO 4/86 OF THE ACP-EEC COMMITTEE OF AMBASSADORS of 24 March 1986

laying down the conditions of employment of the staff of the Technical Centre for Agricultural and Rural Co-operation

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Third ACP-EEC Convention, signed at Lomé on 8 December 1984, hereinafter referred to as "the Convention", and in particular Article 37 thereof,

Having regard to Decision No 2/86 of the ACP-EEC Committee of Ambassadors of 24 March 1986 on the rules of operation of the Technical Centre for Agricultural and Rural Co-operation (hereinafter referred to as "the Centre"), and in particular Article 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 of the Centre, who is appointed by the Committee of Ambassadors pursuant to Article 4(1) of Decision No 2/86 of the Committee;

Whereas steps should be taken to ensure the proper functioning of the Centre and to determine the conditions under which Protocol No 3 on privileges and immunities, annexed to the Convention, can be applied to certain staff of the Centre:

Whereas, as provided for in the said Protocol No 3, the staff of the Centre 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:

TITLE I GENERAL PROVISIONS Article 1

- 1. This Decision lays down the conditions of employment applicable to:
- the Director of the Centre:
- the staff of the Centre:
- the local staff of the Centre.
- 2. For the purposes of this Decision, persons engaged either to perform advisory duties which require university education or equivalent professional experience or to perform executive duties which require higher or full secondary level education or equivalent professional experience shall be regarded as staff.
- Staff engaged according to local practice to perform manual or service duties not specified in Article 3 shall be regarded as local staff.

TITLE II

STAFF

CHAPTER I

Provisions concerning recruitment

Article 2

 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 Subcommittee for Co-operation on Agricultural and Rural Development, hereinafter referred to as "the Subcommittee", with advance information on all important matters relating to the recruitment of staff.

Such matters include vacancies, mode of advertisement, applications received and the method and basis of selection of the candidates.

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

Article 3

- 1. Staff shall be divided into categories corresponding to the duties to be performed.
- 2. The relationship between the categories, basic posts and remuneration will be laid down in a subsequent Decision of the Committee of Ambassadors.

Article 4

Decisions appointing staff 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, incommatible with the efficient performance of their duties or likely to be detrimental to the 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 specific period, the Director shall, after obtaining the opinion of the Chairman of the Subcommittee and of the spokesman for the delegation providing the next Chairman, decide whether the staff member is to continue in his post.

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, and the latter, if necessary, shall transmit this information to the Subcommittee.

Article 9

After leaving the service of the Centre, staff must continue to observe the rules of professional ethics and refrain from making statements likely to prejudice the interests of the Centre.

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 if the Director takes the view that the proposed publication is likely to prejudice the interests of the Centre.

All rights deriving from 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.

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 of his opinion, 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. Any decision taken by the Director in this regard shall give the reasons on which it is based.

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 against person or property to which he or a member of his family is subject 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 be members of trade unions and professional organizations.

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 references 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, save where an exception is authorized by the Subcommittee;
- (b) he enjoys his full rights as a citizen in his country of origin;
- (c) he has fulfilled any obligations imposed on him by the laws concerning military service applicable to him;
- (d) he produces the guarantees required for the performance of similar duties in his country of origin. Verification of these guarantees will be by the procedure proper to each country of origin.
- 3. Before being engaged, staff members 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, the length of which shall depend on his category, but which may not in any case exceed six months.

During, or at the end of, the probationary period, the employment of a staff member who has not proved satisfactory may be terminated by the Director. In the former 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. The Director shall send report thereon to the Subcommittee.

CHAPTER 4

Working conditions

Article 18

Staff in active employment shall at all times be at the disposal of the Centre. However, the length of the working week shall be fixed by the Director, who shall inform the Subcommittee thereof.

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 fewer 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. This annual leave may wholly or partially be carried over to the following year, depending on the requirements of the service.

Apart from this annual leave, staff may exceptionally, on request, be granted by the Director special leave of very short duration with full pay, for example, in the event of exceptional domestic carcumstances.

Article 21

All female members of staff shall be entitled, in addition to the leave provided for in Article 20, and 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 rules to be established by the Director.

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 first subparagraph shall not count for the purposes of applying the second subparagraph 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 for military or other national service 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 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 first subparagraph shall be reduced by the amount of service pay received by the staff member concerned during the relevant period.

CHAPTER 5

Remuneration and reimbursement of expenses

Article 27

A staff member shall be entitled to the remuneration carried by his category, such remuneration being determined on the basis of his qualifications and professional experience.

Staff members who have two years' service in the Centre shall receive an increase of 6% of their initial salaries during the period covered by the Convention.

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

Article 28

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

A staff member 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, who will bring them to the notice of the Subcommittee.

If a staff member dies during his term of employment, the Centre shall pay to the persons who were his direct dependants an overall sum equivalent to three months' full remuneration at the rate at which the staff member was being paid at the time of his death.

In the event of the death of a staff member, the spouse and dependent children shall be entitled to payment or reimbursement of their travel expenses and the cost of transport for their own and the deceased's personal effects and baggage.

In the event of the death of a staff member, of his spouse or of one of his dependent children, the Centre shall bear the costs involved in transporting the body to the staff member's place of origin.

Without prejudice to any other Article, the Centre shall also bear the cost of return travel for a member of the family of the deceased to accompany the body to the deceased's country of origin.

CHAPTER 6 Recovery of overpayment Article 30

Any sum overpaid shall be recovered. The Director shall lay down the arrangements for such recovery.

CHAPTER 7 Termination of employment Article 31

- 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 which must contain 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.
- 2. 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. The decision taken in this matter by the Director, on the advice of the Chairman of the Subcommittee and the spokesman of the delegation providing the next Chairman, must set out the grounds on which it is based, after the person concerned has had an opportunity to submit his defence. The Director must inform the Subcommittee of this decision.
- 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 31.

TITLE III

THE DIRECTOR

Article 33

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

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

TITLE IV

PROVISIONS CONCERNING TAXATION, SOCIAL SECURITY AND JURISDICTION Article 34

As regards social security schemes, the Director and the staff of the Centre and, to the extent necessary, members of their families, shall be subject to the law of the State in whose territory the Centre has its headquarters, unless they opt for application of the law of the State to which they were last subject or that of the State of which they are nationals or for the application of any other scheme defined under the Headquarters Agreement. However, this choice may be exercised once only and must be made within six months of the date of appointment; it shall take effect on the date on which duties are taken up.

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

The conditions and procedures for applying this tax will be laid down in a subsequent Decision of the Committee of Ambassadors.

- 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 36

1. In the event of a dispute between the 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 Subcommittee, which, with a view to seeking a solution, shall examine it in accordance with the arrangements and procedures which it shall lay down.

The Subcommittee may appoint a mediator.

2. If the Subcommittee or the mediator, as the case may be, is unable to reach a solution acceptable to the parties to the dispute within two months of its notification or, as the case may be, of the appointment of the mediator, 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 of the Community or of the ACP 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.

TITLE V

LOCAL STAFF

Article 37

With the exception of Articles 3, 16, 20, 21, 22, 23, 24, 26 and 31, Title II shall apply mutatis mutandis to local staff.

Article 38

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.

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 VI

FINAL PROVISIONS

Article 40

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 must notify the person concerned of his decision, giving the grounds therefor, within one month of the date on which the request was made.

Article 41

The Director shall prepare the internal rules necessary for this Decision to be applied and shall communicate such rules to the Subcommittee.

Article 42

The ACP States, the Member States and the Community shall, each to the extent to which it is concerned, take the measures necessary to implement this Decision.

This Decision shall enter into force on the same day as the Convention.

Hecho en Bruselas, el Udfærdiget i Bruxelles, den Geschehen zu Brüssel am 'Eytvæ orte Bougethkee, orte Done at Brussels, Pait à Bruxelles, le Fatto a Bruxelles, addi' Gedaan te Brussel, Feito em Bruxelas, em

24. 111. 1986

Por el Comité de Embajadores På AVS-EØF Ambassadgrudvalgets vegne Im Namen des AKP-EWG-Botschafterausschusses Για την Επιτροπή των Πρόσθεων ΑΚΕ-ΕΟΚ For the ACF-ΕΕC Committee of Ambassadors Par le Comité des Ambassadeurs ACF-CEE Per il Comité des Ambassadeurs ACF-CEE Voor de ACS-EEG-Comité van Ambassadeurs Pelo Comité dos Embaixadores ACF-CEE

> El Presidente Formand Der Präsident O Mpósboog The President 1e président Il Presidente De Voorzitter O Presidente

M.H.J.CH. RUTTEN

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DECISION No 5/86 OF THE ACP-EEC COMMITTEE OF AMBASSADORS of 24 March 1986

laying down the statute and operating procedures of the Advisory Committee of the Technical Centre for Agricultural and Rural Co-operation

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Third ACP-EEC Convention of Lomé, signed in Lomé on 8 December 1984, hereinafter referred to as the "Convention", and in particular Article 37(6) thereof,

Whereas the statute and operating procedures of the Advisory Committee of the Technical Centre for Agricultural and Rural Cooperation set up under Article 37(6) of the Convention, hereinafter referred to as the "Advisory Committee", should be adopted,
HAS DECIDED AS FOLLOWS:

Article 1

- 1. The Advisory Committee shall be responsible for providing the director of the Technical Centre for Agricultural and Rural Co-operation, hereinafter referred t as the "Centre", with technical and scientific assistance in working out appropriate solutions to the problems encountered by the ACP States, notably to improve their access to information, technical innovation, research and development in the sphere of agricultural and rural development and to devise the Centre's action programmes.
- To that end it shall meet once a year, in May, at the headquarters of the Centre, to formulate its opinion on:
 - the execution of the programme of activities of the Centre in the preceding year and in the current year;
 - the programme of work prepared by the Centre for the following year.

Other meetings may be organized at the request of the ACP-EEC Committee of Ambassadors.

 The opinions adopted by the Advisory Committee shall be based on the general guidelines determined by the Committee of Ambassadors for the activities of the Centre. These opinions shall be sent to the Subcommittee for Cooperation on Agricultural and Rural Development, along with the report on the Centre's activities, work programme and budget.

4. The preparations for its annual meeting will be assigned by the Advisory Committee each year on a joint representation basis to two of its members. The latter, accompanied where necessary by a representative of the Commission of the European Communities and of the General Secretariat of the ACP States, shall carry out missions to the headquarters of the Centre. There will be at least two such missions each year, one in March to prepare the Centre's programme of activities for the following year, and the other in September to monitor the execution of the programme for the year in progress.

Other missions may be carried out at the request of the Subcommittee for Co-operation on Agricultural and Rural Development.

Article 2

- 1. The Advisory Committee shall be made up, on a joint representation basis, of 24 members known to have considerable experience in the sohere of agricultural and rural development or agricultural research or the processing and dissemination of information in the above-mentioned spheres.
- 2. The members of the Committee shall be chosen for their personal qualities and their knowledge and expertise from among the nationals of the States party to the Convention. The Committee of Ambassadors shall confirm their appointment.

They may be replaced, if necessary, by similarly qualified persons with the agreement of the Committee of Ambassadors.

3. Representatives of the Council and of the Commission of the European Communities and of the General Secretariat of the ACP States and the directorate of the Centre shall attend the meetings of the Advisory Committee.

Article 3

The Advisory Committee shall elect a chairman. The Committee shall be chaired for alternate periods of one year by the ACP States and by the Community.

Article 4

The Centre, in liaison with the chairman of the Advisory Committee, shall prepare the meetings of the Committee and shall provide the necessary secretarial services.

Article 5

The Advisory Committee shall adopt its rules of procedure.

Article 6

The costs incurred by members of the Advisory Committee in participating in the work of the Committee shall be refunded to them under the conditions laid down for the administrative staff of the Centre.

Article 7

The ACP States, and the Member States and the Community shall be required, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

This Decision shall enter into force on the same day as the Convention.

Hecho en Bruselas, el Udfærdiget i Bruxelles, den Geschehen zu Brüssel am 'Eyıve otic Bpugékkec, otic Done at Bruxelles, le Fatto a Bruxelles, addi' Gedaan te Brussel, Feito em Bruxelas, em

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Por el Comité de Embajadores
På AVS-EJF Ambassad¢rudvalgets vegne
Im Namen des AKP-EMG-Botschafterausschusses
Για την Επιτροπή των Πρέσβεων ΑΚΕ-ΕΟΚ
For the ACF-EEC Committee of Ambassadors
Par le Comité des Ambassadeurs ACP-CEE
Per il Comitato degli Ambasciatori ACP-CEE
Voor de ACS-EEG-Comité van Ambassadeurs
Pelo Comité dos Embaixadores ACP-CEE

El Presidente Formand Der Präsident O Πρόεδρος The President Le président Il Presidente De Voorzitter O Presidente

M.H.J.CH. RUTTEN

II - DECISION OF THE SUBCOMMITTEE FOR CO-OPERATION
ON AGRICULTURAL AND RURAL DEVELOPMENT



DECISION No 1/86 ON THE ACP-EEC SUBCOMMITTEE FOR CO-OPERATION ON AGRICULTURAL AND RURAL DEVELOPMENT

of 7. VII. 1985

on the appointment of the auditors of the Technical Centre for Agricultural and Rural Co-operation

THE ACP-EEC SUBCOMMITTEE FOR CO-OPERATION ON AGRICULTURAL AND RURAL DEVELOPMENT,

Having regard to the Third ACP-EEC Convention signed in Lomé on 8 December 1984 hereinafter referred to as "the Convention", and in particular Article 37(4) thereof.

Having regard to Decision No 2/86 of the ACP-EEC Committee of Ambassadors of 24 March 1986 on the rules of operation of the Technical Centre for Agricultural and Rural Co-operation, and in particular Article 6 thereof,

Having regard to Decision No 3/86 of the ACP-EEC Committee of Ambassadors of 24 March 1986 adopting the Financial Regulation of the Technical Centre for Agricultural and Rural Co-operation, and in particular Article 20 thereof,

Whereas the Subcommittee for Co-operation on Agricultural and Rural Development, established in accordance with the Joint Declaration on Article 26 of the Convention, is required to appoint on a joint basis two auditors who shall jointly carry out their duties as laid down in the second, third and fourth paragraphs of Article 20 of Decision No 3/86 of the ACP-EEC Committee of Ambassadors;

Whereas the Community on the one hand and the ACP States on the other have each given the names of the persons they propose to carry out the duties of auditor and whereas each Party has agreed to the other's proposals,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Harm ROZEMA and Mr Vasdev HASSAMAL are hereby appointed to carry out jointly the duties of auditors of the Technical Centre for Agricultural and Rural Co-operation, the appointment being subject to review by either Party during the period of the Convention.

Article 2

The appointment referred to in Article 1 shall take effect from the date of entry into force of the Convention.

Hecho en Bruselas, el Udfardiget i Bruxelles, den Geschenen zu Brüssel am 'Έγινε στις Βουξέλλες, στις Done at Brussels, Fait à Bruxelles, le Patto a Bruxelles, addi' Gedaan te Brussel, Feito em Bruxelas, em

7. VII. 1986

> Los Presidentes Formænd Die Präsidenten Ot Hpótôpot The Chairmen Les Présidents I Presidenti De Voorzitters Os Presidentes

Dieter FRISCH

Seydina Oumar SY

European Communities - Council

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