

**Africa - Caribbean - Pacific - European Union**

# ACP-EU PARTNERSHIP AGREEMENT

signed in

# COTONOU

on 23 June 2000





### **The symbolism of the solidarity jar**

The symbol chosen by the host country to illustrate the Cotonou Agreement simultaneously embodies the power of union and the importance of solidarity – the pierced jar will hold water only if all the people come together to plug its holes with their fingers. This symbolic image, borrowed from Ghezo, former king of Dahomey (as Benin used to be known), fits perfectly with the values which have always underpinned relations between the European Union and the ACP countries - values which are now more than ever crucial to the success of the future partnership.

The ACP-EU Courier  
Special issue  
Cotonou Agreement

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# Poul Nielson

## European commissioner for Development and Humanitarian aid



### The new agreement will benefit the poorest

June 23 - the date on which the Partnership Agreement was signed in Cotonou - represents a major historical and political event, for at least three reasons. Firstly it is the outcome of a long process which started with the publication of the Commission's Green Paper, followed by a public debate and by the ACP-EU negotiations. Secondly, the signing of this new Agreement is a clear demonstration that after the disappointing results of Seattle, in a globalised world there is still room for a true and deep relationship between the North and the South. Thirdly, this date constitutes the beginning of a new era of a relationship based on a profound reform of the spirit, the objectives and the practice of our cooperation.

The Partnership Agreement will give a new momentum to the relationship between the ACP States and the European Union. It represents an important component of international efforts aimed at promoting sustainable development and reducing poverty. It is a worldwide event. The ACP-EU partnership is a very dynamic and innovative one. This is demonstrated by the successful conclusion of a comprehensive negotiation round addressing a wide range of issues, at a time when many uncertainties exist on the international stage. Elaborating a new framework for a true partnership between the two groups of countries with a view to addressing together major challenges such as poverty, conflicts and wars, environmental

threats, risks of economic and technological marginalisation, was not an easy task. It has been achieved thanks to a shared political willingness to give an ambitious response to these problems, building on the *acquis* of twenty-five years of cooperation under the Lomé Conventions. The new Agreement marks a turning point for at least three key aspects : the objectives to be focused on, the ways and means to achieve them, and the nature of the partnership.

#### The objectives

We have agreed to develop a common and comprehensive strategy centred on the objective of reducing and eventually eradicating poverty, consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy. In defining this strategy further, the Agreement emphasises the economic, social, political, cultural and environmental dimensions of sustainable development. Equitable growth, the role of the private sector, issues related to access to productive resources, the core issues of social development, the importance of regional integration and cooperation processes, the need to mainstream the objective of gender equality, the improvement of environmental sustainability, institutional reforms and capacity-building, all form an integral part of this general strategy. This integrated approach reflects our respective international commitments. Many of us went to Geneva, for the review of the

Copenhagen Summit. Recently the donor community, meeting within the Development Assistance Committee of the OECD, reaffirmed its commitment to implementing partnerships for poverty reduction. As a concrete model of such partnerships and of modern development cooperation arrangements, the ACP-EU Partnership Agreement can make a difference for the benefit of the poorest.

### **Ways and means**

Rather than focusing on specific and sometimes isolated initiatives, the ACP-EU partnership aims at influencing the context in which development can take place and be stimulated. The cooperation strategy that has been agreed makes clear the link between development support and the establishment of a policy framework favourable to trade development and investment. Under the Lomé Conventions, trade cooperation largely took the form of preferential tariffs. In future, our economic and trade cooperation will consist of a more comprehensive set of arrangements. The new approach, aimed at establishing new trading arrangements, is crucial to improving the ACP countries' capacity in trade and to attract international private investment. It will be accompanied by appropriate support with a view to easing the transition and preparing for a more dynamic and equitable participation in the international economic system. The reform of the ACP-EU development

finance cooperation system also represents a major step towards increased efficiency, flexibility and coherence. It will offer an opportunity to optimise the use of resources available for development. The internal reforms underway within the European Commission will also contribute to improving the quality and efficiency of the process.

### **The nature of the partnership**

Dialogue plays a key role in the success of development cooperation activities. It is at the heart of the relationship between the ACP group and the European Union. We will have to make all possible efforts to ensure that we tackle the real issues and potential difficulties at an advanced stage. Partnership goes hand-in-hand with ownership and mutual confidence. In a constructive and positive spirit we have decided to define good governance as a fundamental element of the new Agreement. This is a very encouraging signal that we are, together, sending to the legitimate beneficiaries of development cooperation and to the rest of the world. Each country must own and be accountable for its policies. The agreed framework for cooperation programming and implementation gives concrete substance to the partnership approach and allows for progress in the co-ordination process. The association of civil society and the promotion of a more direct involvement of all stakeholders are also major components which doubtless

will contribute to the success of the partnership. There are many sceptics watching what we are doing. It is wrong to say that our Partnership doesn't work. I came to Benin a few days early for the signing ceremony to see for myself what we are doing there. I saw road construction in progress, hospitals, newborn children in small clinics, people giving blood in a safe and controlled environment, and I saw a local market where 47 women now manage their own businesses - and are prospering. I am confident that this is also what I could see in other ACP countries. Our partnership works, even if we all know it can be improved. We have achieved a highly important Agreement which I fear can be undermined by the political situation in a lot of countries, by giving a wrong image of the ACP as a whole and of this special and privileged relationship with the European Union. We must show to the rest of the world that we have a shared vision of the future of this relationship and that we will deliver. One of the necessary conditions to do this is to work in an environment which is politically stable and respectful of human rights, democratic principles, the rule of law and good governance. The Community will be behind the ACP countries to achieve this objective.

I congratulate the ACP group which, despite the difficulties and constraints encountered in a rapidly evolving international context, has been able to celebrate its twenty-fifth anniversary.

# Jean-Robert GOULONGANA

ACP Secretary General



## Together we must take up the challenges of the Cotonou Agreement

After 18 months of long and difficult negotiations, the new ACP-EU Partnership Agreement - which, after the Lomé Conventions, is to cover the next 20 years of the relationship between the European Union and the ACP countries - was signed at a solemn ceremony in Cotonou, Benin, on 23 June 2000. This is an excellent opportunity for me to congratulate all the negotiators for their dedication and readiness to compromise. These qualities made it possible at crucial moments of the discussions to bring closer together sometimes diametrically opposed positions and, ultimately, to achieve a mutually acceptable agreement.

Nevertheless, the hardest is yet to come: Many not inconsiderable challenges are waiting to be taken up, the most immediate being quite simply ratification and entry into force of the Agreement as rapidly as possible. Certainly, the recent adoption by the ACP-EU Joint Committee of Ambassadors of transitional measures valid as of 1 August 2000 has allowed the advance application of certain provisions of the Agreement. The notable exception is the financial protocol which will not enter into force until after completion of the procedure of ratification by two-thirds of the ACP countries (i.e. 51 states), the 15 Member States of the European Union, and the European Community. If past experience is anything to go by, it will take, on average, 18 months to achieve the required quorum. The challenge in this case will be not to exceed this time period and, if possible, to significantly shorten it. The other challenges will become apparent when the Agreement is implemented, and will relate to the political dimension, the new actors involved in the partnership, the new commercial framework and financial cooperation.

### The political dimension

Expansion of cooperation to the political sphere is one of the principal innovations of the Cotonou Agreement. Political dialogue is the key element which must enable both parties to address all issues concerning one partner or the other. In this respect, the Agreement has set out a number of general principles, without indicating the practical terms and conditions of their implementation. It will thus fall to the various bodies to attend to the details of provisions which will be truly operational. The ACP-EU Council of Ministers, in Cotonou on 22 June 2000, assessed the degree of urgency of the task to be accomplished, and gave a mandate to the Joint Committee of Ambassadors to prepare suitable proposals and to submit them to it. So, it is the practical application which will validate the quality of the political dialogue to be established, and give substance to political cooperation.

### The new actors involved in the partnership

The inclusion of civil society and economic and social actors in the ACP-EU partnership is a further new feature. The objective is to involve these parties in the definition of strategies and priorities which hitherto were the exclusive jurisdiction of governments. The aim is therefore to establish mechanisms which reconcile State responsibilities and recognition of the increasing role played by non-State actors in the development process. The involvement of civil society in the partnership is not as simple as it might appear at first sight, but is a complex issue because of the disparity of the situation of civil society in the different ACP countries. Imagination, flexibility and pragmatism will all therefore be required. In this exercise, the ACP Secretariat will make its contribution by organising private sector/civil society fora designed to elicit useful reflection from the interested parties themselves.

### **The new trade arrangement**

The Cotonou Agreement provides for the setting-up, in the long term, of a new trade arrangement characterised by the progressive abolition of obstacles to trade between the parties, in accordance with WTO rules. To achieve this objective, economic partnership agreements will be negotiated from September 2002 and will enter into force as of 1 January 2008. In the interim, the current non-reciprocal preferences and the regimes of the various protocols will be maintained. By relying on and promoting the speeding-up of the regional integration initiatives currently in progress in the ACP countries, the new trade arrangement aims to assist those countries with their gradual, harmonious insertion into the world economy, to increase production, supply and the competitive nature of their products, and to attract inward investment.

As far as these objectives and the system devised in order to achieve them are concerned, it is not difficult to realise the extent of the task, which may be summed up as follows: for the duration of the Agreement, the ACP countries must prepare themselves to face up to competition on the international market in order to shake off their current marginalised status and to eradicate the poverty which is crushing their people.

Major adjustments will therefore be required. Definition and identification of the means to be implemented, to constitute the framework for future trade negotiations, will require painstaking preparation on both sides. In this respect, the ACP Secretariat envisages organising a series of meetings aimed at defining the strategy, programme and agenda for the negotiations. It is essential to know in advance who will be negotiating, in what sphere and according to what timetable.

### **Financial cooperation**

With a view to improving efficiency, the Cotonou Agreement makes provision for only two financial instruments under the European Development Fund (EDF): an instrument for granting subsidies for long-term development support and an investment facility to promote the private sector in the ACP countries, aimed at replacing the current financing mechanism of risk capital and interest subsidies. The programming system is also modified: the allocation of resources to the ACP countries will henceforth be based not only on their needs, but also on their performance levels. Moreover, the indicative nature of programming will be strengthened, in the sense that the amount of resources allocated to a country will not necessarily go to it - the amount may rise or, alternatively, fall, depending on the results of periodic

joint evaluations. Finally, the Agreement recognises the need to increase the utilisation rate of financial resources, to avoid an accumulation of considerable balances, which slow down upward readjustment of the EDF. For this, it provides for a simplification of management procedures and greater delegation of responsibilities from the European Commission towards, on the one hand, its delegations in the ACP countries and, on the other hand, national EDF authorising officers.

There are two types of challenge involved here: the insufficient nature of financial resources and the actual acceleration of the rate of absorption by the ACP countries.

The ACP countries have been disappointed by the level of resources under the 9th EDF (2000-2005) which was set at €13.5 billion, almost the same as the figure for the 8th EDF. Need we restate that the Cotonou Agreement is aimed at poverty eradication in the ACP countries and their progressive insertion into the world economy? This requires much more sizeable financial resources, but this argument is thwarted by the existence of a remaining balance of €10 billion under the preceding EDFs. Hence the undertaking made by the European Union to work towards the ACP countries' absorbing at least €3.5 billion per annum. This is an enormous challenge for the ACP countries, which do not always have sufficient institutional capacity, nor sometimes the necessary human resources. Following the example of what some ACP countries have already done, there appears therefore to be a case for reorganising national authorising offices and calling on new skills, including seeking these in other ACP countries. However, the European Union also bears its share of responsibility insofar as it must genuinely pass on responsibility to its delegations in the ACP countries and endow them with adequate resources. Furthermore, it must ensure that current reforms of its development-aid policy do not relegate its special relationship with the ACP Group into second place.

As may be seen, the challenges facing the ACP countries are indeed huge, but not insurmountable. Admittedly, enormous effort is required of them, and they will have to adapt to developments in today's world. They have the will to do this, and must build up and strengthen their capacities, relying not only on their own resources but also on external assistance, such as that provided under the partnership agreement signed with the European Union. In this regard, the Cotonou Agreement constitutes, for the Group as a whole and for each individual country, an opportunity not to be missed.

# The Cotonou Agreement - new orientations

by Françoise Moreau\*



## The achievements of the Lomé Conventions

The renewal of the ACP-EU Agreement has been the subject of intensive discussion since 1996, when the Commission Green Paper on the future of relations between the European Union and the ACP countries was published. Wide-ranging public debate has made it possible to assess the expectations and changes needed to breathe new life into the partnership. The new Agreement, signed in Cotonou on 23 June 2000, builds on the *acquis* of twenty-five years of experience. The successive Lomé Conventions have been a unique model in North/South relations, combining a negotiated system of trade preferences and considerable amounts of aid. But results have been mixed. Evaluations of Community aid to the ACP countries have often demonstrated that insufficient account has been taken of the institutional and policy context in the partner country, and this has too often undermined the viability and effec-

tiveness of cooperation. The impact of non-reciprocal trade preferences has also been disappointing. Although they have contributed to the commercial success of some countries, globally they have not prevented a decline in the ACP countries' share of the European market (from 6.7% in 1976 to 2.8% in 1999). Approximately 60% of total exports are concentrated on only 10 products. Although the far-sightedness and the contractual nature of the Lomé Convention were *acquis* worth preserving, there was also an obvious need to adapt to international and regional developments. The rise in poverty in a number of countries, demographic developments and environmental pressures meant that objectives and cooperation practices needed to be reviewed. The rise in private direct investment flows to the developing countries over the last 15 years has not benefited the majority of ACP countries.

The change brought about by the signature of the new Agreement also reflects an evolution of the political dimension. Dialogue plays a key role in the success of development cooperation activities, and the political dimension of poverty-reduction strategies is now acknowledged to be an integral part of development processes. The new ACP-EU partnership aims particularly to promote closer involvement of civil society, the private sector and the economic and social actors. These new approaches are factors inherent in the consolidation of democracy, which can improve the effectiveness and viability of cooperation policies.

#### The five pillars of the new Agreement

The new partnership makes a clear association between the political dimension, trade and development. It is based on five pillars:

- reinforcement of the political dimension of relations between ACP countries and the European Union;
- involvement of civil society, the private sector and other non-State players;
- poverty reduction, confirmed as a key objective within the context of the objectives and strategies agreed at international level (United Nations);

- an innovative economic and trade cooperation framework;

- rationalisation of financial instruments and a new system of "rolling programming."

The Agreement has been concluded for twenty years, with a clause allowing for revision every five years and a financial protocol for each five-year period. As regards the trade agreements, a specific timetable has been agreed between the parties, anticipating the various stages which will lead to the effective setting-up of the new system. Certain aspects of the Agreement, particularly the sector-based policy guidelines defined in a "Compendium" or the procedures for implementing financial assistance contained in the annexes, can be

adapted on a regular basis if necessary. The ACP-EU Council of Ministers, which in principle meets once a year, will be responsible for adaptations. This new approach embodies the dynamic nature of the partnership and gives the cooperation system greater flexibility.

#### The political dimension

Regular political dialogue should promote the consistency and relevance of ACP-EU cooperation strategies and make it possible to address all issues of mutual interest. Important matters such as peace-building and conflict-prevention policies, and migration, have been expressly introduced into the new Agreement. Respect for human rights, democratic principles and the rule of law, and

<b>Cotonou Agreement</b>	
<b>Financial resources for 2000-2007</b>	
(in € billion)	
<b>Overall amount = 25</b>	
9th EDF = 13.5	
Long-term envelope (1)	= 10
Regional envelope	= 1.3
Investment facility	= 2.2
Remaining balance for previous EDF = 9.9	
EIB individual resources = 1.7	
<small>(1) Including            CDE = € 90 million            CTA = € 70 million            Joint Parliamentary Assembly = € 4 million</small>	
<small>In addition to the € 25 billion allocated to ACP countries, the sum of € 175 million has been earmarked for the OCTs.</small>	

## The major innovations of the new ACP-EU Agreement aim to

- enhance the political dimension,
- explicitly address corruption,
- promote participatory approaches,
- involve civil society in consultation on reforms and policies to be supported by the Community,
- refocus development policies on poverty-reduction strategies,
- improve the framework for trade and investment development,
- enhance cooperation in all areas important to trade, including new issues such as labour standards and the links between environment and trade,
- base the allocation of funds on an evaluation of the requirements of each country and the latter's policy performance,
- create an Investment Facility to support the development of the private sector,
- rationalise instruments and introduce a new system of rolling programming, allowing the Community and the beneficiary country to adjust their cooperation programme on a regular basis,
- decentralise administrative and, in some cases, financial responsibilities towards local level with the aim of making cooperation more effective.

good governance will be subjects for regular dialogue between regional and sub-regional organisations and representatives of civil society. The Joint Parliamentary Assembly is called upon to play a particularly important role in such areas. New consultation procedures are envisaged in the event of violation of human rights, democratic principles and the rule of law, or in serious cases of corruption.

### Civil society and the participatory approach

The general provisions aim to promote the involvement of civil society and economic and social players within the context of the partnership. They stress the need for information; support for capacity building; the principle of consultation of non-State players on reforms and economic, social and institutional policies to be supported by the Community; involvement of non-State actors in the implementation of programmes and projects; and the encouragement of networking and strengthening of links between ACP and EU actors.

### Development strategies: focus on poverty reduction

The partnership is centred on the objective of reducing and, in the long term, eradicating poverty, in line with the objectives of sustainable development and progressive integration of the ACP countries into the global economy. The Agreement defines a general strategic framework reflecting international commitments and simultaneously taking into account the political,

economic, social, cultural and environmental components of development. In contrast to previous Conventions, the new Agreement proposes a global strategy for development which will require the Community, Member States and ACP partners to work together to establish a consolidated and operational cooperation framework. This will include qualitative and quantitative indicators to allow systematic evaluation of results.

This approach takes into account the complexity and multi-dimensional nature of poverty. It concentrates on three priority areas of cooperation: economic development; social and human development; and regional integration and cooperation. In all these areas it envisages the systematic consideration of three cross-cutting themes: gender equality; sustainable management of the environment and natural resources; and institutional development and capacity-building. This approach means that priorities will be established on a country-by-country basis and the focus on poverty reduction will now be a key element in cooperation. The new approaches to these development strategies will be reviewed on a regular basis by means of the annual publication of a Compendium of reference texts which will allow the partnership to take account of best development practices.

### The new trade framework

Within the context of the Lomé Convention, trade cooperation was based essentially on preferential ta-

riffs. In future, economic and trade cooperation will consist of a more complete set of arrangements. The EU and the ACP countries have agreed on an approach which aims to establish new trade agreements leading to the liberalisation of trade between the parties and which will include cooperation in areas linked with trade, such as competition policy, the protection of intellectual property rights, standardisation and certification, sanitary and phytosanitary measures, trade and the environment, trade and labour standards, and consumer policy. The Agreement also includes provisions for ACP-EU cooperation in international fora.

The objective of economic and trade cooperation is to promote the progressive integration of the ACP countries into the global economy, by enhancing production and the capacity to attract investment, and ensuring conformity with WTO provisions, whilst taking account of respective development levels. The strategy adopted establishes a clear link between development aid, particularly support for modernisation of the economy, for the transitional period and for social policies on the one hand, and the setting-up of a regulatory and trade-policy framework to favour the devel-

opment of trade and private investment on the other. The ACP-EU Agreement aims to support the mutually reinforcing effects of economic and trade cooperation and development aid.

As regards modalities and procedures, the ACP-EU Agreement envisages the introduction of new trade agreements after a preparatory eight-year period during which the current trade regime will be maintained. The negotiation of economic partnership agreements is due to start in September 2002 at the latest. The period preceding the start of these negotiations will be put to good use in preparing for the negotiations, supporting regional integration processes and enhancing public- and private-sector capacities. In 2004, the parties will carry out an assessment of the situation of non-LDC ACP countries not in a position to enter into economic partnership agreements, with a view to examining possible alternatives. In 2006, there will be an evaluation of progress made in the negotiation of economic partnership agreements to ensure that no additional time is needed for the negotiations. The new trade agreements will enter into force on 1 January 2008 at the latest, and the liberalisation of trade will be achieved during a transitional



The objective of economic and trade cooperation is to promote the progressive integration of the ACP countries into the global economy

period of at least 12 years. The Community has also undertaken to liberalise practically all imports of products originating from the LDCs. LDC exporters will benefit from free access for essentially all their products to the EU market by 2005. Sugar and beef protocols will be provisionally maintained, but will be reexamined within the context of the negotiation of new trade agreements.

**The reform of financial cooperation: simplification of instruments and ongoing programming**

The instruments of the European Development Fund (EDF) have been regrouped

## Structure of the texts of the ACP-EU Partnership Agreement

### Legislative text :

**Part 1:** General provisions

**Part 2:** Institutional provisions

**Part 3:** Cooperation strategies

**Part 4:** Development finance cooperation

**Part 5:** General provisions for the least-developed, landlocked and island ACP States (LDLICs)

**Part 6:** Final provisions

### Annexes

● Annex I: Financial protocol for the period from 2000-2005

● Annexes II to IV: Terms and conditions of development finance cooperation

● Annex V: Trade regime applicable during the preparatory period

● Annex VI: List of LDLICs

### Protocols

● On the operating expenditure of the joint institutions

● On privileges and immunities

● On South Africa

### Final Act and Declarations of the parties

### Compendium of cooperation strategies

and rationalised. All available EDF resources will be channelled via two instruments: one envelope which will group together all non-reimbursable aid, and one envelope providing risk capital and loans with a view to supporting the development of the private sector. The vulnerability of ACP economies resulting from a high level of dependence on export income in the agricultural or mining sectors will be taken into account and may lead to the granting of supplementary resources within the framework of the Community Support Strategy and of the Indicative Programme. A system of rolling programming accompanied by regular review will allow the support strategy to be continually adapted as the situation in the country or region evolves, thereby guaranteeing the necessary flexibility. The consolidation of the various EDFs will make it possible to avoid parallel programming systems. A review of support strategy, at mid-term and at the end of the period for application of the financial protocol, may also involve adaptation of the level of resources allocated to the country or region in question.

The nature of Community aid will necessarily evolve more towards budget- and sector-based aid programmes. The primary responsibility of the partner country (appropriation) is stressed in particular. Large-scale interventions will enhance the impact of cooperation and facilitate coordination with

other donors. The allocation of resources will be based on an assessment of need and policy performance. Five-yearly financial envelopes will be purely indicative and will be subject to review on the basis of need and performance. This will make it possible to give more effective support to efforts at reform in particular, and to prevent sizeable resources being frozen in countries which do not put them to good use. The involvement of non-State actors in formulating and implementing support strategies must be guaranteed. The importance of dialogue at local level and reexamination at specific intervals in the partner country are embodied in the new Agreement. Regional programmes will also be subject to a rolling-programming system and will be reexamined at mid-term and at the end of the 5-year period when account will be taken, in particular, of progress made and prospects for future regional cooperation and development.

### Financial resources

A significant volume of financial resources will make it possible to support development strategies in the ACP countries: €13.5 billion for the 9th EDF, plus €9.9 billion in remaining balances from previous EDFs, ie a total of €23.5 billion for the period 2000-2007, plus the €1.7 billion from the EIB. This will allow a significant increase in annual flows of Community aid to the ACP countries.

\*DG Development - Negotiation Task Force

# 40 years of Europe-ACP relationship

by Dominique David\*

## From economic and commercial partnership to political cooperation

In a speech on 9 May 1950, Robert Schuman declared that "Europe would, with increased resources, be able to pursue one of its essential tasks; the development of the African continent." The Treaty of Rome signed on 25 March 1957 made provision for the association of the OCTs (overseas countries and territories) with the embryo European Community. Since then, through the two Yaoundé Conventions and the four Lomé Conventions, we have now arrived at the new ACP-EU Partnership Agreement, signed in Cotonou, which covers over half the world's countries and more than one billion individuals. Initially conceived as incidental in the history of nations, development aid has survived to the present day. It has sometimes been badly used, as unearned income, with the result that essential reforms were postponed. Fortunately, it has also been well used to facilitate the sustainable development of societies.

The historical evolution of the relationship between Europe and the ACP countries shows that it has not happened in isolation, but, on the contrary, by taking into account the progress of the European community and evolution of the overall international context. Expansion of the European Community to include new members such as the United Kingdom, Spain and Portugal obviously had a considerable influence on Lomé policy. The Maastricht Treaty, which enshrined development cooperation policy as one of the elements of the Common Foreign and Security Policy (CFSP), naturally laid the groundwork for the political dimension of the new Cotonou Agreement.

It is of course impossible to gain an understanding of the evolution of the partnership between Europe and the ACP countries without taking into account the context of decolonisation (Association



Lomé IV Convention signing ceremony

of Overseas Countries and Territories and Yaoundé Conventions) or that of the new international economic order (Lomé model) or even the end of the Cold War (updated Lomé IV) or, finally, the effects of globalisation (Green Paper and Cotonou Agreement). The last 40+ years have thus seen a progression from a principally economic and commercial partnership to cooperation at a more global level within which political issues are addressed.

## The OCT Association and Yaoundé Conventions I and II: the aftermath of decolonisation

European/African relations were in their initial stages: the OCT Association came into being with the Treaty of Rome and the setting-up of the first EDF (Development Fund for Overseas Countries and Territories). By 1960, the majority of the OCTs had gained their independence. Yaoundé I (1963) and II (1969) covered 18 AASMs (Associated African States and Madagascar).

These two Yaoundé Conventions constituted a learning process, not only in terms of partnership

the Courier

## Evolution of the Europe-ACP partnership during the past 40 years

Year	Event	No. of countries		EDF Amount* (including OCT's) in € millions
		ACP	Europe	
1957	Association System			569,4
1963	Yaoundé I Convention	18	6	730,4
1969	Yaoundé II Convention	18	6	887,3
1975	Lomé I Convention	46	9	3.053,3
1980	Lomé II Convention	58	9	4.207
1985	Lomé III Convention	65	10	7.882,6
1990	Lomé IV Convention	68	12	11.583,0
1995	Lomé IV bis Convention	70	15	13.151,10
2000	Cotonou Agreement	77	15	14.300

\* Source: European Commission

(the setting-up of joint institutions), but also in terms of contractual systems. Their field of action related essentially to trade and financial and technical cooperation. At a sectoral level, funding was granted principally to economic and social infrastructure projects. The development of Yaoundé's policy into that of Lomé was to result in a larger number of partners and a diversification of objectives.

### From Lomé I to Lomé III: economic cooperation

The 1970s were characterised at one and the same time by a triumphant pro-Third World attitude, bitter East/West confrontation and rising commodity prices (first oil crisis). The political aspects of cooperation were still a taboo subject because of the international context of the Cold War. The first three Lomé Conventions were signed by ACP countries which found themselves not only in areas of communist and capitalist influence but also in the Non-Aligned Group. It was also one of the particular features of the Lomé Convention that dialogue with all these countries was able to continue. However, it was not until Lomé III that Article 4 of the Convention alluded to the importance of human dignity (and not human

rights) and stressed economic, cultural and social rights (rather than civil and political rights). Regarding this era, the last word must go to Dieter Frisch, when he wrote that neutrality was, during the time of the Cold War, in itself a political option.

The accession of the United Kingdom in 1973 obviously posed the problem of the destiny of the 20 developing Commonwealth countries in Africa, the Caribbean and the Pacific. After a long period of uncertainty and political negotiation, the first Lomé Convention was signed between 9 European countries and 46 ACP countries. At the time, it was seen as a new model for North/South development, based on partnership and solidarity.

The 1975 Georgetown Agreement institutionalised the ACP group and gave it a permanent structure: the General Secretariat. At a political level, it was proclaimed that each State has the right to determine its own policies; at a commercial level, non-reciprocal preferences were set up regarding ACP exports to the EEC.

Stabex was also set up as a system of compensation for the shortfall in export income on the part of the ACP countries because of price fluctuations. Finally, protocols favouring ACP exports

were created in sectors such as sugar, beef and veal, and bananas.

At a sectoral level, Lomé I and Lomé II continued to address the issues of infrastructure and agricultural-programme funding.

This new model of international solidarity is still regarded as exemplary, but doubt as to the effectiveness of aid began to creep in, resulting in a crisis of conscience about the legitimacy of development cooperation.

From then onwards, and particularly from Lomé III, there was a concerted move towards paying particular attention to improving the effectiveness of aid with a view to ensuring credibility.

Lomé II was signed in 1979 with 58 ACP countries. It coincided with a progressive "globalisation" of European cooperation, including, naturally, areas outside the ACP zone. This Convention was, in global terms, a continuation of the previous one, but with a new innovation - the creation of Sysmin, a mechanism of the same type as Stabex but relating to mining-product resources.

Lomé III was signed in 1984 between 10 European countries and 65 ACP countries. It coincided with an in-depth review of the effectiveness of aid and the emergence of a political dimension, hence the importance given to policy dialogue, the progressive abandonment of the project approach and the need for concentration of Community

aid on a sectoral basis. Priority was given to development founded on self-sufficiency and food security, and to combating desertification and drought. In parallel, infrastructure funding continued to be a prime necessity.

Summary of the achievements of the Lomé policy:

- An overall relationship with developing regions, particularly those where many of the world's poorest countries are located (nearly 40 ACP countries);

- A negotiated partnership intended to support the domestic capabilities of our partners and their access to commercial outlets under internationally monitored conditions;

- A network based on solidarity and mutual interest, backed up by temporary "safety nets" for the most vulnerable.

The above achievements of Lomé policy are illustrated in Lomé IV.

#### **Lomé IV: the consideration of human rights**

Lomé IV was signed in 1989 between 68 ACP countries and 12 European states. For the first time, Lomé policy became genuinely political, with respect for human rights forming one of the fundamental clauses of the Europe-ACP relationship. Another innovation was that the term of the Convention was set at 10 years, to be reviewed upon expiry of the five-year financial protocol. It also marked Europe's conversion to supporting the structural adjustment pro-

cess initiated by the Bretton Woods institutions, although with the stamp of the European model. In parallel, stress was placed on diversification of the ACP economies, promotion of the private sector and the increasing importance of regional cooperation as a precursor to regional integration.

#### **Updated Lomé IV and the Green Paper: the political dimension**

The mid-term review of Lomé IV led to the signature of a new agreement in Mauritius (1995) between 15 European states and 70 ACP countries. Respect for human rights, democratic principles and the rule of law became an essential element, violation of which could be penalised by partial or total suspension of cooperation. Furthermore, the objectives of the European Union in the Maastricht Treaty (1992) were taken into account:

- the sustainable social and economic development of developing countries and, more particularly, of the least favoured among them;

- the harmonious and progressive integration of developing countries into the world economy;

- the fight against poverty in developing countries.

For the first time, also, a direct link was confirmed between Community development cooperation policy and the CFSP. Gradual implementation of programmes also allowed flexibility,



Globalisation cannot be synonymous with poverty, inequality and exclusion

taking account not only of needs but also of performance on the part of the ACP countries.

Finally, the role of civil society was taken into consideration, particularly through decentralised cooperation. At a more global level, in order to take account of the need for debt relief, special loans were converted into subsidies.

At the end of 1995, the European Commission embarked upon a process of reflection which was to result in the "Green Paper on relations between the European Union and the ACP countries on the eve of the 21st Century - challenges and options for a new partnership." This initiative was particularly symbolic of the spirit of dialogue, given that post-Lomé negotiations were not set to begin until September 1998, and the fact that the Green Paper was more a raising of issues accompanied by proposals than a prefabricated response. Published in November 1996, it was to generate a whole range of consultation exercises in Europe and the ACP countries, involving all those with a role in development and including civil society.

The following aspects were acknowledged:

- the modified geographical situation in the wake of the end of the Cold War;
- shortcomings in connection with trade preferences had to be seen in the light of the new WTO (World Trade Organisation) rules;
- the disintegration of the social fabric, the increasing number of conflicts and humanitarian

catastrophes, leading to greater consideration of the institutional and political context of partner countries in order to promote viability and effectiveness of aid.

Consequently, the partnership had to be continued but revitalised, particularly by virtue of the inclusion of the new members of civil society.

#### **Future prospects: from policies to politics**

The new 20-year Cotonou Agreement has just been signed between 15 European states and 77 ACP countries. It addresses two principal issues: that development is first and foremost political and that globalisation cannot be synonymous with poverty, inequality and exclusion.

Although economic strategy plays a major role, the development issue is more politically based. Indeed, development is generated through the establishment of stable relationships between players in a society in an evolving international context. Political dialogue, therefore, is a key element in the new partnership. This partnership can succeed only if it is accompanied by political analysis, not only of changes of regime but also of transformation of systems in our partner societies.

It is through being given greater autonomy that the least fortunate will gain the right to self-organisation. The fight against poverty and inequality at local level requires, first and foremost, consideration of this essentially political dimension.

The international context should not, however, be disregarded.

Paradoxically, it is because of globalisation that development cooperation has taken on a new dimension in international relations: although it generates further fragmentation, it also gives rise to new South/South and North/South interdependent relationships. This is not without importance.

Given the above, development cooperation should not only flank the effects of globalisation but also anticipate them... or be condemned to a future role as an international social service.

\* Principal Administrator  
Former Editor-in-Chief,  
*the ACP-EU Courier*

# Signing Ceremony in Cotonou

## A new era of cooperation

by Kenneth Karl



The sports centre inside the vast 'Friendship Stadium' in Cotonou, Benin was the venue for the signing ceremony on 23 June of the new Partnership Agreement linking the countries of Africa, the Caribbean and the Pacific with the European Union for the next twenty years. Taking place two days after the ACP Council of Ministers and the ACP-EU Joint Council of Ministers, this official ceremony certainly lived up to all expectations. In a convivial atmosphere where hospitality, solidarity and above all hope prevailed, the representatives of the various countries party to the Agreement stepped up to the rostrum one by one to formally sign the imposing Treaty Book.

Everyone had expected this ceremony to take place in Suva, capital of Fiji, but in the end it was Cotonou, to the great delight of the Beninese. The sudden political upheaval in Fiji, coming just days before the scheduled signing of the new ACP-EU Agreement, forced the ACP Group to

find in a hurry a new host country for the ceremony from among its Member States. According to the vast majority of those who attended the event, this ceremonious occasion was a remarkable success, especially in view of the lack of preparation time. In two short weeks, Benin man-

aged to rise to the difficult challenge of organising the signing ceremony for the new ACP-EU Agreement at the very last minute, displaying to the numerous foreign delegations present its admirable capacity for mobilisation and organisation as well as its warm hospitality.

### A historical turning point

23 June 2000: a date which will go down in the history of relations between the European Union and its ACP partners as a watershed and a historic moment. It sets the seal on a quarter of a century of cooperation between a number of partners from North and South, most of whom are bound by historical ties, and at the same time marks the beginning of a new era. A new era of

mitment to this unique relationship. Next to the rows of officials at the front, ordinary members of Beninese society - women, students, motor-taxidriviers, shopkeepers and association representatives - also watched the entire ceremony from up in the terraces. The symbolism of this scene was notable, when one considers the remarkable strides towards democracy made by the host country, and the measures in the new agreement aimed at better integration of everyone working towards development - ordinary citizens in particular.

The mood was festive as, against a backdrop of traditional singing and dancing, key figures came to the podium in turn to make a speech. In his welcoming address, Sévérin Adjovi, Benin's



photo Mapez

The French representative

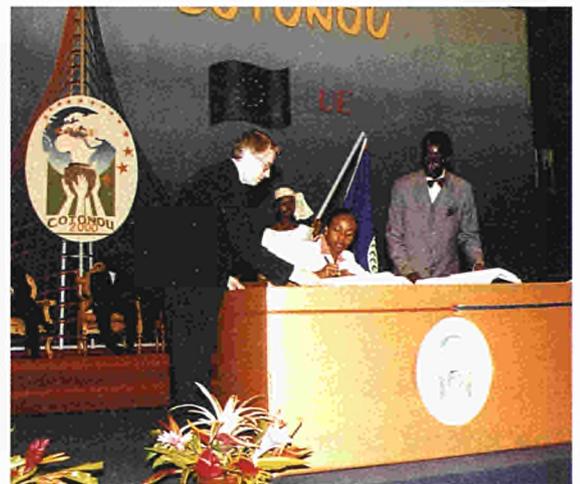


photo Mapez

The Belize representative

cooperation where the keynotes are clearly hope and realism, drawing on the wealth of experience acquired during the 'Lomé years' but also adapting to a changing world. This grand signing ceremony is also part of that change, marking the culmination of a long process of negotiation between the EU and the ACP which began eighteen months previously, aimed at giving new impetus to their partnership. The challenge facing the partners in the next few years will be to improve the effectiveness of this cooperation so as to achieve better results and arrive at their clearly stated goal - the reduction of poverty. In a sports stadium packed to capacity, the different representatives reiterated their continued com-

Minister for Trade, Local Industry and Tourism, stressed the invaluable importance of this new cooperation framework for the development of the ACP countries, declaring that "the Cotonou Agreement will go down in the annals of ACP-EU cooperation as having contributed a new economic, political and social contract." The memorable nature of the occasion was underlined by Poul Nielson, European Commissioner of Development and Humanitarian aid, who saw the new agreement as evidence that there is still a place for genuine, deep-seated relations between North and South in the wake of the failure in Seattle. Luis Amado, Portuguese Secretary of State for cooperation and President

of the EU Council, congratulated Benin on its organisation of the ceremony, and declared: "The contractual relations uniting the Union with its partners are part of our communal heritage and are based on fundamental principles - solidarity, dialogue, transparency, equality, sovereignty and contractuality - which give our relationship its strength and specificity. The consolidation of our partnership based on these principles is the Union's top priority." His ACP counterpart, Anicet-Georges Dologuélé, Prime Minister of the Central African Republic, went on to express his satisfaction with the objectives of the new agreement - to eradicate poverty and enable the ACP States to adapt gradually to the liberalisation of trade. Almost all the participants were positive about the new framework for cooperation, because of the new opportunities it opens up in so many different areas.

**Towards a renewed partnership**

The conclusions of the Commission's Green Paper on ACP-EU cooperation, and the results of the widespread debate which ensued, meant that simply maintaining the status quo was no longer an option. For this reason, the signatories to the Cotonou Agreement have jointly undertaken a radical reform of their partnership. From now on, it will proceed along the lines of an intensified political dialogue, incorporating many different aspects of cooperation such as good governance and the prevention and management of conflicts, alongside human rights, democracy and the rule of law, issues already central to it. As far as economy and trade are concerned, measures have been taken and negotiations are scheduled to enable the ACP countries to start to take their place in the world economy. These are goals which can be achieved by means of a global and integrated approach. New trade agreements compatible with WTO regulations are planned, strengthening cooperation in areas relating to trade. Help towards making the ACP States more competitive and support for regional integration and development of the private sector

will be stepped up. In addition, in an effort to implement the new agreement more effectively, financial cooperation will be improved through rationalisation of the instruments and programming and simplification of procedures. For the first time, thanks to the new measures, civil society takes centre stage in the partnership, and the battle against poverty is explicitly made the partners' first priority.

The Cotonou Agreement undoubtedly provides new perspectives for the various States and all those working towards development but, as one of the participants in the Ceremony pointed out, the task will be far from easy. In the words of Benin's President, Mathieu Kérékou: "When it comes to implementation there will doubtless be difficulties, either of our own making or because of the international situation around us. No difficulty should surprise us, however, nor be insurmountable if we are all resolved to put into practice the global political dialogue contained in the Cotonou Agreement."



photo Mapez

The representative of Congo (above) and Portugal (below) signing the Cotonou Agreement



photo Mapez

## Bernard Petit

Director,  
European Commission

**"The Cotonou Agreement is the only one of its kind in the world"**



**R**esponsible for chairing the Task Force for the post-Lomé negotiations, Bernard Petit led the discussions with the ACP countries which resulted in the conclusion of the Cotonou Agreement. The new directions embodied in this Agreement present challenges that the two groups of partner countries will have to take up if optimum results are to be achieved. With long years in the service of development, and aware of the size of the task ahead, in this interview Mr Petit throws some light on the stakes involved in the partnership with the ACP countries and the role of the European Union.

■ *A number of adjustments have been necessary in concluding this new Agreement. Is it possible to speak of a fundamental change in philosophy in relations between the Union and its traditional partners ?*

The basic philosophy underlying ACP-EU cooperation has not essentially changed. This is to define, in the long term, a framework agreement of privileged relationships, founded on three pillars: the political dimension, trade and development aid. Past experience and the need to adapt the partnership to upheavals at an international level required a fundamental review of the spirit, objectives and implementation of our cooperation, so that we could revitalise the partnership and give it new aspirations and, above all, increased chance of success.

■ *The partnership has been expanded to include civil society. Do you feel that the learning process, with actors other than governments, will be easy ?*

One of the principal lessons of the debate arising out of the Green Paper relates to the considerable added-value which involvement of non-State actors and civil society can bring. It is important both in terms of the consolidation of democratic processes and in the formulation of our cooperation strategies. It was absolutely essential to break away from the

logic of a government-to-government relationship, and you are quite right in stating that this new approach will not be easy to implement. We are entering into a process which will greatly depend on the manner in which the players themselves seize the opportunities available under this Agreement. The framework has been set up not only for consultation of these actors and their association in the definition of cooperation strategies, but also to promote their direct access to a share of EDF resources. The EU is also prepared to lend them institutional support to enable them to fulfil the role expected of them.

■ *The preferential trade arrangements devised under Lomé were shown to have their limits. Do you think that the future commercial framework based on the requirements of efficiency and compliance with WTO rules can genuinely promote development in the ACP countries ?*

When we embarked on the negotiations, the EU's objectives were quite clear. We had to define a framework which in the long term would enable the ACP countries to play a full part in a liberalised international trade system, but also to facilitate the transition, taking into account the particular problems experienced by each country. The unilateral preferential trade arrangements granted under the previous Conventions did not produce the expected results, so our aim was to develop an economic partnership which went beyond simple trade arrangements and the problem of the lowering of tariffs. This approach involves developing close cooperation in all fields connected with trade and envisages the setting-up of a transparent and forecastable framework that is attractive to investors, mobilises the private sector and revitalises trade. The new arrangement also makes provision for flanking measures in the form of institutional and financial support, to help the ACP countries set up the new commercial framework.

■ *Fears have been expressed regarding the consequences of quasi-total opening-up of the ACP countries' economies to trade liberalisation. Do you think such fears are justified ?*

Such fears are understandable in the face of this generalised liberalisation process. Certain ACP countries' economies are poorly diversified, particularly in

the LDCs where there are major problems of capacity, supply and competitiveness, and these will have to be overcome in the twenty years during which this trade liberalisation process will develop. Liberalisation, as envisaged in a regional context under the Cotonou Agreement, or in a multilateral context, is irreversible. We thought it was easier to confront these constraints at regional level rather than multilaterally, because it is easier to take into account the specific nature, needs and particular problems of each country.

■ *The EU is still more committed to the development of poor countries than it is to globalisation. Surely it will be difficult to confront inescapable market forces, as we have seen in the banana dispute ?*

The challenge is considerable, given that, if appropriate measures are not taken, and irrespective of the anticipated long-term advantages, globalisation could marginalise certain regions for two reasons. Firstly because of the erosion of their trade preferences, and secondly because those trade preferences cannot be adapted rapidly enough to benefit from globalisation. Clearly, all those boxing in the globalisation ring are not in the same class. Nevertheless, irrespective of what one might feel about market forces, this is an irreversible process and we have to work with those forces and attempt to influence them by adopting measures to guarantee more equitable development. That is precisely the spirit of the Cotonou Agreement, and the synergies it offers between the commercial arrangements on the one hand and development strategies and development aid on the other. The EU has demonstrated great open-mindedness in these negotiations to enable the ACP countries to take part, in the long term, in this irreversible move to globalisation. It has made political undertakings to its partners who can now be assured of the Union's support in international fora and particularly *vis-à-vis* the WTO in defending the provisions of the Cotonou Agreement.

■ *Implementation of Lomé often suffered from cumbersome and complex procedures. How does the new Agreement try to overcome such operating difficulties in the short term ?*

It has to be acknowledged that the problem of efficiency arises not only in the implementation of aid under the previous Convention, but that it is also a more general problem concerning European aid as a whole and development aid worldwide. In-depth reform of instruments and implementation of cooperation as embodied in the Cotonou Agreement forms part of a global framework which is geared towards greater efficiency. This involves reform of the Commission's external relations services and a definition of a global Community strategy *vis-à-vis* all developing countries. In the Cotonou Agreement, we have made progress with in-depth reform of the instruments and terms and conditions of financial cooperation. The instruments have been rationalised and reunified around two envelopes: an envelope for

development in the long term and an investment facility for specifically supporting the private sector. This reform also involves introducing a rolling-programming system which will allow greater flexibility in responding to the evolution of requirements and performance levels of the different countries. Finally the reform envisages greater selectivity in the granting of resources, simplification of procedures and provisions aimed at making decisions more relevant to conditions in the field by decentralisation and delegation of tasks.

■ *How do you see the EU's role with regard to other donors? Will the Union still assert a special role in its relations with the ACP countries ?*

The Cotonou Agreement is the only one of its kind in the world. I know of no other agreement which is as global as this and which is based on the three pillars of politics, trade and development between a group of industrialised countries and a group of developing countries. The conclusion of this Agreement shows that the will within the EU to set up a framework of privileged relations with the ACP Group is indeed genuine. As the largest donor and trade partner of developing countries, the EU could have a greater influence in the international debate if it were better coordinated. Admittedly, large-scale strategies are often taken up by others and the EU often pays the consequences. The Cotonou Agreement offers special features and advantageous added value. Where other donors are concerned, we have the comparative advantage of addressing not only politics but also trade and development aid. Next, the Community will consolidate collective EU experience in regional integration. In the context of globalisation, this approach is a prerequisite to wider integration into the world economy. Thirdly, the Community has a vast network of representatives in the field. Fourthly, EU development policy conveys a certain image of Europe in the world, based on common values of solidarity, social progress and democracy. Finally, beyond its competence in trade and despite the weak nature of its human resources, the EU has developed acknowledged expertise in key fields such as support for economic reforms, the social sector and transportation. To conclude, no one person is now capable of managing the myriad issues which make up a development policy. There is no alternative to working within the context of a general consensus based on the objective of poverty eradication, alongside other donors and our own Member States. Complementarity means division of labour. Depending on the comparative advantages of each party, dialogue with the country in question will be led by whoever has the greatest expertise or human and financial resources. Our actions will in future be implemented in this context.

Interview by Kenneth Karl

# From Georgetown to Cotonou: The ACP Group faces up to new challenges

by Kenneth Karl

**T**he African, Caribbean and Pacific Group of States, better known as the 'ACP Group', was created by the Georgetown Agreement of 6 June 1975 and by the first Lomé Convention, signed in the same year. This was an entity made up of countries which were in many respects very different, but which nonetheless had a great many interests in common - most importantly the socio-economic development of their peoples. Founded on the principles of solidarity and unity, this group of countries has, in spite of its diversity, managed for many years to maintain a highly admirable level of cohesion. Now, having just celebrated its twenty-fifth anniversary, the ACP Group needs to update itself in order to respond appropriately to the different developments of the new Millennium and the challenges it brings.

## A long way covered together!

Although the ACP Group only came into being officially in 1975, many of the countries which belong to it today already enjoyed a special relationship with the European Community (now Union) stretching back much further in time. Historical connections had long been forged with several European nations, anxious for the most part to preserve their privileged relations with their former colonies. The articles of Association of the Overseas Countries and Territories, instituted with the Treaty of Rome in 1957, and the two Yaoundé Conventions (1963 and 1969) linking the Community with the African and Madagascan States, arose largely out of just such a vision. A new hand was dealt when the United Kingdom joined the EEC in 1973, creating new imperatives for this group of countries from the South determined to work hand-in-hand towards their own economic development. The legitimate aspirations of numerous Commonwealth countries - spread over several continents - and their desire also to belong to this privileged circle, inevitably led to widening of the latter in terms of its geographical, cultural and linguistic space.

In signing the Georgetown Agreement on 6 June 1975, the 46 African, Caribbean and Pacific States affirmed their common identity based on solidarity, but more importantly, they

gave their Group the proper legal status which it had previously lacked. Twenty-five years of cooperation with the European Community have now gone by, with the Group being progressively enriched by the arrival of new members. A number of developing countries have joined the big ACP family, bringing its total from 46 to 58 under Lomé II, then from 65 under Lomé III to 70 under Lomé IV, revised in 1995. Meanwhile, South Africa has joined the Group under a special charter, and 6 new small Pacific States have added their signature to the Cotonou Agreement, thus confirming the attraction this group continues to hold for other developing countries. In all, there are now 77 countries striving together to push back the frontiers of poverty and to create the conditions for real economic development by actuating the various levers of international cooperation, particularly those of the European Union.

In a quarter of a century of cooperation with the EU, the ACPs have succeeded, through the interplay of negotiation and compromise, and despite obviously divergent interests, to establish the foundations for consensus so essential to the unity of their Group. These foundations, although more than ever in need of reinforcement, bear witness to all those years of united endeavour and solidarity. It is, of course, more difficult for 77 countries to arrive at balanced, unanimous deci-

sions than it is for 15 countries on the same continent to reach agreement. Despite the more mitigated, official nature of 'Lomé-style' cooperation, a number of ACP countries have managed to reap the benefits of this unique relationship in terms of economic and social infrastructures, technical and financial aid programmes in various sectors, access to the European market for some of their produce, assistance with implementing effective macroeconomic policies, backing for structural adjustments, and so on. Others, however, have been unable to take full advantage of this cooperation for various reasons. Approximately 40 countries belonging to the ACP Group are still labelled LDC (Less Developed Country), indicating a low per capita income (about 300 dollars) and severe infrastructure problems. These figures clearly reveal that there is still a very long way to go on the road to development, a road paved with innumerable challenges for the Group's member countries.

On the political level, although the democratic process appears to have taken firm root in several ACP countries, in others it is still very much in its infancy. Intra- and inter-State conflicts - real obstacles to development - are, alas, still very much a fact of life, as illustrated by the distressing examples of Ethiopia and Eritrea, the Democratic



Republic of the Congo or Sierra Leone, to name but a few. Reinforcement of the political dimension in the new partnership agreement, one of the main aims of which is to anticipate and better manage these crisis situations, would at first sight appear to offer interesting perspectives which the ACP Group could use to stem this infernal tide of wars, leaving them free to concentrate on a different battle - the battle to eradicate poverty in the interests of development.

#### **"Positive differentiation" under the ACP umbrella**

Before the publication in 1996 of the Commission's Green Paper which looked at the future of ACP relations, the question of the existence of the ACP Group as a homogeneous whole had never really been an issue. Everyone knew that it was made up of a number of different coun-

tries and regions whose interests did not necessarily coincide, since needs and levels of socio-economic development varied according to the particular national or local framework, as did the benefits and advantages derived from the different Lomé Conventions. Nevertheless, from the very inception of their Group, the ACP countries managed - in spite of their number - to consistently maintain the level of cohesion necessary to defend their interests collectively in relation to their European partners. However, new trends outlined by the EU in the context of a prospective 'post-Lomé' debate aimed to encourage a better targeted partnership capable of responding more effectively to the specificities of regional groups. This, along with the increasing necessity for integration and regional coopera-

**Since its creation, the ACP group has managed to maintain a good level of cohesion**



The Courier

**The ACP States have expressed their desire to remain united, to preserve their political identity**

tion, has provided new food for thought concerning the geographical scope of the future Agreement. Whilst accepting the principle of positive differentiation - a policy which also guides EU relations with other parts of the world - the States of the ACP Group have nevertheless expressed their desire to remain united as a group, to maintain their ACP political identity and above all to preserve the achievements of 25 years of cooperation with the EU. This position was reaffirmed and defended at the highest political level by the ACP Heads of State and Government at their summit meeting in Libreville on 6 and 7 November 1997.

As a consequence, the new ACP-EU partnership agreement will be implemented in the context of regionalised structures within the ACP nucleus maintained as a whole, in whatever form this entity emerges from the delicate compromise devised by the two groups of partner countries. The fact that the ACP countries were so keen to preserve the structural framework of their Group can be explained by the not inconsiderable advantages of this in purely political terms. A number of experts believe that the very size of a Group consisting of 71 countries - to which we must now add the 6 new Pacific States - conveys credibility. This size makes it easier (in principle, at least) to carry political weight in multilateral

negotiations, in this case negotiations with the EU. This solidarity also enables them to fend off competition from other parts of the world which also have long-standing relations with the EU. In fact, the EU has said that it is concerned more than ever with rationalising its foreign policy, especially its budgetary spending. Speaking with one voice also gives the small (Caribbean and Pacific) States a greater chance to benefit from the advantages offered to the whole Group.

Although fears concerning the political weakening of the ACP Group now seem to have abated somewhat, work on unification is still needed. Its members must endeavour to reduce the recurring obstacles that stand in the way of a stronger union. Intra-ACP cooperation is itself still limited, both economically and politically, and the challenges of regionalisation remain huge, in spite of the substantial progress already made. The biggest challenge for the ACPs will be to reconcile the imperatives of unity and solidarity - principles fundamental to their very existence - with the new demands of global cooperation, which all serve to reinforce the regional dynamics.

**Towards a wider existential legitimacy?**

It could be said that the ACP Group's sole *raison d'être* is derived from its special relationship with the EU, fostered for more than 20 years. Although certain provisions of the Georgetown Agreement might uphold this view, other provisions with a much broader content, actually indicate the opposite. The three primary objectives of the Group mentioned in the first chapter (Article 2) of the Georgetown Agreement explicitly refer to the Lomé Convention and to the EEC. They provide for implementation of the aims of the Lomé Convention, coordination of the activities of the ACP States in this context, and definition of common ground *vis-à-vis* the EEC under the terms of this same Convention. The other aims of the Group focus, moreover, on strengthening solidarity between the ACPs, contributing to the advancement of economic, social and cultural

relations between developing countries in many different spheres, finding common ground on issues being dealt with on the international stage and which relate to the Convention, and promoting regional, inter-regional and intra-ACP cooperation. All in the hope of one day arriving at a fairer and more equitable world order.

Aside from any analysis of the legal terms of the text of the Georgetown Agreement, however, we must look at the real situation. It is true that, over the years, the ACP Group has to a large degree concentrated on its relations with the EU. Even if, individually, each Member State has its own bilateral or regional cooperation relationship with other partners, this entity of 71 countries (77 today) still remains under-represented in other multilateral issues under discussion, where it would certainly benefit from speaking with a single voice. The shifting power play on the world's geopolitical chessboard, coupled with the demands of galloping globalisation and its perverse effects, means that the ACPs now necessarily have new priorities. Their ability to defend and safeguard their interests in other international arenas, as the WTO example shows, is still minimal and very weak. The Group itself has clearly become aware of this situation in recent years, displaying its desire to cast its net a little wider by forming other associations on the international stage. In the Libreville Declaration, the ACP States made a commitment to "consolidate the political identity of the Group, to enable it to speak with one voice in all the international arenas." The Santo Domingo declaration, adopted two years later, "reaffirms the growing political and economic importance of other players on the world stage and the need to forge appropriate relations with them." In the lucid and pragmatic words of Jean-Robert Goulongana, taking office as the new Secretary General of the ACP Group: "We need to join forces with other partners who can help us defend our interests without, however, jeopardising our special relationship with the Union." This neo-realism will have to find a

more effective expression in practice, however, because the desire to be a player on the world stage presupposes the mobilisation of strategic and political forces along with additional human and material resources. On a positive note, the EU appears to be in favour of this new trend, now considered essential. It will even support ACP representation in other international arenas such as the WTO, where the economic and commercial future of these countries is also being played out (Article 39 of the Cotonou Agreement). This new opening-up to the international stage will also facilitate cohesion, coordination and complementarity on the part of the various financial backers when it comes to approaches and development strategies.

Aware of the magnitude of the challenges facing them, because of the necessity of adapting their Group to a changing world, the ACP States have undertaken a series of radical reforms, including the restructuring of their main executive body - the general Secretariat of the ACP Group - the headquarters of which are in Brussels. It will also be necessary to adapt the Georgetown Agreement once again, with the aid of amendments, to reinforce its substance, and to avoid it becoming anachronistic. In the light of these major changes and this reshaping of EU cooperation, there are grounds for optimism regarding improvement of the conditions for development in ACP countries. But it is important to keep in mind that development results from two dynamics. One is an internal dynamic, determined by the efforts of the country itself and its people, and isn't this the most important? The other is an external dynamic, which comes from the indispensable advantages which are drawn from international cooperation, in terms of technical and financial support. With this new ACP-EU Agreement, which falls into the second dynamic, and the opening up to other actors, the Group hopes that the next twenty years will see it write a more glorious chapter in its history. We'll have to wait and see. Good luck!

# An opportunity for the new Pacific ACP members

by David MacRae\*

**E**ight Pacific island countries currently belong to the ACP Group but this number is set to grow with the inclusion of six new members. This article examines what this means for the Pacific ACP Group, and the implications for the ACP Group as a whole in its relations with the EU.

## The Pacific region

The Pacific region consists of the islands and territories that lie within the Pacific Ocean, inhabited by Pacific peoples (Melanesians, Micronesians and Polynesians). In the broadest sense this would therefore include New Zealand (Aotearoa) with its Maori population and Hawaii which, though part of the USA, has a native population of Polynesians. A narrower definition, closer to present day political realities, is to regard the Pacific Region as consisting of the 22 countries and territories which today belong to the Pacific Community. This includes the eight countries already members of the ACP Group, and the six new Pacific ACP members.

These 14 countries - the eight existing plus six new members of the Pacific ACP Group - also all belong to the Pacific Forum, a grouping of independent Forum Island Countries (FICs) together with Australia and New Zealand. The Forum has its own permanent secretariat and meets on a regular basis at ministerial level to deal with issues of common interest. An idea that has been around for some time, and is now under serious consideration, is the formation of a free trade area between the FICs. Under the new ACP-EU Partnership Agreement this could form the basis for a Pacific Regional Economic Partnership Agreement.

The Pacific ACP Group has existed on the basis of historic relations with certain EU mem-

bers states, but it is not a coherent entity. After WWII the Pacific was divided into zones of influence. The countries and territories of the central Pacific had a close relationship with the USA while those of the South Pacific had links with the colonial powers, France and the UK. The accession of the six new members to the Pacific ACP Group may help to promote regional integration, bringing these countries into closer contact with the EU and the former EU colonies of the South Pacific.

The Pacific Community has been an important vehicle for regional cooperation by involving the countries and territories of the region in a range of technical and social programmes. The Forum Island Countries, all of which will now be members of the ACP Group, have taken this further in the sphere of trade and political cooperation. Thus, becoming members of the ACP Group may help promote regional integration between the independent island states.

The EU-funded Pacific Regional Indicative Programme is programmed and implemented through the region's network of regional institutions. For programming and project identification purposes the Regional Authorising Officer (RAO) is the Secretary General of the Forum Secretariat. The accession to the ACP Group of the six new members means that it is now possible (from EDF9 onwards) to prepare projects for all Forum Island Countries rather than for only a part of the group.

Similarly, at the implementation stage, where the Pacific Community and other regional institutions are involved, it is now possible to devise projects for an existing group of countries for which implementation arrangements already exist within the regional institutions, thus reducing the requirements for separate EU-Pacific

ACP arrangements.

The Pacific region includes eight territories, four of which are with the EU: New Caledonia, Wallis and Futuna and French Polynesia are French territories, while tiny Pitcairn - population less than 50 - is the last remaining UK territory in the Pacific. These, together with four other Overseas Countries and Territories (OCTs): American Samoa, Guam, Northern Marianas (all US) and Tokelau (NZ), belong to the Pacific Community. By matching funds from the ACP and OCT programmes it is now possible to extend the coverage of EU-funded regional programmes to cover 18 of the Pacific Community's 22 countries and territories.

#### **The six new ACPs**

The six newcomers to the ACP Group include three Central Pacific Micronesian Countries - Palau, the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI). These were once Spanish possessions that were later sold to Germany. They then passed to Japan after WWI and became American territories after WWII. Unlike the Northern Marianas and Guam which remained US territories, Palau, FSM and RMI opted for independence and have been involved with the USA in a Compact arrangement. The other three newcomers have also had links in the past with EU member states. Nauru, which is also a central Pacific Micronesian country, was a German colony before WWI. It was then administered by the UK, Australia and New Zealand during which time the country's extensive phosphate deposits were mined.

For a short period, the Cook Islands and Niue, South Pacific Polynesian countries, were administered as a British colony. They were then transferred to New Zealand in a voluntary association arrangement. This has allowed internal self-government, with progressive autonomy in international relations leading

towards eventual independence.

As small island countries, the six new ACP members face similar development constraints to other small Pacific ACP states. Typically they have small subsistence-based economies, are remote from world markets and, with the exception of the single islands of Nauru and Niue, are composed of a large number of islands scattered over a vast area of ocean.

Land resources are limited but marine resources, at present poorly developed, are considerable. The Exclusive Economic Zone (EEZ) of the Pacific Region as a whole extends over 30 million km<sup>2</sup>, of which 11.7 million km<sup>2</sup> belongs to the original eight ACP members. The six new members will raise this to almost 20 million km<sup>2</sup>.

In common with other Pacific island countries, the six new ACP members are highly vulnerable to natural disasters and heavily dependent on a limited number of exports. While none is classified as a least developed country, their private sectors are underdeveloped and there is a shortage of trained personnel. The share of the public sector in national output is high.

Each of the new countries has its own individual characteristics. The three former US territories are heavily dependent on the transfer of financial resources as laid down in the Compact Agreements with the US. Palau has gone furthest to develop other sources of income, from the tourism sector in particular. However, FSM and RMI remain heavily dependent on transfers from the USA.

Nauru became one of the wealthiest countries in the world during the 1980s due to its rich phosphate deposits. Much of this wealth has now been lost, and phosphate mining has caused serious environmental damage.

The Cook Islands and Niue have enjoyed particularly close relations with New Zealand. Niue, with a resident population of just over

2,000, is particularly small (though Niuanans living overseas are a multiple of this figure) and will be the smallest ACP member state. Both countries are part of the New Zealand monetary system and in the past have relied heavily on budgetary transfers.

The Cook Islands, FSM and RMI have adopted structural reform programmes since the mid 1990s. These are designed to reduce the public sector and to strengthen the private sector, particularly in fisheries, agriculture and tourism.

The USA and Japan are important trading partners for the former US trust territories, while trade with Australia and New Zealand is important for the other three countries. Except for occasional transactions, for all six countries trade with the EU is practically negligible. Intra-regional trade between the six and other

Pacific countries is also limited and underdeveloped. The creation of a FTA between the FIC's is seen as a possible remedy.

#### **The six new ACP members and the EU**

The Pacific region only contains some 7 million people, of whom more than 6 million are in the original 8 Pacific ACP states. At 225,000, the total population of the six new members is less than that of the Solomon Islands. In terms of population, and of land mass, the six new members add little, therefore, to the size of the ACP Group. Their trade with the EU is also minimal and their total financial impact is very modest.

In terms of marine resources, with a combined EEZ over 8 million km<sup>2</sup>, the resource endowment of the six new members can be considered as significant, particularly when judged against the small size of their populations. The sustainable management of the region's marine resources, clearly a development priority, is receiving attention within the Pacific Regional Indicative Programme.

Perhaps the best way of viewing the accession of the six new members to the Pacific ACP Group is the effect it has on the nature and scope of the relationships which the EU is able to develop with the Pacific

Region. The Pacific is the smallest of the three major regions of the ACP Group. By raising the number of Pacific countries, from eight to 14 - just one behind the current size of the Caribbean region - it reduces the natural imbalance in favour of Africa within the Group as a whole. The six new members, like the existing members of the Pacific ACP Group, are all small island states, which suggests that the special problems which these countries face - vulnerability and economic viability - could be raised on the agenda at ACP-EU meetings. The extra Pacific faces at the ACP-EU gatherings may also bring an extra dimension during the deliberations of the two groups given the Pacific tendency to strive for consensus.

The inclusion of the six new Pacific ACPs closes a gap in the EU's economic and political cooperation with the Pacific Region. Historically, the Pacific island peoples have seen their region divided by the metropolitan powers. The inclusion of the six countries in the ACP Group helps to bring the region together again. Their inclusion within any future Pacific Regional Partnership Agreement broadens the scope and renders more credible the EU's regional cooperation endeavour.

\*Head of Delegation in Fiji

#### **THE NEW ACP MEMBERS**

COUNTRIES	POPULATION 1998	LAND AREA (km <sup>2</sup> )	EEZs (km <sup>2</sup> )
<b>New ACP Members</b>			
FSM	114,100	701	2,970,000
RMI	61,000	181	2,120,000
Palau	18,500	488	629,000
Nauru	11,500	21	320,000
Cook Islands	19,200	237	1,830,000
Niue	2,100	259	390,000
	226,500	1,887	8,259,000

# Yolette Azor-Charles

Ambassador of the Republic of  
Haiti to Brussels

**"The partnership must be  
founded on mutual respect"**



**A**s Haiti's ambassador to Brussels for several years, Yolette Azor-Charles is fully *au fait* with ACP-EU cooperation, where she has taken an active role. She was closely involved in the long negotiations with the EU which ended in February 2000. Following this she took over over the rotating presidency of the ACP Committee of Ambassadors for a period of six months. During this delicate transitional period it was necessary to prepare the ground for the new Agreement, setting up transitional measures, preparing reforms and defining strategic guidelines, to give the new partnership arrangement a good start. She found time to give her views on a number of important issues underlining the Cotonou Agreement.

■ *The main objective of the new ACP-EU Agreement is to fight for the eradication of poverty. Is there a greater chance of achieving this objective now than there was under the Lomé Convention?*

That's a very difficult question to answer. It's not simply a matter of a direct comparison between the new Agreement and Lomé, because the Lomé Convention was reasonably complete, although we did experience a lot of disappointment. But we have to reflect on what the situation might have been without such an agreement. I can't say whether the Cotonou Agreement in itself stands a better chance of achieving that objective, but it has at least come into being at a defining moment when the general impression is that governments, international organisations, the international community and all those involved in development policy feel more concerned and are more aware of the disturbingly wide extent of poverty throughout the world, including countries in the northern hemisphere.

■ *The Cotonou Agreement lays the basis for greater involvement of civil society in cooperation. How do you see its role in this partnership?*

The direct reference to civil society in this Agreement marks a new beginning. Certain actors in civil society had of course already been targeted in previous Conventions and were able to benefit from certain types of funding. But by its explicit mention of civil society, the new Agreement appears revolutionary, turning a static environment totally upside-down. It is important to involve civil society, giving it more responsibilities, but there are still problems. In certain countries civil society is not yet well-defined, hence the need to agree on a specific definition. In other countries, most non-State actors are not consulted or even informed about this cooperation. There is also a fear that such players would want to take over something of the role of the State. If everyone's role can be defined and respected, it will be possible to turn the situation to advantage. At the time that my country acceded to the Lomé Convention, I was already promoting the advantages of broad-based participation in cooperation, by stressing the importance of the role of each of the players concerned. Now that these non-governmental actors have been expressly associated with the new Agreement, it is imperative to give them financial and institutional support, and adequate training so that they can fulfil their role.

■ *Do you think that the strengthening of the political dimension as laid down in this new Agreement will strengthen the partnership and lead to progress for the ACP countries?*

The political dimension in our cooperation has become increasingly important insofar as we have had to adopt measures which, on a number of occasions, touch on the political sphere. Greater importance is being given to political dialogue, and that makes it necessary that such dialogue is organised and based on mutual respect. All the parties involved need to be given a fair hearing if we are all to benefit from the new partnership.

■ *Good governance is one of the issues that has cropped up in this political field, and not without its problems. What are your feelings on this subject?*

You're quite right, this issue has given rise to a great deal of emotional discussion, passion and even increased sensitivity. That was inevitable because there was a problem of lack of confidence, with certain parties concentrating on the issue of corruption. Those who coined the term "good governance" used it for specific purposes. If one conceives good governance as proper management of public affairs, with sound and suitable management, we are obliged to note certain shortcomings. Unfortunately, many meanings have been given to this concept, and that's why the ACP countries were reluctant to agree to good governance becoming an essential clause in the Cotonou Agreement, to prevent ambiguous situations. A clear-cut definition has never been offered and accepted at international level, so everyone interprets it in their own way. I would also add that good governance must be respected on all sides. For example, when an international institution allocates aid to a country, its duties must include respect for the partnership and it must send qualified people, have precise and transparent rules, and not create obstacles to the smooth running of cooperation. This partnership must be based on mutual respect.

*Certain ACP countries have made remarkable progress in terms of democracy, but others are still lagging behind. How can this Agreement promote democratisation?*

Why should this Agreement be given such a heavy responsibility? Shouldn't we emphasise those elements which impose the need for democratisation in the ACP countries? The Cotonou Agreement must be perceived as an appeal of sorts, an opportunity to encourage, even to sanction. Through it, it is possible to implement actions which will motivate people to consolidate democratisation. As the European Commissioner said, populations have to be shown that democratisation pays. To achieve that, citizens' rights and the rights of States have to be respected. That is why mechanisms and facilities aimed at removing obstacles to this process have to be devised. Financial, institutional or administrative shortcomings in certain countries can give the impression of a lack of democratisation. In other countries, the lack of respect for certain democratic principles is very real and the Agreement makes provision for dealing with such situations. It would also be desirable for physical support to be provided, to increase awareness, either through books or through audiovisual aids, so that citizens can be reminded of their rights and duties and encouraged to promote democracy. However, the fact that an individual is not given the right to education, food, health or employment, for example, is also a violation of human rights which can slow the

process down, don't you think?

*Aren't you afraid that the requirements of regionalisation will have a detrimental effect on the solidarity and unity of the ACP Group?*

The ACP Group is often presented as a mosaic, or as a heterogeneous whole. Yet, as a large group with several small, well-founded blocs, it is easier to lend a hand and link up shared interests and common causes to be defended. Whenever there is a problem in an ACP country, all the others feel involved and work together to seek a solution - we have often felt such solidarity within our Group. Regionalisation is important in that it enables different countries to enter into a closer relationship and to get to know each other better, thereby constituting a force within the bloc. Admittedly, problems are not the same from one region to another, but there is also intra-ACP cooperation which, on account of this solidarity imperative, should be enhanced. It is already developing informally through exchanges of experience which should be encouraged, to consolidate solidarity at regional and even Group level. Our feeling is that we are progressing towards greater solidarity within our Group.

*Women are very active in development issues, but, paradoxically, are poorly represented in decision-making circles. What do you see as their role in the new Agreement?*

I have to confess that I've found this aspect of the Agreement a little disappointing, although some people would say that a decision to promote development benefits women and also young people, who mustn't be forgotten. However, women have an advantage: when they are not given a specific role, they carve one out for themselves and make themselves heard in that way. They primarily occupy the informal sector, which means that their role is not very clearly understood in statistical terms. I very much hope that States will see fit to allocate a percentage of funds to enhancing women's skills; such a policy has already shown its importance in the development of our nations. Women need to have access to education, health and credit, and need men's support. I agree with that famous lady who said that the third millennium will be the millennium of women, or nothing. As regards young people, I genuinely believe that they have a place in the programmes we envisage, whether in terms of improving skills or in the involvement of new actors. We have to explain to them how this Agreement operates and, ultimately, allocate them a share of the funding. Then they will be able to become fully-fledged members of civil society.

Interview by Kenneth Karl

# Regional dynamics in the new ACP-EU partnership

by Walter Kennes\*

The vast majority of ACP States are small or very small economies. Most of them are also small in terms of population and many are landlocked or island states. These characteristics imply a serious challenge in the current globalisation trend. At the same time globalisation leads to new opportunities. Regional integration and cooperation can help ACP countries to be in a better position to cope with these challenges and to take advantage of the new opportunities.

The new Agreement underscores the importance of regional cooperation in several ways. Regional cooperation is put forward as a development cooperation strategy. In addition, it is an important aspect of economic and trade cooperation. Regional integration is considered to be the foundation for the new ACP-EU trade regime. Article 35 states that "economic and trade cooperation shall build on regional integration initiatives of ACP States, bearing in mind that regional integration is a key instrument for the integration of ACP countries into the work economy." Regional cooperation is further encouraged under the heading of macroeconomic policies. This follows the approach advocated for a long time by the EU of taking into account the regional dimension in macroeconomic reform programmes. This approach has gradually been endorsed also by the Bretton Woods Institutions.

As regards regional cooperation as a development strategy, two aspects are distinguished in the Agreement. First there is regional economic integration in the strict sense (see Article 29). This aims to help ACP countries move towards larger and more unified markets in the form of free trade areas, customs unions or single markets. It involves the gradual elimination of constraints on cross-border trade, payments and investment. Support in this area could cover for

example strengthening the capacity of regional integration institutions and facilitating trade liberalisation, including help with the budgetary effects. The second aspect describes what is usually referred to as functional regional cooperation (Article 30). This typically covers support to deal with common or cross-border problems that arise in areas such as infrastructure, environment, health, education and research. This builds on a long and successful tradition of EU-ACP collaboration. Functional cooperation can take place without a formal economic integration process, but in most practical situations both aspects go together and are mutually reinforcing.

## **Positive advantages, once pre-conditions are fulfilled**

Regional integration can help to reduce poverty. This can come from the positive effect of integration on economic growth and the fact that growth is necessary for reducing poverty. Successful regional integration will lead to larger markets, more efficient allocation of resources, increased competition and a better investment climate. It also offers a framework for the consolidation of sound economic policies through regional surveillance and peer pressure. Regional integration includes scope for solidarity between more-favoured and less-favoured parts of the region, for example coastal states in relation to landlocked countries. This can be done, by setting up joint compensation or redistribution mechanisms. Another important aspect is the increased prominence and bargaining power when countries in a region act jointly, rather than on their own. Regional integration can only be successful when a number of political and economic pre-conditions are fulfilled. The political pre-conditions include peace and security, respect for human rights, democracy and good

governance. They largely correspond to the essential elements that figure prominently in the Agreement, but it is important to highlight their role in relation to regional integration. The economic pre-conditions include sound macroeconomic management particularly in respect to monetary, budgetary and fiscal policy. It is easy to understand that countries with very different inflation rates and fiscal policies will find it difficult to increase trade and investment flows. An interesting point to add, from European experience, is that once basic pre-conditions are fulfilled the success of regional integration will consolidate and lock in these pre-conditions. In other words regional integration will help to prevent future conflicts and avoid macroeconomic policy slippages.

Regional cooperation as a development strategy and foundation for a new trade regime is complementary to other aspects. Regional integration leads to a reduction in tariff revenue. Presently, government revenue in many ACP countries is still highly dependent on tariffs and this puts a brake on implementation of regional integration arrangements. It should be stressed that tariffs are neither an efficient nor an equitable way to collect government revenue. But replacing tariffs by other methods of revenue collection must be examined carefully in the overall macroeconomic and fiscal context. Achieving a good fiscal structure is an important aspect of macroeconomic cooperation.

The benefits of regional integration must be obtained through the operation of the private sector: less efficient industries and firms should be replaced by more promising ones. This adjustment process is not easy, because losses will often occur before new investments bear fruit. The Agreement gives a key role to the private sector, and the new instruments to support private sector development should be seen as a way to facilitate the repositioning of the private sector in the regional and global market. This will make the adjustment more gradual and socially sustainable.

The new trade regime envisaged by the Agreement leads to a radically different perspective for the ACP countries. To achieve a stable trade arrangement that is fully compatible with the global trading system under the World Trade Organisation, the Agreement foresees the gradual introduction of reciprocity in ACP-EU trade. This would take the form of WTO-compatible economic partnership agreements that would comprise free trade areas, but would also pay attention to increasingly important themes such as services trade, intellectual property, standardisation, sanitary and phytosanitary measures, labour standards and environment. Implementation would start not later than the year 2008. The EU would seek maximum flexibility in terms of the transition period and product coverage. The new regime will be such that it cannot be challenged by other WTO members and would thus be fully secure for traders and investors. In this way, it would constitute a strong stimulus for EU investment in ACP states. As mentioned above, these partnerships should build upon the regional integration initiatives of ACP countries. In other words they should become Regional Economic Partnership Agreements (REPAs). There are important benefits anticipated from REPAs, but there are also transitional costs. There is an important need to enhance the readiness of ACP countries to move in the direction of REPAs. The transitional problems that arise with the implementation of regional integration, such as fiscal reform and private sector restructuring, will also arise with the move towards REPAs.

The EU is ready to help ACP countries with the gradual move towards a new trade regime. One aspect will be to develop negotiation capacity at the level of promising regional integration organisations within the ACP group. Special attention will be given to assisting least developed countries to adjust to the new trade regime.

\*DG Development

# The ACP states and the countries of the European Union

Taken together, the 77 countries of the ACP Group and the 15 Member States of the European Union represent almost one billion inhabitants, out of the total six billion population of the planet, and more than half of the Member States of the United Nations. By signing the Cotonou Agreement on 23 June 2000, they confirmed the singularity of their development cooperation relationship, based as it is on a partnership that is unique in the world, dealing at the same time with political, economic and commercial aspects, as well as development aid. The clear objective of this vast group of partner countries is to fight for the eradication of poverty while encouraging the progressive insertion of the ACP States into the world economy.

The following tables provide basic information on the 92 partner countries which are linked by the Cotonou Agreement signed on 23 June 2000.

The classification according to the index of human development comes from the UNDP's 2000 Human Development Report. The HDI (Human Development

Index) indicated for each country is calculated by combining three major elements.

- life expectancy measured according to life expectancy to birth;
- educational level, measured for two thirds by the rate of adult literacy and for a third part by the combined rough education rate;
- the standard of living measured according to the per capita GDP.

It will be noted that the IDH is unfortunately not available for certain countries

The maps are not necessarily on the same scale. Their publication involves the recognition of no border and prejudices the statute of no country or territory.

Well after the signature of Lome IV, revised at Mauritius, South Africa joined the ACP family, with a rather individual status, and six new Pacific states have just entered the group by adhering to the Cotonou Agreement.

## Africa – 48 ACP states

Country	Population (millions)	Area (1000 km <sup>2</sup> )	Human Development index (HDI)	HDI ranking	Capital
Angola*	12.1	1 247	0.405	160	Luanda
Benin*	5.8	113	0.411	157	Cotonou
Botswana	1.6	582	0.593	122	Gaborone
Burkina Faso *	11.3	274	0.303	172	Ouagadougou
Burundi*	6.5	28	0.321	170	Bujumbura
Cameroon	14.3	475	0.528	134	Yaoundé
Cape Verde *	0.4	4	0.688	105	Praia
Central African Republic	3.5	653	0.371	166	Bangui
Chad*	7.3	1,284	0.367	167	N'Djamena
Comoros*	0.7	2	0.510	137	Moroni
Congo	2.8	342	0.507	139	Brazzaville
Congo (RDC) *	50	2 345	0.430	152	Kinshasa
Ivory Coast	14.3	322	0.420	154	Abidjan

## Africa – 48 ACP states

Country	Population (millions)	Area (1000 km <sup>2</sup> )	Human Development index (HDI)	HDI ranking	Capital
Djibouti*	0.6	23	0 447	149	Djibouti
Equatorial Guinea *	0.4	28	0 555	131	Malabo
Eritrea*	3.6	126	0 408	159	Asmara
Ethiopia*	59.6	1 222	0 309	171	Addis Ababa
Gabon	1.2	268	0 592	123	Libreville
The Gambia*	1.2	11	0 396	161	Banjul
Ghana	19.2	239	0 556	129	Accra
Guinea*	7.3	246	0 394	162	Conakry
Guinea Bissau *	1.2	36	0 331	169	Bissau
Kenya	29	582	0 508	138	Nairobi
Lesotho*	2.1	30	0 569	127	Maseru
Liberia*	2.64	98			Monrovia
Madagascar*	15.1	587	0 483	141	Antananarivo
Malawi*	10.3	118	0 385	163	Lilongwe
Mali*	10.7	1 240	0 380	165	Bamako
Mauritania*	2.5	1 026	0 451	147	Nouakchott
Mauritius	1.1	2	0 761	71	Port Louis
Mozambique*	18.9	802	0 341	168	Maputo
Namibia	1.7	824	0 632	115	Windhoek
Niger*	10.1	1 267	0.293	173	Niamey
Nigeria	106.4	924	0 439	151	Abuja
Rwanda*	6.6	26	0 382	164	Kigali
Sao Tomé & Principe *	0.1	1	0 547	132	Sao Tomé
Senegal	9.0	197	0 416	155	Dakar
Seychelles	0.1	0.5	0 786	53	Victoria
Sierra Leone *	4.6	72	0 252	174	Freetown
Somalia*	8.1	638			Mogadishu
South Africa	39.4	1 221	0 697	103	Johannesburg
Sudan*	28.3	2 506	0 477	143	Khartoum
Swaziland	1.0	17	0 655	112	Mbabane
Tanzania*	32.1	945	0 415	156	Dar es Salaam
Togo*	4.4	57	0 471	145	Lomé
Uganda*	20.6	236	0.409	158	Kampala
Zambia*	8.8	743	0 420	153	Lusaka
Zimbabwe	11.4	391	0 555	130	Harare
<b>Total</b>	<b>609 5</b>	<b>24 338</b>			

The HDI for Liberia and Somalia is not available

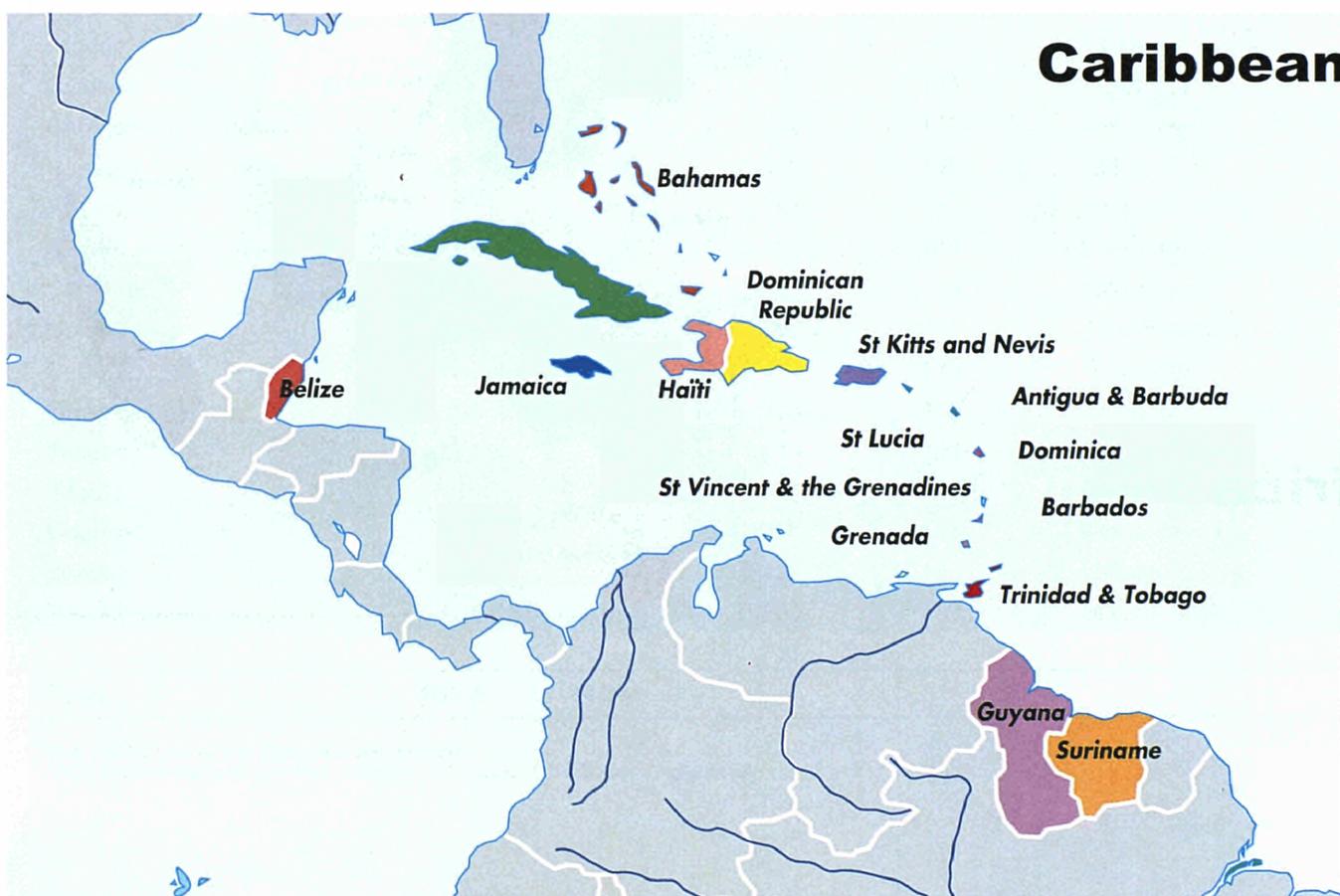
\*ACP Least-developed countries as listed in Annex 6 of the Cotonou Agreement

# Africa



## Caribbean - 15 ACP States

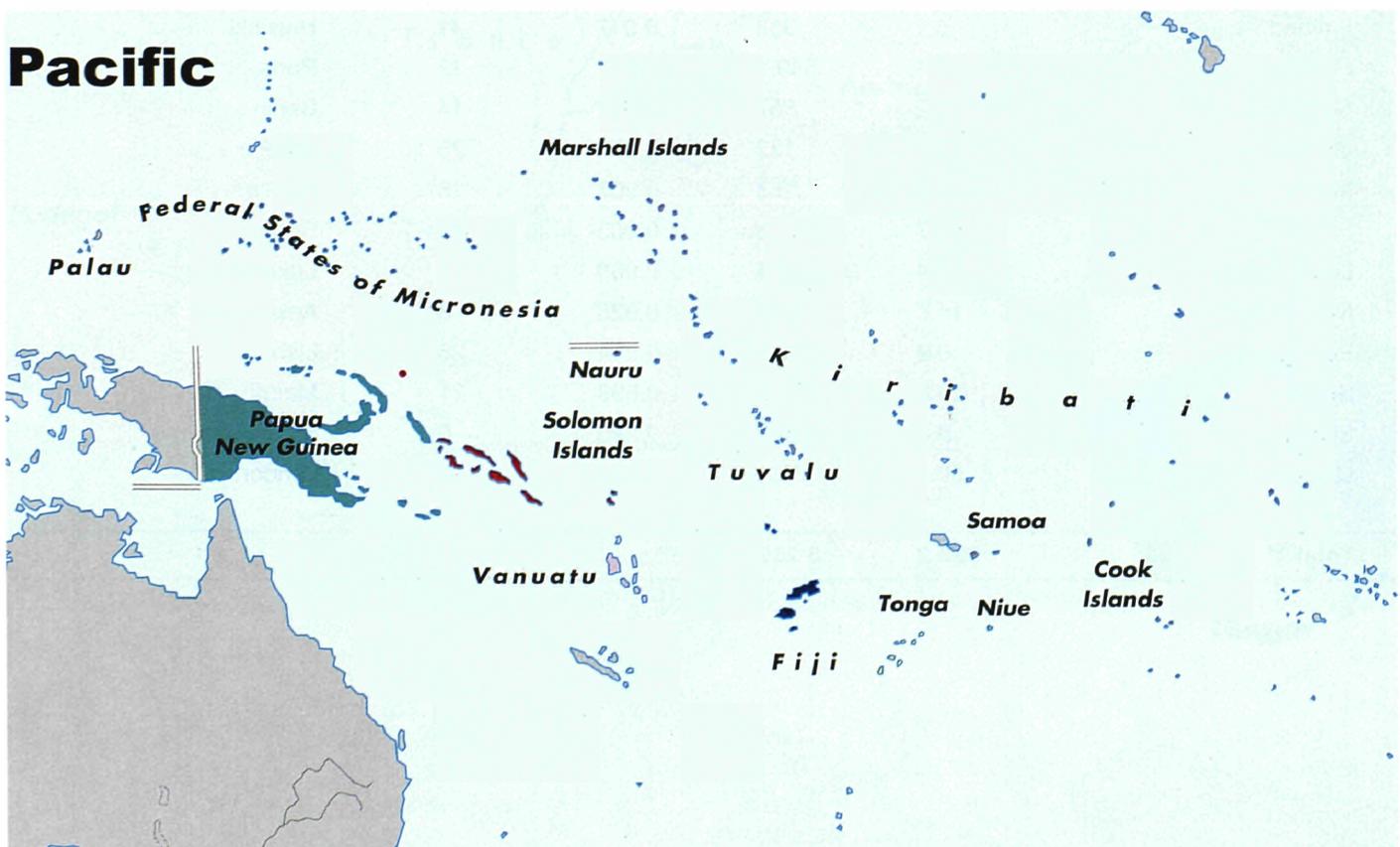
Country	Population (millions)	Area (1000 km <sup>2</sup> )	Human Development index (HDI)	HDI ranking	Capital
Antigua and Barbuda	100	440	0.833	37	St John's
Bahamas	300	13 880	0.844	33	Nassau
Barbados	300	430	0.858	30	Bridgetown
Belize	210	22 960	0.777	58	Belmopan
Dominica	100	750	0.793	51	Roseau
Dominican Republic	8 200	48 730	0.729	87	Santo Domingo
Grenada	100	340	0.785	54	St George's
Guyana	816	214 960	0.709	96	Georgetown
Haïti*	8 000	27 750	0.440	150	Port au Prince
Jamaica	2 500	10 990	0.735	83	Kingston
St Kitts and Nevis	41	360	0.798	47	Basseterre
St Lucia	200	620	0.728	88	Castries
St Vincent & the Grenadines	110	390	0.738	79	Kingstown
Suriname	445	163	0.766	67	Paramaribo
Trinidad and Tobago	1 338	5 130	0.793	5	Port of Spain
<b>Total</b>	<b>22 760</b>	<b>511 010</b>			



## Pacific - 14 ACP States

Country	Population (millions)	Area (1000 km <sup>2</sup> )	Human Development index (HDI)	HDI ranking	Capital
Cook Islands	19	234			Avarua
Fiji	800	18 270	0.769	66	Suva
Kiribati*	75	730			Bairiki
Marshall Islands	61	181			Majuro
Micronesia	114	701			Pohnpei
Nauru	11	21			Yaren
Niue	2	259			Alofi
Palau	18	48			Koror
Papua New Guinea	4 700	462 840	0.542	133	Port Moresby
Solomon Islands*	400	28 900	0.614	121	Honiara
Tonga	107	750			Nuku'alofa
Tuvalu*	10	30			Funafuti
Vanuatu*	180	12 190	0.623	118	Port Vila
Samoa *	200	2 840	0.771	95	Apia
<b>Total</b>	<b>6 697</b>	<b>527 994</b>			

The HDI is not available for the new Pacific countries, Kiribati, Tonga and Tuvalu  
 \* Least-developed countries as listed in Annex 6 of the Cotonou Agreement



## Overseas Countries and Territories

### Denmark

Country having special relations with

Denmark

- Greenland

### France

Territorial collectivities

- Mayotte

- St Pierre and Miquelon

Overseas Territories

- New Caledonia and dependancies

- French Polynesia

- French Southern and Antarctic territories

- Wallis and Futuna

### Netherlands

Overseas countries

- Aruba

- Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten)

### United Kingdom

Overseas countries and territories

- Anguilla

- British Antarctic Territory

- British Indian Ocean Territory

- British Virgin Islands

- Cayman Islands

- Falkland Islands

- Southern Sandwich Islands and dependancies

- Montserrat

- Pitcairn Island

- Saint Helena and dependancies

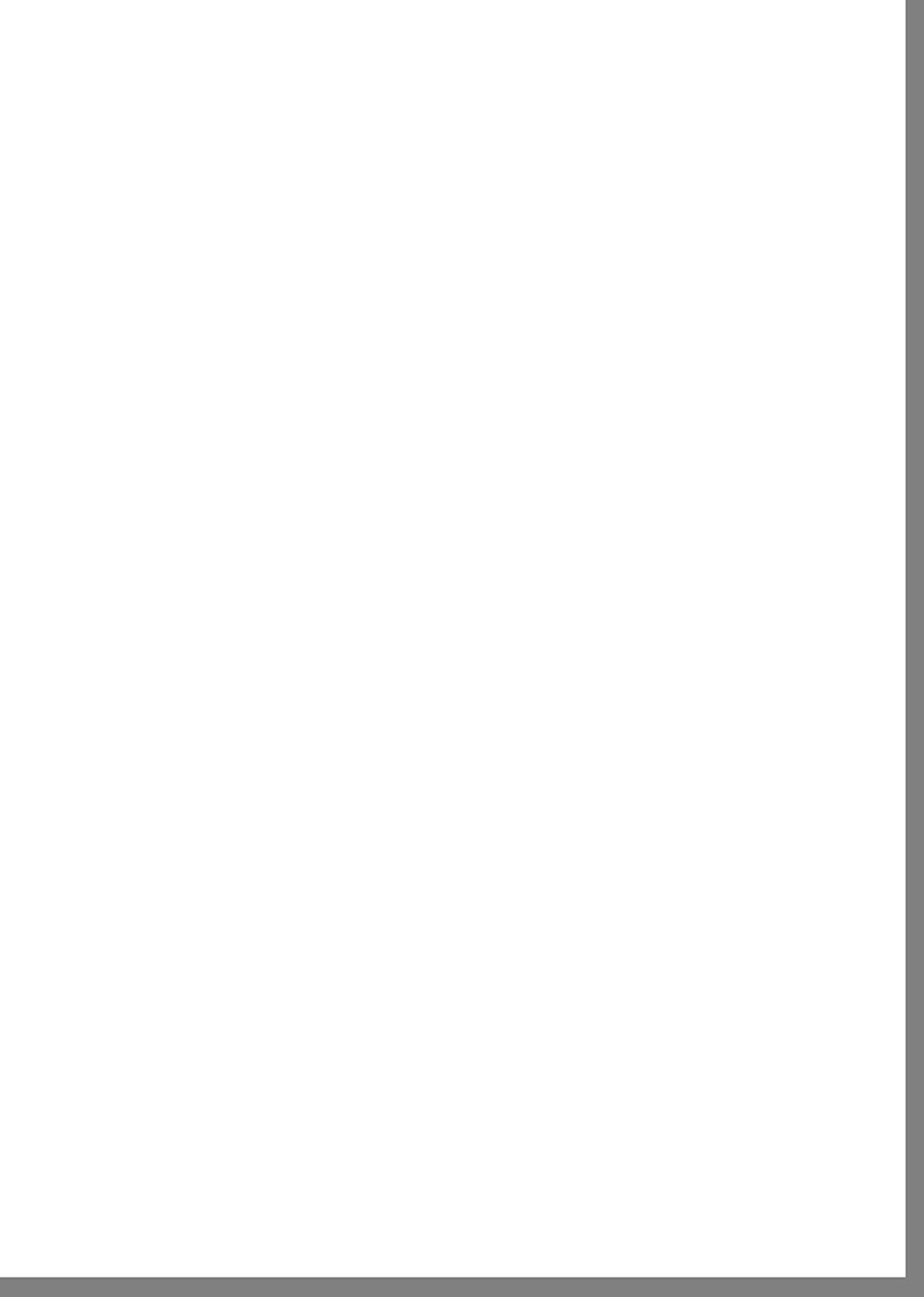
- Turks and Caicos Islands

## European Union -15 Member States

Country	Population (millions)	Area (1000 km <sup>2</sup> )	Human Development index (HDI)	HDI ranking	Capital
Austria	8	83	0.908	16	Vienna
Belgium	10.2	30.5	0.925	7	Brussels
Denmark	5.3	43.1	0.911	15	Copenhagen
Finland	5.1	338	0.917	11	Helsinki
France	60.1	549.1	0.917	12	Paris
Germany	82	357	0.911	14	Berlin
Greece	10.7	132	0.875	25	Athens
Ireland	3.6	70.3	0.907	18	Dublin
Italy	56.7	301.3	0.903	19	Rome
Luxembourg	0.4	2.5	0.908	17	Luxembourg
Netherlands	15.8	41.7	0.925	8	Amsterdam
Portugal	9.9	92.3	0.864	28	Lisbon
Spain	39.8	504.8	0.899	21	Madrid
Sweden	8.8	449.9	0.926	6	Stockholm
United Kingdom	59.1	59.1	0.918	10	London
<b>Total</b>	<b>376.2</b>	<b>3 239</b>			

# European Union





### **Information for readers**

The blue pages contain the list of countries which have signed the ACP-EU Partnership Agreement on 23 June 2000; the yellow pages, the consolidated text of the Agreement; the green pages, the annexes and protocols and the grey pages, the Final Act.

The Compendium will be published separately.

Please note that only the text of the Agreement published in the paper edition of the Official Journal of the European Communities is deemed authentic.

# **LIST OF COUNTRIES SIGNATORIES OF THE ACP-EU PARTNERSHIP AGREEMENT**

in

## **COTONOU**

**23 June 2000**

HIS MAJESTY THE KING OF THE BELGIANS,  
HER MAJESTY THE QUEEN OF DENMARK,  
THE PRESIDENT OF THE FEDERAL REPUBLIC OF  
GERMANY,  
THE PRESIDENT OF THE HELLENIC REPUBLIC,  
HIS MAJESTY THE KING OF SPAIN,  
THE PRESIDENT OF THE FRENCH REPUBLIC,  
THE PRESIDENT OF IRELAND,  
THE PRESIDENT OF THE ITALIAN REPUBLIC,  
HIS ROYAL HIGHNESS THE GRAND DUKE OF  
LUXEMBOURG,  
HER MAJESTY THE QUEEN OF THE NETHERLANDS,  
THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,  
THE PRESIDENT OF THE PORTUGUESE REPUBLIC,  
THE PRESIDENT OF THE REPUBLIC OF FINLAND,  
THE GOVERNMENT OF THE KINGDOM OF SWEDEN,  
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND,

Contracting parties to the Treaty establishing the European  
Community, hereafter named "Community," and the States of the  
Community being hereinafter referred to as "Member States,"

and

THE COUNCIL OF THE EUROPEAN UNION AND THE  
COMMISSION OF THE EUROPEAN COMMUNITIES,

of the one part and,

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA,  
THE PRESIDENT OF THE REPUBLIC OF ANGOLA,  
HER MAJESTY THE QUEEN OF ANTIGUA AND BARBUDA,  
THE HEAD OF STATE OF THE COMMONWEALTH OF THE  
BAHAMAS,  
THE HEAD OF STATE OF BARBADOS,  
HER MAJESTY THE QUEEN OF BELIZE,  
THE PRESIDENT OF THE REPUBLIC OF BENIN,  
THE PRESIDENT OF THE REPUBLIC OF BOTSWANA,  
THE PRESIDENT OF BURKINA FASO,  
THE PRESIDENT OF THE REPUBLIC OF BURUNDI,  
THE PRESIDENT OF THE REPUBLIC OF CAMEROON,  
THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,  
THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC,  
THE PRESIDENT OF THE ISLAMIC FEDERAL REPUBLIC OF  
THE COMOROS,  
THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF  
CONGO,  
THE PRESIDENT OF THE REPUBLIC OF THE CONGO,  
THE GOVERNMENT OF THE COOK ISLANDS,

THE PRESIDENT OF THE REPUBLIC OF CÔTE D'IVOIRE,  
THE PRESIDENT OF THE REPUBLIC OF DJIBOUTI,  
THE GOVERNMENT OF THE COMMONWEALTH OF  
DOMINICA,  
THE PRESIDENT OF THE DOMINICAN REPUBLIC,  
THE PRESIDENT OF THE STATE OF ERITREA,  
THE PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC  
OF ETHIOPIA,  
THE PRESIDENT OF THE SOVEREIGN DEMOCRATIC  
REPUBLIC OF FIJI,  
THE PRESIDENT OF THE REPUBLIC OF GABON,  
THE PRESIDENT AND HEAD OF STATE OF THE REPUBLIC  
OF THE GAMBIA,  
THE PRESIDENT OF THE REPUBLIC OF GHANA,  
HER MAJESTY THE QUEEN OF GRENADA,  
THE PRESIDENT OF THE REPUBLIC OF GUINEA,  
THE PRESIDENT OF THE REPUBLIC OF GUINEA-BISSAU,  
THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL  
GUINEA,  
THE PRESIDENT OF THE COOPERATIVE REPUBLIC OF  
GUYANA,  
THE PRESIDENT OF THE REPUBLIC OF HAITI,  
THE HEAD OF STATE OF JAMAICA,  
THE PRESIDENT OF THE REPUBLIC OF KENYA,  
THE PRESIDENT OF THE REPUBLIC OF KIRIBATI,  
HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO,  
THE PRESIDENT OF THE REPUBLIC OF LIBERIA,  
THE PRESIDENT OF THE REPUBLIC OF MADAGASCAR,  
THE PRESIDENT OF THE REPUBLIC OF MALAWI,  
THE PRESIDENT OF THE REPUBLIC OF MALI,  
THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL  
ISLANDS,  
THE PRESIDENT OF THE ISLAMIC REPUBLIC OF  
MAURITANIA,  
THE PRESIDENT OF THE REPUBLIC OF MAURITIUS,  
THE GOVERNMENT OF THE FEDERAL STATES OF  
MICRONESIA,  
THE PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE,  
THE PRESIDENT OF THE REPUBLIC OF NAMIBIA,  
THE GOVERNMENT OF THE REPUBLIC OF NAURU,  
THE PRESIDENT OF THE REPUBLIC OF NIGER,  
THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA,  
THE GOVERNMENT OF NIUE,  
THE GOVERNMENT OF THE REPUBLIC OF PALAU,  
THE PRESIDENT OF THE REPUBLIC OF UGANDA,  
HER MAJESTY THE QUEEN OF THE INDEPENDENT STATE  
OF PAPUA NEW GUINEA,  
THE PRESIDENT OF THE RWANDAN REPUBLIC,  
HER MAJESTY THE QUEEN OF SAINT KITTS AND NEVIS,  
HER MAJESTY THE QUEEN OF SAINT LUCIA,

HER MAJESTY THE QUEEN OF SAINT VINCENT AND THE  
GRENADINES,  
THE HEAD OF STATE OF THE INDEPENDENT STATE OF  
SAMOA,  
THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF  
SÃO TOMÉ AND PRÍNCIPE,  
THE PRESIDENT OF THE REPUBLIC OF SENEGAL,  
THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES,  
THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE,  
HER MAJESTY THE QUEEN OF THE SOLOMON ISLANDS,  
THE PRESIDENT OF THE REPUBLIC OF THE SUDAN,  
THE PRESIDENT OF THE REPUBLIC OF SURINAME,  
HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND,  
THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA,  
THE PRESIDENT OF THE REPUBLIC OF CHAD,  
THE PRESIDENT OF THE TOGOLESE REPUBLIC,  
HIS MAJESTY KING TAUFA 'AHAU TUPOU IV OF TONGA,  
THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND  
TOBAGO,  
HER MAJESTY THE QUEEN OF TUVALU,  
THE GOVERNMENT OF THE REPUBLIC OF VANUATU,  
THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,  
THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE,

whose States are hereinafter referred to as "ACP states,"

of the other part

HAVE DECIDED to conclude this Agreement

And to this end have designated their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS,  
Mr Eddy BOUTMANS  
State Secretary for cooperation with developing countries  
HER MAJESTY THE QUEEN OF DENMARK,  
Mr Michael GORMSEN  
Chief Adviser, Ministry for Foreign Affairs  
THE PRESIDENT OF THE FEDERAL REPUBLIC OF  
GERMANY,  
Mr Erich STATHER  
Secretary of State, [[Staatsminister]], Ministry for Development  
Cooperation  
THE PRESIDENT OF THE HELLENIC REPUBLIC,  
Mr Nikolaos PATAKIAS  
Adviser to the Greek Permanent Representative in Brussels  
HIS MAJESTY THE KING OF SPAIN,  
Mr Jesus Manuel GRACIA ALDAZ  
Secretary-General, Spanish Agency for International Cooperation  
THE PRESIDENT OF THE FRENCH REPUBLIC,  
Mr Charles JOSSELIN  
Minister with responsibility for Cooperation and  
the French-speaking areas

THE PRESIDENT OF IRELAND,  
Mr Robert MOLLOY T.D.  
Minister of State to the Government and National Minister for the  
Environment and Local Government  
THE PRESIDENT OF THE ITALIAN REPUBLIC,  
Mr. Rino SERRI  
State Secretary for Foreign Affairs  
HIS ROYAL HIGHNESS THE GRAND DUKE OF  
LUXEMBOURG,  
Mr Jean FEYDER  
Ambassador, Department of Cooperation and Humanitarian Aid  
HER MAJESTY THE QUEEN OF THE NETHERLANDS,  
Mr S.N. BAKKER  
Diplomatic service, Republic of Benin  
THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,  
Dr Gregor WOSCHNAGG,  
Ambassador  
THE PRESIDENT OF THE PORTUGUESE REPUBLIC,  
Mr Luis Filipe AMADO  
State Secretary for Foreign Affairs and Cooperation  
THE PRESIDENT OF THE REPUBLIC OF FINLAND,  
Mr Kirsti LINTONEN  
State under-Secretary, Ministry for Foreign Affairs  
THE GOVERNMENT OF THE KINGDOM OF SWEDEN,  
Mr Lars EKSTRÖM  
Ambassador to Nigeria, Ghana, Togo and Benin in Lagos  
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND,  
Mr Roger KAESHAW  
Deputy High Commissioner for Nigeria

THE COUNCIL OF THE EUROPEAN UNION AND THE  
COMMISSION OF THE EUROPEAN COMMUNITIES,

Mr Luis Filipe AMADO  
State Secretary for Foreign Affairs and Cooperation  
Mr Poul NIELSON  
Member of the Commission of the European Communities

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA,  
Mrs Susan SHABANGU  
Deputy Minister for Minerals and Energy  
THE PRESIDENT OF THE REPUBLIC OF ANGOLA,  
Mrs Ana Afonso DIAZ LOURENCO  
Minister for Planning, National Authorising Officer  
HER MAJESTY THE QUEEN OF ANTIGUA AND BARBUDA,  
*Will sign later*  
THE HEAD OF STATE OF THE COMMONWEALTH OF THE  
BAHAMAS,  
Mr Carl Wilshire BETHEL,  
Minister for Economic Development  
THE HEAD OF STATE OF BARBADOS,  
Mr Michael KING  
Ambassador to the European Union

HER MAJESTY THE QUEEN OF BELIZE,  
Mrs Keisha DIEGO-GREY  
Belize Diplomatic Mission in Brussels

THE PRESIDENT OF THE REPUBLIC OF BENIN,  
Mr Sévérin ADJOVI  
Minister for Trade, Craft Industry and Tourism

THE PRESIDENT OF THE REPUBLIC OF BOTSWANA,  
M. Mompoti MERAFHE  
Minister for Foreign Affairs

THE PRESIDENT OF BURKINA FASO,  
Mrs Anne KONATE  
Deputy Minister for Economic Development, Minister for  
Economic and Financial Affairs

THE PRESIDENT OF THE REPUBLIC OF BURUNDI,  
Mr Léon NIMBONA  
Minister for Planning, Development and Reconstruction

THE PRESIDENT OF THE REPUBLIC OF CAMEROON,  
Mr Shey JONES YEMBE  
State Secretary, Ministry for Public Investments and Regional  
Planning

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,  
Mr Wahnon FERREIRA  
Ambassador in Belgium

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC,  
Mr Anicet George DOLOGUELE  
President of the ACP Council of Ministers

THE PRESIDENT OF THE ISLAMIC FEDERAL REPUBLIC OF  
THE COMOROS,  
Mr Assoumany ABOUDOU  
Minister for Economy, Trade and the Craft Industry

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE  
CONGO,  
Mr Yerodia Abdoulaye NDOMBASI  
State Minister of State for Foreign Affairs and International  
Cooperation

THE PRESIDENT OF THE REPUBLIC OF THE CONGO,  
Mr Mathias DZON  
Minister of State

THE GOVERNMENT OF THE COOK ISLANDS,  
Mr Robert WOONTON  
Minister for Foreign Affairs and Immigration

THE PRESIDENT OF THE REPUBLIC OF CÔTE D'IVOIRE,  
Seydou DIARRA  
Minister for Planning and Development

THE PRESIDENT OF THE REPUBLIC OF DJIBOUTI,  
M. Yacin Elmi BOUH  
Minister for Economy and Finance, Head of Department for  
Privatisation

THE GOVERNMENT OF THE COMMONWEALTH OF  
DOMINICA,  
Mr Edwin P. J. LAURENT  
Ambassador in Brussels

THE PRESIDENT OF THE DOMINICAN REPUBLIC,  
Mr Max PIG  
State Secretary, National Authorising Officer

THE PRESIDENT OF THE STATE OF ERITREA,  
Mr Berhane ABREHE  
Minister of State

THE PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC  
OF ETHIOPIA,  
Mr Girma BIRU  
Minister for Development and Economic Cooperation

THE PRESIDENT OF THE SOVEREIGN DEMOCRATIC  
REPUBLIC OF FIJI,  
M. Isikeli MATAITOGA  
Ambassador in Brussels

THE PRESIDENT OF THE REPUBLIC OF GABON,  
Mr Casimir OYE MBA  
Minister of State, Minister for Planning, for Development  
Programming and Regional planning

PRESIDENT AND HEAD OF STATE OF THE REPUBLIC OF  
THE GAMBIA,  
Mr Famara L. JATTA  
State Secretary for Finance and Economic Affairs

THE PRESIDENT OF THE REPUBLIC OF GHANA,  
Mr Victor SELORMEY  
Minister for Finance

HER MAJESTY THE QUEEN OF GRENADA,  
Mr Anthony BOATSWAIN  
Minister for Finance, Trade and Planning

THE PRESIDENT OF THE REPUBLIC OF GUINEA,  
Mr Amadou Camara CHEIKH  
Minister for the Economy, Finance and Planning

THE PRESIDENT OF THE REPUBLIC OF GUINEA BISSAU,  
M. Rui BARAI  
State Secretary, International Cooperation and Regional  
Integration

THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL  
GUINEA,  
M. Fortunato OFA MBO NCHAMA  
Minister for Planning and Economic Development

THE PRESIDENT OF THE REPUBLIC OF GUYANA,  
Mr Havelock BREWSTER  
Ambassador to the European Union

THE PRESIDENT OF THE REPUBLIC OF HAITI,  
Mr Jean-Marie CHERESTAL  
Minister, National Authorising Officer

THE HEAD OF STATE OF JAMAICA,  
Mr Anthony HYLTON  
Member of Parliament, Minister for Foreign Trade

THE PRESIDENT OF THE REPUBLIC OF KENYA,  
Mr Gideon NDAMBUKI  
Minister for Planning

THE PRESIDENT OF THE REPUBLIC OF KIRIBATI,  
Mr Serge VOHOR  
Foreign Minister, Vanuatu

HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO,  
Mr Mpho MALIE  
Minister for Industry, Trade and Marketing

THE PRESIDENT OF THE REPUBLIC OF LIBERIA,  
Mr Lami KWAH  
Minister for Planning and Economic Affairs

THE PRESIDENT OF THE REPUBLIC OF MADAGASCAR,  
Mr Alphonse RANDRIANAMBININA  
Minister for Trade and Consumers

THE PRESIDENT OF THE REPUBLIC OF MALAWI,  
Mr Samuel D. KALIYOMA PHUMISA  
Member of Parliament, Minister for Trade and Industry

THE PRESIDENT OF THE REPUBLIC OF MALI,  
Mr Modibo SIDIBE  
Minister for Foreign Affairs and External Relations

THE GOVERNMENT OF THE REPUBLIC OF THE  
MARSHALL ISLANDS,  
M. Alvin JACKLICH  
Minister for Foreign Affairs

THE PRESIDENT OF THE ISLAMIC REPUBLIC OF  
MAURITANIA,  
Mr Mohamed OULD NANI  
Minister for Economic Affairs and Development

THE PRESIDENT OF THE REPUBLIC OF MAURITIUS,  
Mr Rajkeswur PURRYAG  
Vice Prime Minister, Minister for Foreign Affairs and International  
Trade

THE GOVERNMENT OF THE FEDERAL STATES OF  
MICRONESIA,  
*Will sign later*

THE PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE  
Mrs Frances RODRIGUES  
Deputy Minister for Foreign Affairs and Cooperation

THE PRESIDENT OF THE REPUBLIC OF NAMIBIA,  
Mr Tuliameni KALOMOH  
Member of Parliament, Minister for Foreign Affairs, Information  
and Diffusion

THE GOVERNMENT OF THE REPUBLIC OF NAURU,  
Mr Isikeli MATAITOGA  
Ambassador for Fiji to Brussels

THE PRESIDENT OF THE REPUBLIC OF NIGER,  
Mr Ali ABDJO GAMATIE  
Finance Minister, EDF National Authorising Officer

THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA,  
Mr Philip C. ASIODU  
Chief Economic Adviser to the President

THE GOVERNMENT OF NIUE,  
Mr Sani LAKATANI  
Prime Minister

THE GOVERNMENT OF THE REPUBLIC OF PALAU,  
*Will sign later*

THE PRESIDENT OF THE REPUBLIC OF UGANDA,  
Mr Gerald M SSENDAULA  
Minister for Finance, Planning and Economic Development

HER MAJESTY THE QUEEN OF THE INDEPENDENT STATE  
OF PAPUA NEW GUINEA,  
Mr John KAPUTIN  
Minister of State

THE PRESIDENT OF THE RWANDAN REPUBLIC,  
Mr Jacques BIHOZAGARA  
Extraordinary plenipotentiary ambassador in Brussels

HER MAJESTY THE QUEEN OF SAINT KITTS AND NEVIS,  
Mr Cédric Roy LIBURD  
Minister for Agriculture, Fishing and Cooperatives,

HER MAJESTY THE QUEEN OF SAINT LUCIA,  
Mr George William Johnson ODLUM  
Minister of Foreign Affairs and International Trade

HER MAJESTY THE QUEEN OF SAINT VINCENT AND THE  
GRENADINES,  
Mr John HORNE  
Minister for Trade, Industry and Consumers

THE HEAD OF STATE OF THE INDEPENDENT STATE OF  
SAMOA,  
Mr Tau'iliili Uili MEREDITH  
Ambassador in Brussels

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF  
SÃO TÓME AND PRÍNCIPE,  
Mr Armindo DE BRITO FERNANDES  
Chargé d'affaires in the Embassy in Brussels

THE PRESIDENT OF THE REPUBLIC OF SENEGAL  
M. Diop MACTAR  
Minister for Economic and Financial Affairs

THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES,  
Mr Jérémie BONNELAME  
Foreign Minister

THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE,  
*Will sign later*

HER MAJESTY THE QUEEN OF THE SOLOMON ISLANDS,  
Mr Robert SISILO  
Ambassador to the EU

THE PRESIDENT OF THE REPUBLIC OF SUDAN,  
Mr Mohamed KHEIR EL ZUHEAR  
Minister for Finance and National Economy

THE PRESIDENT OF THE REPUBLIC OF SURINAME,  
Mr Carlo Reinold SPIER  
Ambassador plenipotentiary, Chargé d'affaires ad interim of the  
Surinam Mission to the European Union

HIS MAJESTY THE KING OF THE GOVERNMENT OF  
SWAZILAND;  
MR Vincent MAJOZI SITHOLE  
Minister for Economic Planning and Development

THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA,  
Mr C. HAULI  
Deputy Minister for Finance

THE PRESIDENT OF THE REPUBLIC OF CHAD,  
Mr Ahmed Lamine ALI  
Minister for Economic Promotion and Development,  
EDF National Authorising Officer

THE PRESIDENT OF THE TOGOLESE REPUBLIC,  
Mr Simfeitchéou PRE  
Minister for Planning and Development

HIS MAJESTY KING TAUFA 'AHAU TUPOU IV OF TONGA,  
M. Ulukalala LAVAKA ATA  
Prime Minister, Minister for Foreign Affairs and Defence

THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND  
TOBAGO,

Mrs Sheelagh DE OSUNA

High Commissioner of the Trinidad and Tobago Republic to the  
United Kingdom

HER MAJESTY THE QUEEN OF TUVALU,

Mr Laagitupu TUILIMU

Vice Prime Minister for Finance and Economic Planning

THE GOVERNMENT OF THE REPUBLIC OF VANUATU,  
Mr Rialuth Serge VOHOR  
Minister for Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,  
Mr W. J. HARRINGTON

Member of Parliament, Minister for Trade

THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE,  
Mr Kelebert NKOMANI

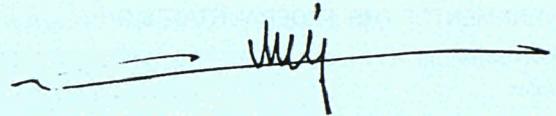
Ambassador in Brussels

Pour Sa Majesté le Roi des Belges  
Voor zijne Majesteit de Koning der Belgen  
Für Seine Majestät den König der Belgier



Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région Flamande et la Région de Bruxelles-Capitale.  
Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke gewest.  
Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und de region Brüssel-Hauptstadt.

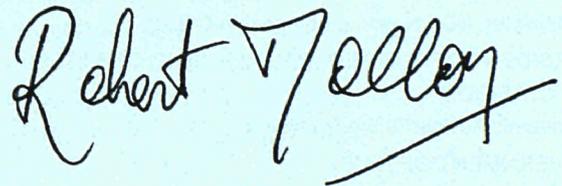
Pour le Président de la République française



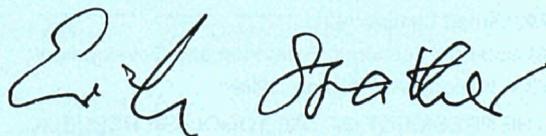
For Hendes Majestæt Danmarks Dronning



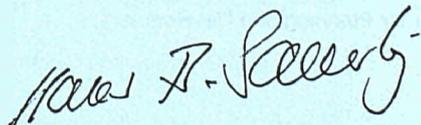
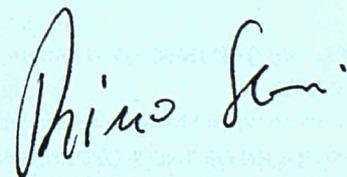
Thar ceann Uachtarán na hÉireann  
For the President of Ireland



Für denPräsidenten der Bundesrepublik Deutschland



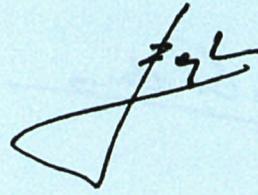
Per il Presidente della Repubblica italiana



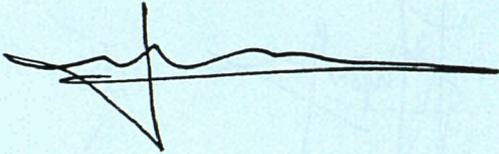
Για τον Πρόεδρο της Ελληνικής Δημοκρατίας

Michael Goumaz

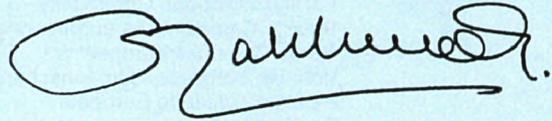
Pour son Altesse Royale le Grand-Duc de Luxembourg



Por Su Majestad el Rey de España



Voor Hare Majesteit de Koningin der Nederlanden



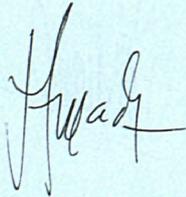
Für den Bundespräsidenten der Republik Österreich

Gregor Wodweg

Für den Bundespräsidenten der Republik Österreich

Gregor Wodweg

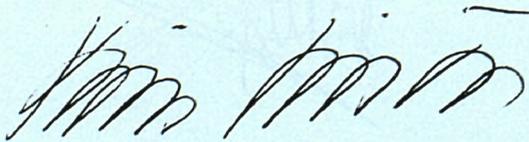
Pelo Presidente da República Portuguesa



Pour le président de la République d'Angola

Que Jesus Maria Lourenço

Suomen Tasavallan Presidentin puolesta  
För Republiken Finlands President



For Her Majesty the Queen of Antigua and Barbuda

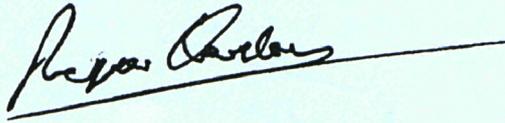
På svenska regeringens vägnar

Lars Eklöv

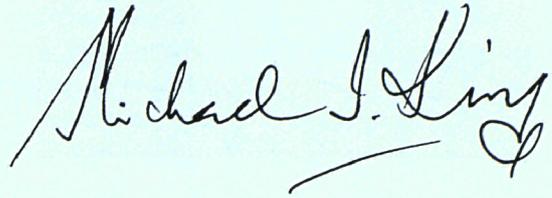
For the Head of State of the Commonwealth of the Bahamas

Carrie W. Beckford

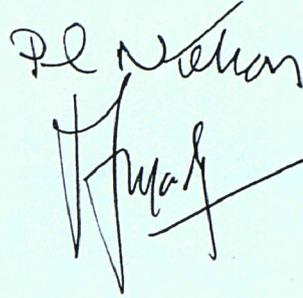
For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland



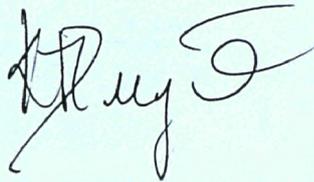
For the Head of State of Barbados



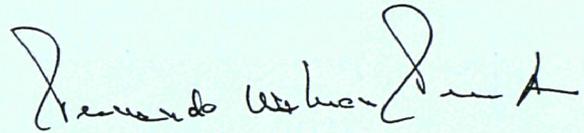
Por la Comunidad Europea  
For Det Europæiske Fællesskab  
Für die Europäische Gemeinschaft  
Για την Ευρωπαϊκή Κοινότητα  
For the European Community  
Pour la Communauté européenne  
Per la Comunità europea  
Voor de Europese Gemeenschap  
Pela Comunidade Europeia  
Euroopan yhteisön puolesta  
På Europeiska gemenskapens vägnar



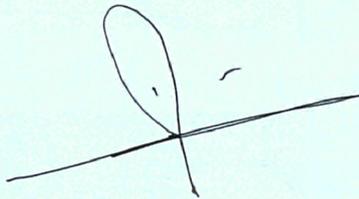
For the Government of Belize



Pour le Président de la République du Cap-Vert



Pour le Président de la République du Bénin



Pour le Président de la République Centrafricaine



For the President of the Republic of Botswana



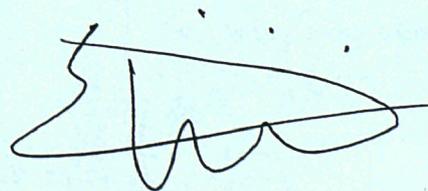
Pour le Président de la République Fédérale Islamique des Comores



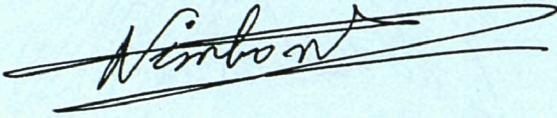
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Pour le Président de la République démocratique du Congo



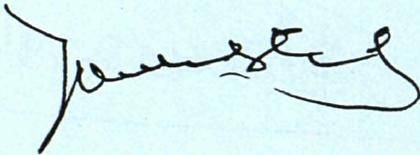
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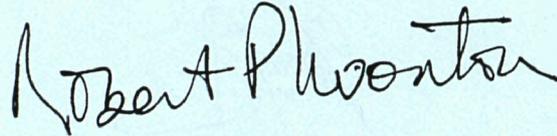
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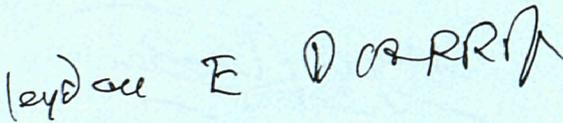
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For the Government of the Cook Islands



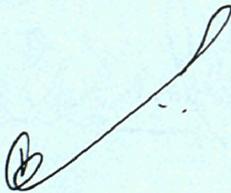
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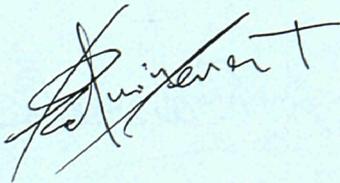
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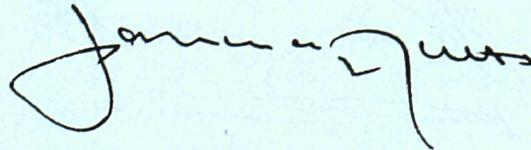
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For the Government of the Commonwealth of Dominica



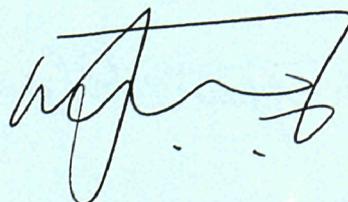
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For the President of the Dominican Republic



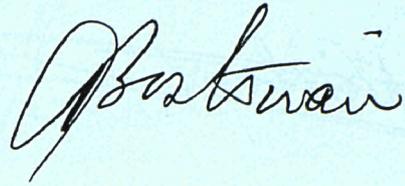
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For the President of the State of Eritrea



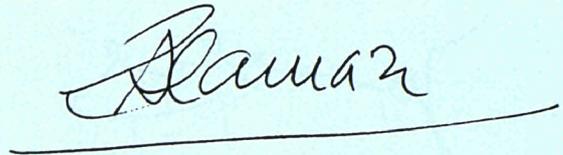
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For the President of the Federal Democratic Republic of Ethiopia



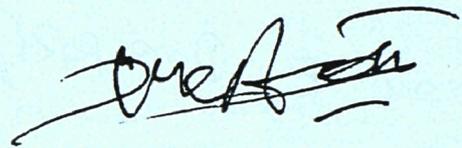
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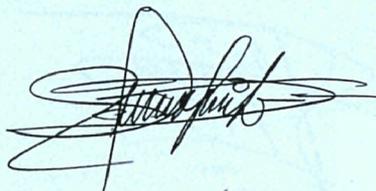
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For the President of the Republic of Kiribati



Pour le Président de la République de Guinée équatoriale



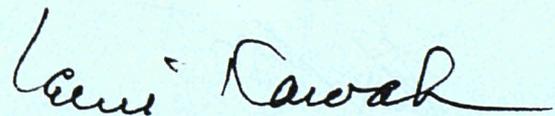
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For the President of the Republic of Guyana



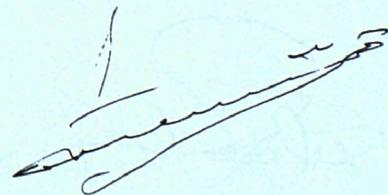
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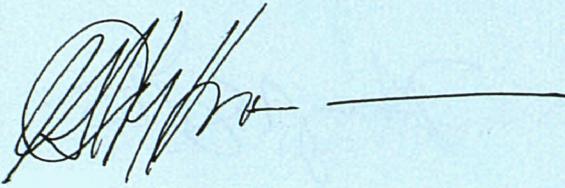
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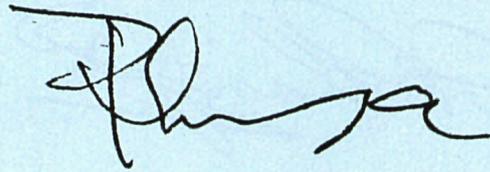
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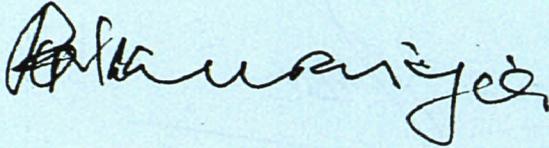
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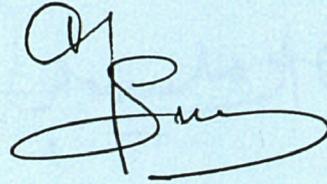
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For the President of the Republic of Kenya

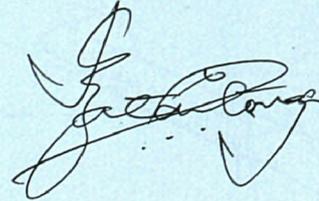


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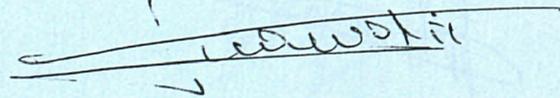
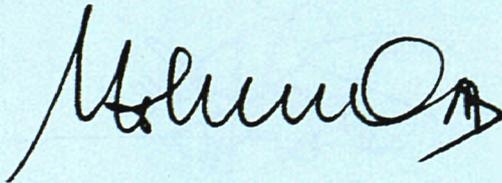
For the Government of the Republic of the Marshal Islands

For the Government of the republic of Nauru



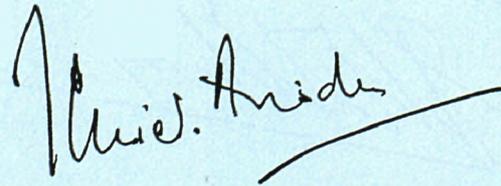
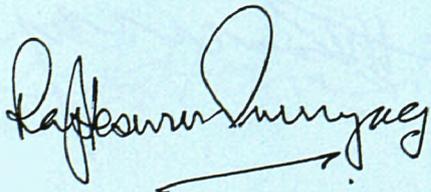
Pour le Président de la République Islamique de Mauretanie

Pour le Président de la République du Niger



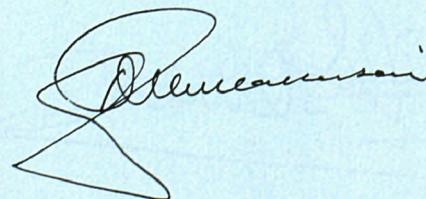
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For the President of the Federal Republic of Nigeria



For the Government of the Federated States of Micronesia

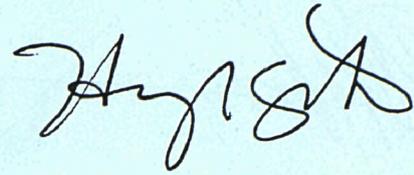
For the Government of Niue



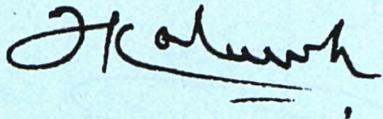
Pour le Président de la République du Mozambique



For the Government of the Republic of Palau



For the President of the Republic of Namibia



For Her Majesty the Queen of the Independent State of Papua New Guinea



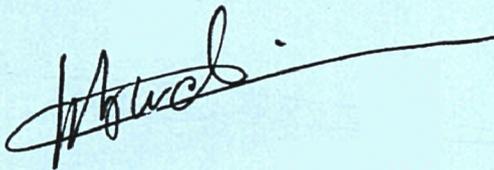
Pour le Président de la République Rwandaise



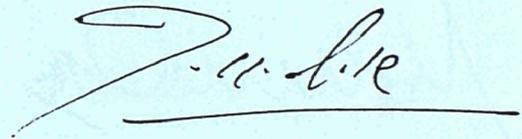
Pour le Président de la République du Sénégal



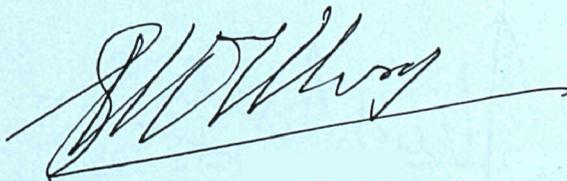
For Her majesty the Queen of Saint Kitts and Nevis



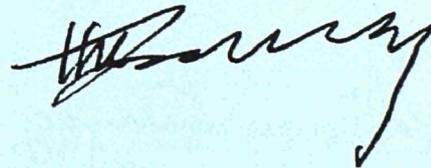
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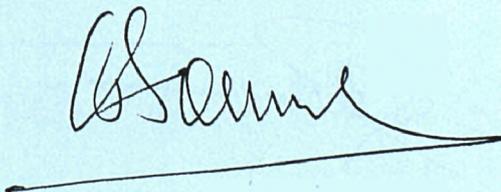
For Her majesty the Queen of Saint Lucia



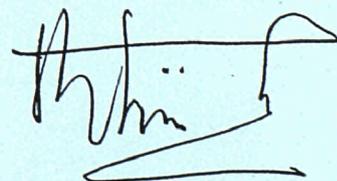
For the President of the Republic of Sierra Leone



For Her majesty the Queen of Saint Vincent and the Grenadines



For Her Majesty the Queen of the Solomon Islands



For the Head of State of the Independent State of Samoa

*Taiti'i Ulu-Masihia*

For the President of the Republic of South Africa

*J. Bheke*

Pour le Président de la République démocratique de São Tomé et Príncipe

*Udoim St. David*

For the President of the Republic of the Sudan

*J. elio*

For the Government of the Republic of Suriname

*[Signature]*

For the President of the republic of Trinidad and Tobago

*Shoolagh de Bona*

For His Majesty the King of the Kingdom of Swaziland

*[Signature]*

For Her Majesty the Queen of Tuvalu

*[Signature]*

For the President of the United Republic of Tanzania

*[Signature]*

For the President of the Republic of Uganda

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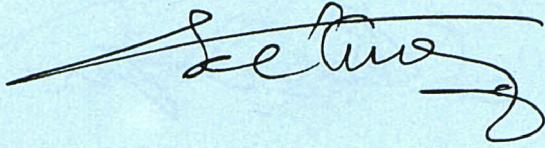
Pour le Président de la République du Tchad

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For the Government of the Republic of Vanuatu

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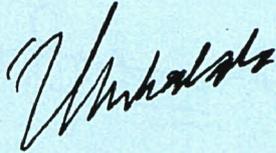
Pour le Président de la République togolaise



For the President of the Republic of Zambia



For His Majesty King Taufa'ahau Tupou IV of Tonga



For the Government of the Republic of Zimbabwe



**PARTNERSHIP AGREEMENT  
BETWEEN THE MEMBERS OF  
THE AFRICAN, CARIBBEAN AND  
PACIFIC GROUP OF STATES OF THE ONE PART,  
AND THE EUROPEAN COMMUNITY  
AND ITS MEMBER STATES, OF THE OTHER PART,**

Signed in

**COTONOU**

on 23 June 2000

Consolidated text

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# PREAMBLE

**H**AVING REGARD TO the Treaty establishing the European Community, on the one hand, and the Georgetown Agreement establishing the Group of African, Caribbean and Pacific States (ACP), on the other;

AFFIRMING their commitment to work together towards the achievement of the objectives of poverty eradication, sustainable development and the gradual integration of the ACP countries into the world economy;

ASSERTING their resolve to make, through their cooperation, a significant contribution to the economic, social and cultural development of the ACP States and to the greater well-being of their population, helping them facing the challenges of globalisation and strengthening the ACP-EU Partnership in the effort to give the process of globalisation a stronger social dimension;

REAFFIRMING their willingness to revitalise their special relationship and to implement a comprehensive and integrated approach for a strengthened partnership based on political dialogue, development cooperation and economic and trade relations;

ACKNOWLEDGING that a political environment guaranteeing peace, security and stability, respect for human rights, democratic principles and the rule of law, and good governance is part and parcel of long term development; acknowledging that responsibility for establishing such an environment rests primarily with the countries concerned;

ACKNOWLEDGING that sound and sustainable economic policies are prerequisites for development;

REFERRING to the principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights, the conclusions of the 1993 Vienna Conference on Human Rights, the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of all forms of Discrimination against Women, the International Convention on the Elimination of all forms of Racial Discrimination, the 1949 Geneva Conventions and the other instruments of international humanitarian law, the 1954 Convention relating to the status of stateless persons, the 1951 Geneva Convention relating to the Status of Refugees and the 1967 New York Protocol relating to the Status of Refugees;

CONSIDERING the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, the African Charter on Human and Peoples' Rights and the American Convention on Human Rights as positive regional contributions to the respect of human rights in the European Union and in the ACP States;

RECALLING the Libreville and Santo Domingo declarations of the Heads of State and Government of the ACP countries at their Summits in 1997 and 1999;

CONSIDERING that the development targets and principles agreed in United Nations Conferences and the target, set by the OECD Development Assistance Committee, to reduce by one half the proportion of people living in extreme poverty by the year 2015 provide a clear vision and must underpin ACP-EU cooperation within this Agreement;

PAYING particular attention to the pledges made at the Rio, Vienna, Cairo, Copenhagen, Beijing, Istanbul and Rome UN conferences and acknowledging the need for further action to be taken in order to achieve the goals and implement the action programmes which have been drawn up in those fora;

ANXIOUS to respect basic labour rights, taking account of the principles laid down in the relevant conventions of the International Labour Organisation;

RECALLING the commitments within the framework of the World Trade Organisation,

HAVE DECIDED TO CONCLUDE THIS AGREEMENT:

PART II FINAL PROVISIONS

# PART ONE GENERAL PROVISIONS

# TITLE I

## Objectives, principles and actors

### CHAPTER 1

#### Objectives and principles

all areas – political, economic and social. The principles of sustainable management of natural resources and the environment shall be applied and integrated at every level of the partnership.

#### ARTICLE 1

##### Objectives of the partnership

The Community and its Member States, of the one part, and the ACP States, of the other part, hereinafter referred to as the "Parties" hereby conclude this Agreement in order to promote and expedite the economic, cultural and social development of the ACP States, with a view to contributing to peace and security and to promoting a stable and democratic political environment.

The partnership shall be centred on the objective of reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy.

These objectives and the Parties' international commitments shall inform all development strategies and shall be tackled through an integrated approach taking account at the same time of the political, economic, social, cultural and environmental aspects of development. The partnership shall provide a coherent support framework for the development strategies adopted by each ACP State.

Sustained economic growth, developing the private sector, increasing employment and improving access to productive resources shall all be part of this framework. Support shall be given to the respect of the rights of the individual and meeting basic needs, the promotion of social development and the conditions for an equitable distribution of the fruits of growth. Regional and sub-regional integration processes which foster the integration of the ACP countries into the world economy in terms of trade and private investment shall be encouraged and supported. Building the capacity of the actors in development and improving the institutional framework necessary for social cohesion, for the functioning of a democratic society and market economy, and for the emergence of an active and organised civil society shall be integral to the approach. Systematic account shall be taken of the situation of women and gender issues in

#### ARTICLE 2

##### Fundamental principles

ACP-EC cooperation, underpinned by a legally binding system and the existence of joint institutions, shall be exercised on the basis of the following fundamental principles:

- equality of the partners and ownership of the development strategies: for the purposes of implementing the objectives of the partnership, the ACP States shall determine the development strategies for their economies and societies in all sovereignty and with due regard for the essential elements described in Article 9; the partnership shall encourage ownership of the development strategies by the countries and populations concerned;
- participation: apart from central government as the main partner, the partnership shall be open to different kinds of other actors in order to encourage the integration of all sections of society, including the private sector and civil society organisations, into the mainstream of political, economic and social life;
- the pivotal role of dialogue and the fulfilment of mutual obligations: the obligations assumed by the Parties in the framework of their dialogue shall be central to their partnership and cooperation relations;
- differentiation and regionalisation: cooperation arrangements and priorities shall vary according to a partner's level of development, its needs, its performance and its long-term development strategy. Particular emphasis shall be placed on the regional dimension. Special treatment shall be given to the least-developed countries. The vulnerability of landlocked and island countries shall be taken into account.

## ARTICLE 3

### **Achievement of this Agreement's objectives**

The Parties shall, each as far as it is concerned in the framework of this Agreement, take all appropriate measures, whether general or particular, to ensure the fulfilment of the obligations arising from this Agreement and to facilitate the attainment of the objectives thereof. They shall refrain from any measures liable to jeopardise these objectives.

## CHAPTER 2

### **The actors of the partnership**

#### ARTICLE 4

##### **General approach**

The ACP States shall determine the development principles, strategies and models of their economies and societies in all sovereignty. They shall establish, with the Community, the cooperation programmes provided for under this Agreement. However, the parties recognise the complementary role of and potential for contributions by non-State actors to the development process. To this end, under the conditions laid down in this Agreement, non-State actors shall, where appropriate:

- be informed and involved in consultation on cooperation policies and strategies, on priorities for cooperation especially in areas that concern or directly affect them, and on the political dialogue;
- be provided with financial resources, under the conditions laid down in this Agreement in order to support local development processes;
- be involved in the implementation of cooperation project and programmes in areas that concern them or where these actors have a comparative advantage;
- be provided with capacity-building support in critical areas in order to reinforce the capabilities of these actors, particularly as regards organisation and representation, and the establishment of consultation mechanisms including channels of communication and dialogue, and to promote strategic alliances.

## ARTICLE 5

### **Information**

Cooperation will support operation to provide more information and create greater awareness of the basic features of ACP-EU Partnership. Cooperation will also:

- encourage partnership and build links between ACP and EU actors;
- strengthen networking and exchange of expertise and experience among the actors.

## ARTICLE 6

### **Definitions**

1. The actors of cooperation will include:

(a) State (local, national and regional);

(b) Non-State:

- Private sector;
- Economic and social partners, including trade union organisations;
- Civil Society in all its forms according to national characteristics.

2. Recognition by the parties of non-governmental actors shall depend on the extent to which they address the needs of the population, on their specific competencies and whether they are organised and managed democratically and transparently.

## ARTICLE 7

### **Capacity building**

The contribution of civil society to development can be enhanced by strengthening community organisations and non-profit non-governmental organisations in all spheres of cooperation. This will require:

- encouraging and supporting the creation and development of such organisations;
- establishing arrangements for involving such organisations in the design, implementation and evaluation of development strategies and programmes.

# TITLE II

## The political dimension

### ARTICLE 8

#### Political dialogue

1. The Parties shall regularly engage in a comprehensive, balanced and deep political dialogue leading to commitments on both sides.
2. The objective of this dialogue shall be to exchange information, to foster mutual understanding, and to facilitate the establishment of agreed priorities and shared agendas, in particular by recognising existing links between the different aspects of the relations between the Parties and the various areas of cooperation as laid down in this Agreement. The dialogue shall facilitate consultations between the Parties within international fora. The objectives of the dialogue shall also include preventing situations arising in which one Party might deem it necessary to have recourse to the non-execution clause.
3. The dialogue shall cover all the aims and objectives laid down in this Agreement as well as all questions of common, general, regional or sub-regional interest. Through dialogue, the Parties shall contribute to peace, security and stability and promote a stable and democratic political environment. It shall encompass cooperation strategies as well as global and sectoral policies, including environment, gender, migration and questions related to the cultural heritage.
4. The dialogue shall focus, *inter alia*, on specific political issues of mutual concern or of general significance for the attainment of the objectives of this Agreement, such as the arms trade, excessive military expenditure, drugs and organised crime, or ethnic, religious or racial discrimination. The dialogue shall also encompass a regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance.
5. Broadly based policies to promote peace and to prevent, manage and resolve violent conflicts shall play a prominent role in this dialogue, as shall the need to take full account of the objective of peace and democratic stability in the definition of priority areas of cooperation.
6. The dialogue shall be conducted in a flexible manner. Dialogue shall be formal or informal according

to the need, and conducted within and outside the institutional framework, in the appropriate format, and at the appropriate level including regional, sub-regional or national level.

7. Regional and sub-regional organisations as well as representatives of civil society organisations shall be associated with this dialogue.

### ARTICLE 9

#### Essential elements and fundamental element

1. Cooperation shall be directed towards sustainable development centred on the human person, who is the main protagonist and beneficiary of development; this entails respect for and promotion of all human rights.

Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development.

2. The Parties refer to their international obligations and commitments concerning respect for human rights. They reiterate their deep attachment to human dignity and human rights, which are legitimate aspirations of individuals and peoples. Human rights are universal, indivisible and inter-related. The Parties undertake to promote and protect all fundamental freedoms and human rights, be they civil and political, or economic, social and cultural. In this context, the Parties reaffirm the equality of men and women.

The Parties reaffirm that democratisation, development and the protection of fundamental freedoms and human rights are interrelated and mutually reinforcing. Democratic principles are universally recognised principles underpinning the organisation of the State to ensure the legitimacy of its authority, the legality of its actions reflected in its constitutional, legislative and regulatory system, and the existence of participatory mechanisms. On the basis of universally recognised principles, each country develops its democratic culture.

The structure of government and the prerogatives of the different powers shall be founded on rule of

law, which shall entail in particular effective and accessible means of legal redress, an independent legal system guaranteeing equality before the law and an executive that is fully subject to the law.

Respect for human rights, democratic principles and the rule of law, which underpin the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute the essential elements of this Agreement.

3. In the context of a political and institutional environment that upholds human rights, democratic principles and the rule of law, good governance is the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development. It entails clear decision-making procedures at the level of public authorities, transparent and accountable institutions, the primacy of law in the management and distribution of resources and capacity building for elaborating and implementing measures aiming in particular at preventing and combating corruption.

Good governance, which underpins the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute a fundamental element of this Agreement. The Parties agree that only serious cases of corruption, including acts of bribery leading to such corruption, as defined in Article 97 constitute a violation of that element.

4. The Partnership shall actively support the promotion of human rights, processes of democratisation, consolidation of the rule of law, and good governance.

These areas will be an important subject for the political dialogue. In the context of this dialogue, the Parties shall attach particular importance to the changes underway and to the continuity of the progress achieved. This regular assessment shall take into account each country's economic, social, cultural and historical context.

These areas will also be a focus of support for development strategies. The Community shall provide support for political, institutional and legal reforms and for building the capacity of public and private actors and civil society in the framework of strategies agreed jointly between the State concerned and the Community.

## ARTICLE 10

### Other elements of the political environment

1. The Parties consider the following elements as contributing to the maintenance and consolidation of a stable and democratic political environment:
  - sustainable and equitable development involving, inter alia, access to productive resources, essential services and justice;
  - greater involvement of an active and organised civil society and the private sector.
2. The Parties recognise that the principles of the market economy, supported by transparent competition rules and sound economic and social policies, contribute to achieving the objectives of the partnership.

## ARTICLE 11

### Peace-building policies, conflict prevention and resolution

1. The Parties shall pursue an active, comprehensive and integrated policy of peace-building and conflict prevention and resolution within the framework of the Partnership. This policy shall be based on the principle of ownership. It shall in particular focus on building regional, sub-regional and national capacities, and on preventing violent conflicts at an early stage by addressing their root-causes in a targeted manner, and with an adequate combination of all available instruments.
2. The activities in the field of peace-building, conflict prevention and resolution shall in particular include support for balancing political, economic, social and cultural opportunities among all segments of society, for strengthening the democratic legitimacy and effectiveness of governance, for establishing effective mechanisms for the peaceful conciliation of group interests, for bridging dividing lines among different segments of society as well as support for an active and organised civil society.
3. Relevant activities shall also include, inter alia, support for mediation, negotiation and reconciliation efforts, for effective regional management of shared, scarce natural resources, for demobilisation and reintegration of former combatants into the society, for addressing the problem of child soldiers, as well as for suitable action to set responsible limits to military expenditure and the arms trade, including through support for the promotion

and application of agreed standards and codes of conduct. In this context, particular emphasis shall be given to the fight against anti-personnel landmines as well as to addressing an excessive and uncontrolled spread, illegal trafficking and accumulation of small arms and light weapons.

4. In situations of violent conflict the Parties shall take all suitable action to prevent an intensification of violence, to limit its territorial spread, and to facilitate a peaceful settlement of the existing disputes. Particular attention shall be paid to ensuring that financial resources for cooperation are used in accordance with the principles and objectives of the Partnership, and to preventing a diversion of funds for belligerent purposes.
5. In post-conflict situations, the Parties shall take all suitable action to facilitate the return to a non-violent, stable and self-sustainable situation. The Parties shall ensure the creation of the necessary links between emergency measures, rehabilitation and development cooperation.

## ARTICLE 12

### **Coherence of Community policies and their impact on the implementation of this Agreement**

Without prejudice to Article 96, where the Community intends, in the exercise of its powers, to take a measure which might affect the interests of the ACP States, as far as this Agreement's objectives are concerned, it shall inform in good time the said States of its intentions. Towards this end, the Commission shall communicate simultaneously to the Secretariat of the ACP States its proposal for such measures. Where necessary, a request for information may also take place on the initiative of the ACP States.

At their request, consultations shall be held promptly so that account may be taken of their concerns as to the impact of those measures before any final decision is made.

After such consultations have taken place, the ACP States may, in addition, transmit their concerns in writing to the Community as soon as possible and submit suggestions for amendments indicating the way their concerns should be met.

If the Community does not accede to the ACP States' submissions, it shall advise them as soon as possible giving its reasons.

The ACP States shall also be provided with adequate information on the entry into force of such decisions, in advance whenever possible.

## ARTICLE 13

### **Migration**

1. The issue of migration shall be the subject of in-depth dialogue in the framework of the ACP-EU Partnership.

The Parties reaffirm their existing obligations and commitments in international law to ensure respect for human rights and to eliminate all forms of discrimination based particularly on origin, sex, race, language and religion.

2. The Parties agree to consider that a partnership implies, with relation to migration, fair treatment of third country nationals who reside legally on their territories, integration policy aiming at granting them rights and obligations comparable to those of their citizens, enhancing non-discrimination in economic, social and cultural life and developing measures against racism and xenophobia.
3. The treatment accorded by each Member State to workers of ACP countries legally employed in its territory, shall be free from any discrimination based on nationality, as regards working conditions, remuneration and dismissal, relative to its own nationals. Further in this regard, each ACP State shall accord comparable non-discriminatory treatment to workers who are nationals of a Member State.
4. The Parties consider that strategies aiming at reducing poverty, improving living and working conditions, creating employment and developing training contribute in the long term to normalising migratory flows.

The Parties will take account, in the framework of development strategies and national and regional programming, of structural constraints associated with migratory flows with the purpose of supporting the economic and social development of the regions from which migrants originate and of reducing poverty.

The Community shall support, through national and regional Cooperation programmes, the training of ACP nationals in their country of origin, in another ACP country or in a Member State of the European Union. As regards training in a Member State, the Parties shall ensure that such action is geared towards the vocational integration of ACP nationals in their countries of origin.

The Parties shall develop cooperation programmes to facilitate the access of students from ACP States to education, in particular through the use of new communication technologies.

5. (a) In the framework of the political dialogue the Council of Ministers shall examine issues arising from illegal immigration with a view to establishing, where appropriate, the means for a prevention policy.

(b) In this context the Parties agree in particular to ensure that the rights and dignity of individuals are respected in any procedure initiated to return illegal immigrants to their countries of origin. In this connection the authorities concerned shall extend to them the administrative facilities necessary for their return.

(c) The Parties further agree that:

i) each Member State of the European Union shall accept the return of and readmission of any of its nationals who are illegally present on the territory of an ACP State, at that State's request and without further formalities;

each of the ACP States shall accept the return of and readmission of any of its nationals who are illegally present on the territory of a Member State of the European Union, at that Member State's request and without further formalities.

The Member States and the ACP States will provide their nationals with appropriate identity documents for such purposes.

In respect of the Member States of the European Union, the obligations in this paragraph apply only in respect of those persons who are to be considered their nationals for the Community purposes in accordance with Declaration No 2 to the Treaty establishing the European Community. In respect of ACP States, the obligations in this paragraph apply only in respect of those persons who are considered as their nationals in accordance with their respective legal system.

ii) at the request of a Party, negotiations shall be initiated with ACP States aiming at concluding in good faith and with due regard for the relevant rules of international law, bilateral agreements governing specific obligations for the readmission and return of their nationals. These agreements shall also cover, if deemed necessary by any of the Parties, arrangements for the readmission of third country nationals and stateless persons. Such agreements will lay down the details about the categories of persons covered by these arrangements as well as the modalities of their readmission and return.

Adequate assistance to implement these agreements will be provided to the ACP States.

(iii) for the purposes of this point (c), the term "Parties" shall refer to the Community, any of its Member States and any ACP State.



**PART TWO**  
**INSTITUTIONAL PROVISIONS**

## ARTICLE 14

### The joint institutions

The institutions of this Agreement are the Council of Ministers, the Committee of Ambassadors and the Joint Parliamentary Assembly.

## ARTICLE 15

### The Council of Ministers

1. The Council of Ministers shall comprise, on the one hand, the members of the Council of the European Union and members of the Commission of the European Communities and, on the other, a member of the government of each ACP State.

The office of the President of the Council of Ministers shall be held alternately by a member of the Council of the European Union and a member of the government of an ACP State.

The Council shall meet as a rule once a year on the initiative of the President and whenever it seems necessary, in a form and a geographical composition appropriate to the issues to be addressed.

2. The functions of the Council of Ministers shall be to:

- (a) conduct the political dialogue;
- (b) adopt the policy guidelines and take the decisions necessary for the implementation of the provisions of this Agreement, in particular as regards development strategies in the specific areas provided for by this Agreement or, any other area that should prove relevant, and as regards procedures;
- (c) examine and resolve any issue liable to impede the effective and efficient implementation of this Agreement or present an obstacle to achieving its objectives;
- (d) ensure the smooth functioning of the consultation mechanisms.

3. The Council of Ministers shall take its decisions by common agreement of the Parties. The proceedings of the Council of Ministers shall be valid only if half the members of the Council of the European Union, one member of the Commission and two-thirds of the members representing the governments of the ACP States are present. Any member of the Council of Ministers unable to attend may be represented. The representative shall exercise all the rights of that member.

It may take decisions that are binding on the Parties and frame resolutions, recommendations and opinions. It shall examine and take into consideration resolutions and recommendations adopted by the Joint Parliamentary Assembly.

The Council of Ministers shall conduct an ongoing dialogue with the representatives of the social and economic partners and other actors of civil society in the ACP and the EU. To that end, consultations may be held alongside its meetings.

4. The Council of Ministers may delegate powers to the Committee of Ambassadors.
5. The Council of Ministers shall adopt its rules of procedure within six months of the entry into force of this Agreement.

## ARTICLE 16

### The Committee of Ambassadors

1. The Committee of Ambassadors shall comprise, on the one hand, the permanent representative of each Member State to the European Union and a representative of the Commission and, on the other, the head of mission of each ACP State to the European Union.

The office of Chairman of the Committee of Ambassadors shall be held alternately by a Permanent Representative of a Member State designated by the Community, and a head of mission representing an ACP State, designated by the ACP States.

2. The Committee shall assist the Council of Ministers in the fulfilment of its tasks and carry out any mandate entrusted to it by the Council. In this context, it shall monitor implementation of this Agreement and progress towards achieving the objectives set therein.

The Committee of Ambassadors shall meet regularly, in particular to prepare the Council sessions and whenever it proves necessary.

3. The Committee shall adopt its rules of procedure within six months of the entry into force of this Agreement.

## ARTICLE 17

### The Joint Parliamentary Assembly

1. The Joint Parliamentary Assembly shall be composed of equal numbers of EU and ACP representatives. The members of the Joint Parliamentary Assembly shall be, on the one hand, members of the European Parliament and, on the other, members of parliament or, failing this, representatives designated by the parliament of each ACP State. In the absence of a parliament, the attendance of a representative from the ACP State concerned shall be subject to the prior approval of the Joint Parliamentary Assembly.
2. The role of the Joint Parliamentary Assembly, as a consultative body, shall be to:
  - promote democratic processes through dialogue and consultation;
  - facilitate greater understanding between the peoples of the European Union and those of the ACP States and raise public awareness of development issues;
  - discuss issues pertaining to development and the ACP-EU Partnership;

— adopt resolutions and make recommendations to the Council of Ministers with a view to achieving the objectives of this Agreement.

3. The Joint Parliamentary Assembly shall meet twice a year in plenary session, alternately in the European Union and in an ACP State. With a view to strengthening regional integration and fostering cooperation between national parliaments, meetings between EU and ACP members of parliament may be arranged at regional or subregional level.

The Joint Parliamentary Assembly shall organise regular contacts with representatives of the ACP-EU economic and social partners and the other actors of civil society in order to obtain their views on the attainment of the objectives of this Agreement.

4. The Joint Parliamentary Assembly shall adopt its rules of procedure within six months of the entry into force of this Agreement.



**PART THREE**  
**COOPERATION STRATEGIES**

## ARTICLE 18

The cooperation strategies shall be based on development strategies and economic and trade cooperation which are interlinked and complementary. The Parties shall ensure that the efforts undertaken in both aforementioned areas are mutually reinforcing.

# TITLE I

## Development strategies

### CHAPTER 1

#### General framework

##### ARTICLE 19

##### Principles and objectives

1. The central objective of ACP-EC cooperation is poverty reduction and ultimately its eradication; sustainable development; and progressive integration of the ACP countries into the world economy. In this context, cooperation framework and orientations shall be tailored to the individual circumstances of each ACP country, shall promote local ownership of economic and social reforms and the integration of the private sector and civil society actors into the development process.
2. Cooperation shall refer to the conclusions of United Nations Conferences and to the objectives, targets and action programmes agreed at international level and to their follow up as a basis for development principles. Cooperation shall also refer to the international development cooperation targets and shall pay particular attention to putting in place qualitative and quantitative indicators of progress.
3. Governments and non-State actors in each ACP country shall initiate consultations on country development strategies and community support thereto.

##### ARTICLE 20

##### The Approach

1. The objectives of ACP-EC development cooperation shall be pursued through integrated strategies that incorporate economic, social, cultural, environmental and institutional elements that must be locally owned. Cooperation shall thus provide a coherent enabling framework of support to the ACP's own development strategies, ensuring complementarity and interaction between the various elements. In this context and within the framework of development policies and reforms pursued by the ACP States, ACP-EC cooperation strategies shall aim at:
  - (a) achieving rapid and sustained job-creating economic growth, developing the private sector, increasing employment, improving access to productive economic activities and resource, and fostering regional cooperation and integration;
  - (b) promoting human and social development helping to ensure that the fruits of growth are widely and equitably shared and promoting gender equality;
  - (c) promoting cultural values of communities and specific interactions with economic, political and social elements;
  - (d) promoting institutional reforms and development, strengthening the institutions necessary for the consolidation of democracy, good governance and for efficient and competitive market economies; and building capacity for development and partnership; and

- (e) promoting environmental sustainability, regeneration and best practices, and the preservation of natural resource base.
- 2. Systematic account shall be taken in mainstreaming into all areas of cooperation the following thematic or cross-cutting themes : gender issues, environmental issues and institutional development and capacity building. These areas shall also be eligible for Community support.
- 3. The detailed texts as regards development cooperation objectives and strategies, in particular sectoral policies and strategies shall be incorporated in a compendium providing operational guidelines in specific areas or sectors of cooperation. These texts may be revised, reviewed and/or amended by the Council of Ministers on the basis of a recommendation from the ACP-EC Development Finance Cooperation Committee.

## CHAPTER 2

### Areas of support

#### SECTION 1

#### Economic development

##### ARTICLE 21

##### **Investment and private sector development**

- 1. Cooperation shall support the necessary economic and institutional reforms and policies at national and/or regional level, aiming at creating a favourable environment for private investment, and the development of a dynamic, viable and competitive private sector. Cooperation shall further support:
  - (a) the promotion of public-private sector dialogue and cooperation;
  - (b) the development of entrepreneurial skills and business culture;
  - (c) privatisation and enterprise reform; and
  - (d) development and modernisation of mediation and arbitration systems.

- 2. Cooperation shall also support improving the quality, availability and accessibility of financial and non-financial services to private enterprises, both formal and informal; by:
  - (a) catalysing and leveraging flows of private savings, both domestic and foreign, into the financing of private enterprises by supporting policies for developing a modern financial sector including a capital market, financial institutions and sustainable microfinance operations;
  - (b) the development and strengthening of business institutions and intermediary organisations, associations, chambers of commerce and local providers from the private sector supporting and providing non-financial services to enterprises such as professional, technical, management, training and commercial support services; and
  - (c) supporting institutions, programmes, activities and initiatives that contribute to the development and transfer of technologies and know-how and best practices on all aspects of business management.
- 3. Cooperation shall promote business development through the provision of finance, guarantee facilities and technical support aimed at encouraging and supporting the creation, establishment, expansion, diversification, rehabilitation, restructuring, modernisation or privatisation of dynamic, viable and competitive enterprises in all economic sectors as well as financial intermediaries such as development finance and venture capital institutions, and leasing companies by:
  - (a) creating and/or strengthening financial instruments in the form of investment capital;
  - (b) improving access to essential inputs such as business information and advisory, consultancy or technical assistance services;
  - (c) enhancement of export activities, in particular through capacity building in all trade-related areas; and
  - (d) encouraging inter-firm linkages, networks and cooperation including those involving the transfer of technology and know-how at national, regional and ACP-EU levels, and partnerships with private foreign investors which are consistent with the objectives and guidelines of ACP-EC Development cooperation.
- 4. Cooperation shall support microenterprise development through better access to financial and non-financial services; an appropriate policy and regulatory framework for their development; and

provide training and information services on best practices in microfinance.

5. Support for investment and private sector development shall integrate actions and initiatives at macro, meso and micro economic levels.

## ARTICLE 22

### Macroeconomic and structural reforms and policies

1. Cooperation shall support ACP efforts to implement:

- (a) macroeconomic growth and stabilisation through disciplined fiscal and monetary policies that result in the reduction of inflation, and improve external and fiscal balances, by strengthening fiscal discipline, enhancing budgetary transparency and efficiency, improving the quality, the equity and composition of fiscal policy; and

- (b) structural policies designed to reinforce the role of the different actors, especially the private sector and improve the environment for increases in business, investment and employment, as well as:

- (i) liberalise trade and foreign exchange regimes and current account convertibility, having regard to the particular circumstances of each country;

- (ii) strengthen labour and product-market reforms;

- (iii) encourage financial systems reforms which help to develop viable banking and non-banking systems, capital markets and financial services, including micro-finance;

- (iv) improve the quality of private and public services; and

- (v) encourage regional cooperation and progressive integration of macroeconomic and monetary policies.

2. The design of macroeconomic policies and structural adjustment programmes shall reflect the socio-political background and institutional capacity of the countries concerned, ensure a positive impact on poverty reduction and social services access and shall be based on the following principles:

- (a) the ACP States shall bear primary responsibility for the analysis of the problems to be solved, the design and the implementation of the reforms;

- (b) support programmes shall be adapted to the different situation in each ACP State and be sensitive to the social conditions, culture and environment of these States;

- (c) the right of the ACP States to determine the direction and the sequencing of their development strategies and priorities shall be recognised and respected;

- (d) the pace of reforms shall be realistic and compatible with each ACP State's capacities and resources; and

- (e) strengthening the communication and the information of populations on economic and social reforms and policies.

## ARTICLE 23

### Economic sector development

Cooperation shall support sustainable policy and institutional reforms and the investments necessary for equitable access to economic activities and productive resources, particularly:

- (a) the development of training systems that help increase productivity in both the formal and the informal sectors;

- (b) capital, credit, land, especially as regards property rights and use;

- (c) development of rural strategies aimed at establishing a framework for participatory decentralised planning, resource allocation and management;

- (d) agricultural production strategies, national and regional food security policies, sustainable development of water resources and fisheries as well as marine resources within the economic exclusive zones of the ACP States. Any fishery agreement that may be negotiated between the Community and the ACP States shall pay due consideration to consistency with the development strategies in this area;

- (e) economic and technological infrastructure and services, including transport, telecommunication systems, communication services and the development of information society;

- (f) development of competitive industrial, mining and energy sectors, while encouraging private sector involvement and development;

- (g) trade development, including the promotion of fair trade;

- (h) development of business, finance and banking; and other service sectors;
- (i) tourism development; and
- (j) development of scientific, technological and research infrastructure and services; including the enhancement, transfer and absorption of new technologies;
- (k) the strengthening of capacities in productive areas, especially in public and private sectors.

## ARTICLE 24

### Tourism

Cooperation will aim at the sustainable development of the tourism industry in ACP countries and sub-regions, recognising its increasing importance to the growth of the services sector in ACP countries and to the expansion of their global trade, its ability to stimulate other sectors of economic activity, and the role it can play in poverty eradication.

Cooperation programmes and projects will support the efforts of ACP countries to establish and improve the countries legal and institutional framework and resources for the development and implementation of sustainable tourism policies and programmes, as well as inter alia, improving the competitive position of the sector, especially small and medium-sized enterprises (SMEs), investment support and promotion, product development including the development of indigenous cultures in ACP countries, and strengthening linkages between tourism and other sectors of economic activity.

## SECTION 2

### Social and human development

#### ARTICLE 25

##### Social sector development

1. Cooperation shall support ACP States' efforts at developing general and sectoral policies and reforms which improve the coverage, quality of and access to basic social infrastructure and services and take account of local needs and specific demands of the most vulnerable and disadvantaged, thus reducing the inequalities of access to these services. Special attention shall be paid to

ensuring adequate levels of public spending in the social sectors. In this context, cooperation shall aim at:

- (a) improving education and training, and building technical capacity and skills;
  - (b) improving health systems and nutrition, eliminating hunger and malnutrition, ensuring adequate food supply and security;
  - (c) integrating population issues into development strategies in order to improve reproductive health, primary health care, family planning; and prevention of female genital mutilation;
  - (d) promoting the fight against HIV/AIDS;
  - (e) increasing the security of household water and improving access to safe water and adequate sanitation;
  - (f) improving the availability of affordable and adequate shelter for all through supporting low-cost and low-income housing programs and improving urban development; and
  - (g) encouraging the promotion of participatory methods of social dialogue as well as respect for basic social rights.
2. Cooperation shall also support capacity-building in social areas such as programmes for training in the design of social policies and modern methods for managing social projects and programmes; policies conducive to technological innovation and research; building local expertise and promoting partnerships; and round-table discussions at national and/or regional level.
  3. Cooperation shall promote and support the development and implementation of policies and of systems of social protection and security in order to enhance social cohesion and to promote self-help and community solidarity. The focus of the support shall, inter-alia, be on developing initiatives based on economic solidarity, particularly by setting-up social development funds adapted to local needs and actors.

#### ARTICLE 26

##### Youth issues

Cooperation shall also support the establishment of a coherent and comprehensive policy for realising the potential of youth so that they are better integrated into society to achieve their full potential. In this con-

text, cooperation shall support policies, measures and operations aimed at:

- (a) protecting the rights of children and youth, especially those of girl children;
- (b) promoting the skills, energy, innovation and potential of youth in order to enhance their economic, social and cultural opportunities and enlarge their employment opportunities in the productive sector;
- (c) helping community-based institutions to give children the opportunity to develop their physical, psychological, social and economic potential; and
- (d) reintegrating into society children in post-conflict situations through rehabilitation programmes.

## ARTICLE 27

### Cultural development

Cooperation in the area of culture shall aim at:

- (a) integrating the cultural dimension at all levels of development cooperation;
- (b) recognising, preserving and promoting cultural values and identities to enable inter-cultural dialogue;
- (c) recognising, preserving and promoting the value of cultural heritage; supporting the development of capacity in this sector; and
- (d) developing cultural industries and enhancing market access opportunities for cultural goods and services.

## SECTION 3

### Regional cooperation and integration

## ARTICLE 28

### General approach

Cooperation shall provide effective assistance to achieve the objectives and priorities which the ACP States have set themselves in the context of regional and sub-regional cooperation and integration, includ-

ing inter-regional and intra-ACP cooperation. Regional Cooperation can also involve Overseas Countries and Territories (OCTs) and outermost regions. In this context, cooperation support shall aim to:

- (a) foster the gradual integration of the ACP States into the world economy;
- (b) accelerate economic cooperation and development both within and between the regions of the ACP States;
- (c) promote the free movement of persons, goods, services, capital, labour and technology among ACP countries;
- (d) accelerate diversification of the economies of the ACP States; and coordination and harmonisation of regional and sub-regional cooperation policies; and
- (e) promote and expand inter and intra-ACP trade and with third countries.

## ARTICLE 29

### Regional economic integration

Cooperation shall, in the area of regional economic integration, support:

- (a) developing and strengthening the capacities of:
  - (i) regional integration institutions and organisations set up by the ACP States to promote regional cooperation and integration, and
  - (ii) national governments and parliaments in matters of regional integration;
- (b) fostering participation of Least Developed Countries (LDC) ACP States in the establishment of regional markets and sharing the benefits therefrom;
- (c) implementation of sectoral reform policies at regional level;
- (d) liberalisation of trade and payments;
- (e) promoting cross-border investments both foreign and domestic, and other regional or sub-regional economic integration initiatives; and
- (f) taking account of the effects of net transitional costs of regional integration on budget revenue and balance of payments.

## ARTICLE 30

### Regional Cooperation

1. Cooperation shall, in the area of regional cooperation, support a wide variety of functional and thematic fields which specifically address common problems and take advantage of scale of economies, including:
  - (a) infrastructure particularly transport and communications and safety thereof and services, including the development of regional opportunities in the area of Information and Communication Technologies (ICT);
  - (b) the environment; water resource management and energy;
  - (c) health, education and training;
  - (d) research and technological development;
  - (e) regional initiatives for disaster preparedness and mitigation; and
  - (f) other areas, including arms control, action against drugs, organised crimes, money laundering, bribery and corruption.
2. Cooperation shall also support inter and intra-ACP cooperation schemes and initiatives.
3. Cooperation shall help promote and develop a regional political dialogue in areas of conflict prevention and resolution; human rights and democratisation; exchange, networking, and promotion of mobility between the different actors of development, in particular in civil society.

## SECTION 4

### Thematic and cross-cutting issues

## ARTICLE 31

### Gender issues

Cooperation shall help strengthen policies and programmes that improve, ensure and broaden the equal participation of men and women in all spheres of political, economic, social and cultural life. Cooperation shall help improve the access of women to all resources required for the full exercise of their

fundamental rights. More specifically, cooperation shall create the appropriate framework to:

- (a) integrate a gender-sensitive approach and concerns at every level of development cooperation including macroeconomic policies, strategies and operations; and
- (b) encourage the adoption of specific positive measures in favour of women such as:
  - (i) participation in national and local politics;
  - (ii) support for women's organisations;
  - (iii) access to basic social services, especially to education and training, health care and family planning;
  - (iv) access to productive resources, especially to land and credit and to labour market; and
  - (v) taking specific account of women in emergency aid and rehabilitation operations.

## ARTICLE 32

### Environment and natural resources

1. Cooperation on environmental protection and sustainable utilisation and management of natural resources shall aim at:
  - (a) mainstreaming environmental sustainability into all aspects of development cooperation and support programmes and projects implemented by the various actors;
  - (b) building and/or strengthening the scientific and technical human and institutional capacity for environmental management for all environmental stakeholders;
  - (c) supporting specific measures and schemes aimed at addressing critical sustainable management issues and also relating to current and future regional and international commitments concerning mineral and natural resources such as:
    - (i) tropical forests, water resources, coastal, marine and fisheries resources, wildlife, soils, biodiversity;
    - (ii) protection of fragile ecosystems (e.g. coral reef);
    - (iii) renewable energy sources notably solar energy and energy efficiency;

- (iv) sustainable rural and urban development;
  - (v) desertification, drought and deforestation;
  - (vi) developing innovative solutions to urban environmental problems; and
  - (vii) promotion of sustainable tourism.
- (d) Taking into account issues relating to the transport and disposal of hazardous waste.
2. Cooperation shall also take account of:
- (a) the vulnerability of small island ACP countries, especially to the threat posed by climate change;
  - (b) the worsening drought and desertification problems especially of least developed and land-locked countries; and
  - (c) institutional development and capacity building.

### ARTICLE 33

#### **Institutional development and capacity building**

1. Cooperation shall pay systematic attention to institutional aspects and in this context, shall support the efforts of the ACP States to develop and strengthen structures, institutions and procedures that help to:
- (a) promote and sustain democracy, human dignity, social justice and pluralism, with full respect for diversity within and among societies;
  - (b) promote and sustain universal and full respect for and observance and protection of all human rights and fundamental freedoms;
  - (c) develop and strengthen the rule of law; and improve access to justice, while guaranteeing the professionalism and independence of the judicial systems; and
  - (d) ensure transparent and accountable governance and administration in all public institutions.
2. The Parties shall work together in the fight against bribery and corruption in all their societies.
3. Cooperation shall support ACP States' efforts to develop their public institutions into a positive force for growth and development and to achieve major improvements in the efficiency of government services as they affect the lives of ordinary people. In this context, cooperation shall assist the

reform, rationalisation and the modernisation of the public sector. Specifically, cooperation support shall focus on:

- (a) the reform and modernisation of the civil service;
  - (b) legal and judicial reforms and modernisation of justice systems;
  - (c) improvement and strengthening of public finance management;
  - (d) accelerating reforms of the banking and financial sector;
  - (e) improvement of the management of public assets and reform of public procurement procedures; and
  - (f) political, administrative, economic and financial decentralisation.
4. Cooperation shall also assist to restore and/or enhance critical public sector capacity and to support institutions needed to underpin a market economy, especially support for:
- (a) developing legal and regulatory capabilities needed to cope with the operation of a market economy, including competition policy and consumer policy;
  - (b) improving capacity to analyse, plan, formulate and implement policies, in particular in the economic, social, environmental, research, science and technology and innovation fields;
  - (c) modernising, strengthening and reforming financial and monetary institutions and improving procedures;
  - (d) building the capacity at the local and municipal levels which is required to implement decentralisation policy and to increase the participation of the population in the development process; and
  - (e) developing capacity in other critical areas such as:
    - (i) international negotiations; and
    - (ii) management and coordination of external aid.
5. Cooperation shall span all areas and sectors of cooperation to foster the emergence of non-State actors and the development of their capacities; and to strengthen structures for information, dialogue and consultation between them and the national authorities, including at regional level.

# TITLE II

## Economic and trade cooperation

### CHAPTER 1

#### Objectives and principles

##### ARTICLE 34

###### Objectives

1. Economic and trade cooperation shall aim at fostering the smooth and gradual integration of the ACP States into the world economy, with due regard for their political choices and development priorities, thereby promoting their sustainable development and contributing to poverty eradication in the ACP countries.
2. The ultimate objective of economic and trade cooperation is to enable the ACP States to play a full part in international trade. In this context, particular regard shall be had to the need for the ACP States to participate actively in multilateral trade negotiations. Given the current level of development of the ACP countries, economic and trade cooperation shall be directed at enabling the ACP States to manage the challenges of globalisation and to adapt progressively to new conditions of international trade thereby facilitating their transition to the liberalised global economy.
3. To this end economic and trade cooperation shall aim at enhancing the production, supply and trading capacity of the ACP countries as well as their capacity to attract investment. It shall further aim at creating a new trading dynamic between the Parties, at strengthening the ACP countries trade and investment policies and at improving the ACP countries' capacity to handle all issues related to trade.
4. Economic and trade cooperation shall be implemented in full conformity with the provisions of the WTO, including special and differential treatment, taking account of the Parties' mutual interests and their respective levels of development.

##### ARTICLE 35

###### Principles

1. Economic and trade cooperation shall be based on a true, strengthened and strategic partnership. It shall further be based on a comprehensive approach which builds on the strengths and achievements of the previous ACP-EC Conventions, using all means available to achieve the objectives set out above by addressing supply and demand side constraints. In this context, particular regard shall be had to trade development measures as a means of enhancing ACP States' competitiveness. Appropriate weight shall therefore be given to trade development within the ACP States' development strategies, which the Community shall support.
2. Economic and trade cooperation shall build on regional integration initiatives of ACP States, bearing in mind that regional integration is a key instrument for the integration of ACP countries into the world economy.
3. Economic and trade cooperation shall take account of the different needs and levels of development of the ACP countries and regions. In this context, the Parties reaffirm their attachment to ensuring special and differential treatment for all ACP countries and to maintaining special treatment for ACP LDCs and to taking due account of the vulnerability of small, landlocked and island countries.

## CHAPTER 2

### New trading arrangements

#### ARTICLE 36

##### Modalities

1. In view of the objectives and principles set out above, the Parties agree to conclude new World Trade Organisation (WTO) compatible trading arrangements, removing progressively barriers to trade between them and enhancing cooperation in all areas relevant to trade.
2. The Parties agree that the new trading arrangements shall be introduced gradually and recognise the need, therefore, for a preparatory period.
3. In order to facilitate the transition to the new trading arrangements, the non-reciprocal trade preferences applied under the Fourth ACP-EC Convention shall be maintained during the preparatory period for all ACP countries, under the conditions defined in Annex V to this Agreement.
4. In this context, the Parties reaffirm the importance of the commodity protocols, attached to Annex V of this Agreement. They agree on the need to review them in the context of the new trading arrangements, in particular as regards their compatibility with WTO rules, with a view to safeguarding the benefits derived therefrom, bearing in mind the special legal status of the Sugar Protocol.
3. The preparatory period shall also be used for capacity-building in the public and private sectors of ACP countries, including measures to enhance competitiveness, for strengthening of regional organisations and for support to regional trade integration initiatives, where appropriate with assistance to budgetary adjustment and fiscal reform, as well as for infrastructure upgrading and development, and for investment promotion.
4. The Parties will regularly review the progress of the preparations and negotiations and, will in 2006 carry out a formal and comprehensive review of the arrangements planned for all countries to ensure that no further time is needed for preparations or negotiations.
5. Negotiations of the economic partnership agreements will be undertaken with ACP countries which consider themselves in a position to do so, at the level they consider appropriate and in accordance with the procedures agreed by the ACP Group, taking into account regional integration process within the ACP.
6. In 2004, the Community will assess the situation of the non-LDC which, after consultations with the Community decide that they are not in a position to enter into economic partnership agreements and will examine all alternative possibilities, in order to provide these countries with a new framework for trade which is equivalent to their existing situation and in conformity with WTO rules.
7. Negotiations of the economic partnership agreements shall aim notably at establishing the timetable for the progressive removal of barriers to trade between the Parties, in accordance with the relevant WTO rules. On the Community side trade liberalisation shall build on the *acquis* and shall aim at improving current market access for the ACP countries through *inter alia*, a review of the rules of origin. Negotiations shall take account of the level of development and the socio-economic impact of trade measures on ACP countries, and their capacity to adapt and adjust their economies to the liberalisation process. Negotiations will therefore be as flexible as possible in establishing the duration of a sufficient transitional period, the final product coverage, taking into account sensitive sectors, and the degree of asymmetry in terms of timetable for tariff dismantlement, while remaining in conformity with WTO rules then prevailing.

#### ARTICLE 37

##### Procedures

1. Economic partnership agreements shall be negotiated during the preparatory period which shall end by 31 December 2007 at the latest. Formal negotiations of the new trading arrangements shall start in September 2002 and the new trading arrangements shall enter into force by 1 January 2008, unless earlier dates are agreed between the Parties.
2. All the necessary measures shall be taken so as to ensure that the negotiations are successfully concluded within the preparatory period. To this end, the period up to the start of the formal negotiations of the new trading arrangements shall be actively used to make initial preparations for these negotiations.
8. The Parties shall closely cooperate and collaborate in the WTO with a view to defending the arrangements reached, in particular with regard to the degree of flexibility available.

9. The Community will start by the year 2000, a process which by the end of multilateral trade negotiations and at the latest 2005 will allow duty free access for essentially all products from all LDC building on the level of the existing trade provisions of the Fourth ACP-EC Convention and which will simplify and review the rules of origin, including cumulation provisions, that apply to their exports.

## ARTICLE 38

### Joint Ministerial Trade Committee

1. A Joint ACP-EC Ministerial Trade Committee shall be established.
2. The Ministerial Trade Committee shall pay special attention to current multilateral trade negotiations and shall examine the impact of the wider liberalisation initiatives on ACP-EC trade and the development of ACP economies. It shall make any necessary recommendations with a view to preserving the benefits of the ACP-EC trading arrangements.
3. The Ministerial Trade Committee shall meet at least once a year. Its rules of procedure shall be laid down by the Council of Ministers. It shall be composed of representatives of the ACP States and of the Community.

## CHAPTER 3

### Cooperation in the international fora

## ARTICLE 39

### General provisions

1. The Parties underline the importance of their active participation in the WTO as well as in other relevant international organisations by becoming members of these organisations and closely following their agenda and activities.
2. They agree to cooperate closely in identifying and furthering their common interests in international economic and trade cooperation in particular in the WTO, including participation in setting and conducting the agenda in future multilateral trade

negotiations. In this context, particular attention shall be paid to improve access to the Community and other markets for products and services originating in the ACP countries.

3. They also agree on the importance of flexibility in WTO rules to take account of the ACP's level of development as well of the difficulties faced in meeting their obligations. They further agree on the need for technical assistance to enable the ACP countries to implement their commitments.
4. The Community agrees to assist the ACP States in their efforts, in accordance with the provisions set out in this Agreement, to become active members of these organisations, by developing the necessary capacity to negotiate, participate effectively, monitor and implement these agreements.

## ARTICLE 40

### Commodities

1. The Parties recognise the need to ensure a better operation of international commodity markets and to increase market transparency.
2. They confirm their willingness to step up consultations between them in the international fora and organisations dealing with commodities.
3. To this end, exchange of views shall take place at the request of either Party:
  - regarding the operation of existing international agreements or specialised intergovernmental working parties with the aim of improving them and making them more effective, consistent with market trends;
  - when it is proposed to conclude or renew an international agreement or set up a specialised intergovernmental working party.

The aim of such exchanges of views shall be to take account of the respective interest of each party. They may take place, where necessary, in the framework of the Ministerial Trade Committee.

## CHAPTER 4

### Trade in services

#### ARTICLE 41

##### General provisions

1. The Parties underline the growing importance of services in international trade and their major contribution to economic and social development.
2. They reaffirm their respective commitments under the General Agreement on Trade in Services (GATS), and underline the need for special and differential treatment to ACP suppliers of services;
3. In the framework of the negotiations for progressive liberalisation in trade and services, as provided for in Article XIX of GATS, the Community undertakes to give sympathetic consideration to the ACP States' priorities for improvement in the EC schedule, with a view to meeting their specific interests.
4. The Parties further agree on the objective of extending under the economic partnership agreements, and after they have acquired some experience in applying the Most Favoured Nation (MFN) treatment under GATS, their partnership to encompass the liberalisation of services in accordance with the provisions of GATS and particularly those relating to the participation of developing countries in liberalisation agreements.
5. The Community shall support the ACP States' efforts to strengthen their capacity in the supply of services. Particular attention shall be paid to services related to labour, business, distribution, finance, tourism, culture and construction and related engineering services with a view to enhancing their competitiveness and thereby increasing the value and the volume of their trade in goods and services.

#### ARTICLE 42

##### Maritime transport

1. The Parties acknowledge the importance of cost-effective and efficient maritime transport services in a safe and clean marine environment as the main mode of transportation facilitating international trade and thereby constituting one of the forces behind economic development and the development of trade.

2. They undertake to promote the liberalisation of maritime transport and to this end apply effectively the principle of unrestricted access to the international maritime transport market on a non-discriminatory and commercial basis.
3. Each Party shall grant, inter alia, a treatment no less favourable than that accorded to its own ships, for ships operated by nationals or companies of the other Party, and for ships registered in the territory of either party, with respect to access to ports, the use of infrastructure and auxiliary maritime services of those ports, as well as related fees and charges, customs facilities and the assignment of berths and facilities for loading and unloading.
4. The Community shall support the ACP States' efforts to develop and promote cost-effective and efficient maritime transport services in the ACP States with a view to increasing the participation of ACP operators in international shipping services.

#### ARTICLE 43

##### Information and Communication technologies, and information society

1. The Parties recognise the important role of information and communication technologies, as well as the active participation in the Information Society, as a pre-requisite for the successful integration of the ACP countries into the world economy.
2. They therefore reconfirm their respective commitments under existing multilateral agreements, in particular the protocol on Basic Telecommunications attached to the GATS, and invite those ACP countries, which are not yet members of these agreements, to accede to them.
3. They furthermore agree to participate fully and actively in any future international negotiation, which might be conducted in this area.
4. The Parties will therefore take measures that will enable inhabitants of ACP countries easy access to information and communication technologies, through, amongst other, the following measures:
  - the development and encouragement of the use of affordable renewable energy resources;
  - the development and deployment of more extensive low-cost wireless networks.

5. The Parties also agree to step up cooperation between them in the area of information and communication technologies, and the Information Society. This cooperation shall, in particular, be directed towards greater complementarity and harmonisation of communication systems, at national, regional and international level and their adaptation to new technologies.

## CHAPTER 5

### Trade-related areas

#### ARTICLE 44

##### General provisions

1. The Parties acknowledge the growing importance of new areas related to trade in facilitating progressive integration of the ACP States into the world economy. They therefore agree to strengthen their cooperation in these areas by establishing full and coordinated participation in the relevant international fora and agreements.
2. The Community shall support the ACP States' efforts, in accordance with the provisions set out in this Agreement and the development strategies agreed between the Parties to strengthen their capacity to handle all areas related to trade, including, where necessary, improving and supporting the institutional framework.

#### ARTICLE 45

##### Competition policy

1. The Parties agree that the introduction and implementation of effective and sound competition policies and rules are of crucial importance in order to improve and secure an investment friendly climate, a sustainable industrialisation process and transparency in the access to markets.
2. To ensure the elimination of distortions to sound competition and with due consideration to the different levels of development and economic needs of each ACP country, they undertake to implement national or regional rules and policies including the control and under certain conditions the prohibition of agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have

as their object or effect the prevention, restriction or distortion of competition. The Parties further agree to prohibit the abuse by one or more undertakings of a dominant position in the common market of the Community or in the territory of ACP States.

3. The Parties also agree to reinforce cooperation in this area with a view to formulating and supporting effective competition policies with the appropriate national competition agencies that progressively ensure the efficient enforcement of the competition rules by both private and state enterprises. Cooperation in this area shall, in particular, include assistance in the drafting of an appropriate legal framework and its administrative enforcement with particular reference to the special situation of the least developed countries.

#### ARTICLE 46

##### Protection of intellectual property rights

1. Without prejudice to the positions of the Parties in multilateral negotiations, the Parties recognise the need to ensure an adequate and effective level of protection of intellectual, industrial and commercial property rights, and other rights covered by TRIPS including protection of geographical indications, in line with the international standards with a view to reducing distortions and impediments to bilateral trade.
2. They underline the importance, in this context, of adherence to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) to the WTO Agreement and the Convention on Biological Diversity (CBD).
3. They also agree on the need to accede to all relevant international conventions on intellectual, industrial and commercial property as referred to in Part I of the TRIPS Agreement, in line with their level of development.
4. The Community, its Member States and the ACP States may consider the conclusion of agreements aimed at protecting trademarks and geographical indications for products of particular interest of either Party.
5. For the purpose of this Agreement, intellectual property includes in particular copyright, including the copyright on computer programmes, and neighbouring rights, including artistic designs, and industrial property which includes utility models, patents including patents for bio-technological inventions and plant varieties or other effective sui

generis systems, industrial designs, geographical indications including appellations of origin, trademarks for goods or services, topographies of integrated circuits as well as the legal protection of data bases and the protection against unfair competition as referred to in Article 10a of the Paris Convention for the Protection of Industrial Property and protection of undisclosed confidential information on know how.

6. The Parties further agree to strengthen their cooperation in this field. Upon request and on mutually agreed terms and conditions cooperation shall *inter alia* extend to the following areas: the preparation of laws and regulations for the protection and enforcement of intellectual property rights, the prevention of the abuse of such rights by rightholders and the infringement of such rights by competitors, the establishment and reinforcement of domestic and regional offices and other agencies including support for regional intellectual property organisations involved in enforcement and protection, including the training of personnel.

#### ARTICLE 47

##### Standardisation and certification

1. The Parties agree to cooperate more closely in the field of standardisation, certification and quality assurance to remove unnecessary technical barriers and to reduce differences between them in those areas, so as to facilitate trade.

In this context, they reaffirm their commitment under the Agreement on Technical Barriers to trade, annexed to the WTO Agreement (TBT Agreement).

2. Cooperation in standardisation and certification shall aim at promoting compatible systems between the Parties and in particular include:

- measures, in accordance with the TBT Agreement, to promote greater use of international technical regulations, standards and conformity assessment procedures, including sector specific measures, in accordance with the level of economic development of ACP countries,
- cooperation in the area of quality management and assurance in selected sectors of importance to the ACP States,
- support for capacity building initiatives in the ACP countries in the fields of conformity assessment, metrology and standardisation,

— developing functioning links between ACP and European standardisation, conformity assessment and certification institutions.

3. The Parties undertake to consider, in due course, negotiating mutual recognition agreements in sectors of mutual economic interest.

#### ARTICLE 48

##### Sanitary and phytosanitary measures

1. The Parties recognise the right of each Party to adopt or to enforce sanitary and phytosanitary measures necessary to protect human, animal or plant life or health, subject to the requirement that these measures do not constitute a means of arbitrary discrimination or a disguised restriction to trade, generally. To this end, they reaffirm their commitments under the Agreement on the Application of Sanitary and Phytosanitary Measures, annexed to the WTO Agreement (SPS-Agreement), taking account of their respective level of development.
2. They further undertake to reinforce coordination, consultation and information as regards notification and application of proposed sanitary and phytosanitary measures, in accordance with the SPS-Agreement whenever these measures might affect the interests of either Party. They also agree on prior consultation and coordination within the CODEX ALIMENTARIUS, the International Office of Epizootics and the International Plant Protection Convention, with a view to furthering their common interests.
3. The Parties agree to strengthen their cooperation with a view to reinforcing the capacity of the public and the private sector of the ACP countries in this field.

#### ARTICLE 49

##### Trade and environment

1. The Parties reaffirm their commitment to promoting the development of international trade in such a way as to ensure sustainable and sound management of the environment, in accordance with the international conventions and undertakings in this area and with due regard to their respective level of development. They agree that the special needs and requirements of ACP States should be taken into account in the design and implementation of environment measures.

2. Bearing in mind the Rio Principles and with a view to reinforcing the mutual supportiveness of trade and environment, the Parties agree to enhance their cooperation in this field. Cooperation shall in particular aim at the establishment of coherent national, regional and international policies, reinforcement of quality controls of goods and services related to the environment, the improvement of environment-friendly production methods in relevant sectors.

## ARTICLE 50

### Trade and labour standards

1. The Parties reaffirm their commitment to the internationally recognised core labour standards, as defined by the relevant International Labour Organisation (ILO) Conventions, and in particular the freedom of association and the right to collective bargaining, the abolition of forced labour, the elimination of worst forms of child labour and non-discrimination in respect to employment.
2. They agree to enhance cooperation in this area, in particular in the following fields:
  - exchange of information on the respective legislation and work regulation;
  - the formulation of national labour legislation and strengthening of existing legislation;
  - educational and awareness-raising programmes;
  - enforcement of adherence to national legislation and work regulation.
3. The Parties agree that labour standards should not be used for protectionist trade purposes.

## ARTICLE 51

### Consumer policy and protection of consumer health

1. The Parties agree to step up their cooperation in the area of consumer policy and consumer health protection, having due regard to domestic legislation to avoid barriers to trade.
2. Cooperation shall, in particular, aim at improving the institutional and technical capacity in this area, establishing rapid-alert systems of mutual information on dangerous products, exchanging information and experiences on the establishment and operation of post market surveillance of products

and product safety, improving information provided to consumers on prices, characteristics of products and services offered, encouraging the development of independent consumer associations and contacts between consumer interest representatives, improving compatibility of consumer policies and systems, notifying enforcement of the legislation and promoting cooperation in investigating harmful or unfair business practices and implementing exports prohibitions in the trade between the Parties of goods and services the marketing of which has been prohibited in their country of production.

## ARTICLE 52

### Tax carve-out clause

1. Without prejudice to the provisions of Article 31 of Annex IV, the Most Favoured Nation treatment granted in accordance with the provisions of this Agreement, or any arrangement adopted under this Agreement, does not apply to tax advantages which the Parties are providing or may provide in the future on the basis of agreements to avoid double taxation or other tax arrangements, or domestic fiscal legislation.
2. Nothing in this Agreement, or in any arrangements adopted under this Agreement, may be construed to prevent the adoption or enforcement of any measure aimed at preventing the avoidance or evasion of taxes pursuant to the tax provisions of agreements to avoid double taxation or other tax arrangements, or domestic fiscal legislation.
3. Nothing in this Agreement, or in any arrangements adopted under this Agreement, shall be construed to prevent the Parties from distinguishing, in the application of the relevant provisions of their fiscal legislation, between taxpayers who are not in the same situation, in particular with regard to their place of residence, or with regard to the place where their capital is invested.

## CHAPTER 6

### Cooperation in other areas

#### ARTICLE 53

##### **Fishery agreements**

1. The Parties declare their willingness to negotiate fishery agreements aimed at guaranteeing sustainable and mutually satisfactory conditions for fishing activities in ACP States.
2. In the conclusion or implementation of such agreements, the ACP States shall not discriminate against the Community or among the Member States, without prejudice to special arrangements between developing States within the same geographical area, including reciprocal fishing arrangements, nor shall the Community discriminate against ACP States.

#### ARTICLE 54

##### **Food security**

1. With regard to available agricultural products, the Community undertakes to ensure that export refunds can be fixed further in advance for all ACP States in respect of a range of products drawn up in the light of the food requirements expressed by those States.
2. Advance fixing shall be for one year and shall be applied each year throughout the life of this Agreement, it being understood that the level of the refund will be determined in accordance with the methods normally followed by the Commission.
3. Specific agreements may be concluded with those ACP States which so request in the context of their food security policies.
4. The specific agreements referred to in paragraph 3 shall not place in jeopardy production and trade flows in ACP regions.

**PART FOUR  
DEVELOPMENT FINANCE  
COOPERATION**

# TITLE I

## General provisions

### CHAPTER 1

#### Objectives, principles, guidelines and eligibility

##### ARTICLE 55

###### Objectives

The objectives of development finance cooperation shall be, through the provision of adequate financial resources and appropriate technical assistance, to support and promote the efforts of ACP States to achieve the objectives set out in this Agreement on the basis of mutual interest and in a spirit of interdependence.

##### ARTICLE 56

###### Principles

1. Development finance cooperation shall be implemented on the basis of and be consistent with the development objectives, strategies and priorities established by the ACP States, at both national and regional levels. Their respective geographical, social and cultural characteristics, as well as their specific potential, shall be taken into account. In addition, cooperation shall:
  - (a) promote local ownership at all levels of the development process;
  - (b) reflect a partnership based on mutual rights and obligations;
  - (c) emphasise the importance of predictability and security in resource flows, granted on highly concessional terms and on a continuous basis;
  - (d) be flexible and appropriate to the situation in each ACP State as well as adapted to the specific nature of the project or programme concerned; and

(e) ensure efficiency, coordination and consistency.

2. Cooperation shall ensure special treatment for LDC ACP countries and duly take into account the vulnerability of landlocked and island ACP countries. In addition, the specific needs of post-conflict countries shall also be addressed.

##### ARTICLE 57

###### Guidelines

1. Operations financed within the framework of this Agreement shall be implemented by the ACP States and the Community in close cooperation, the concept of equality between the partners being recognised.
2. The ACP States shall be responsible for:
  - (a) defining the objectives and priorities on which the indicative programmes are based;
  - (b) choosing projects and programmes;
  - (c) preparing and presenting the dossiers of projects and programmes;
  - (d) preparing, negotiating and concluding contracts;
  - (e) implementing and managing projects and programmes; and
  - (f) maintaining projects and programmes.
3. Without prejudice to the provisions above, eligible non-State actors may also be responsible for proposing and implementing programmes and projects in areas concerning them.
4. The ACP States and the Community shall be jointly responsible for:
  - (a) establishing, within the joint institutions, the guidelines for development finance cooperation;
  - (b) adopting the indicative programmes;
  - (c) appraising projects and programmes;

- (d) ensuring equality of conditions for participation in invitations to tender and contracts;
  - (e) monitoring and evaluating the effects and results of projects and programmes; and
  - (f) ensuring the proper, prompt and efficient execution of projects and programmes.
5. The Community shall be responsible for taking financing decisions on projects and programmes.
  6. Unless otherwise provided for in this Agreement, all decisions requiring the approval of either Party shall be approved, or be deemed approved, within 60 days of notification by the other Party.

## ARTICLE 58

### Eligibility for financing

1. The following entities or bodies shall be eligible for financial support provided under the Agreement:
  - (a) ACP States;
  - (b) regional or inter-State bodies to which one or more ACP States belong and which are authorised by those States; and
  - (c) joint bodies set up by the ACP States and the Community to pursue certain specific objectives.
2. Subject to the agreement of the ACP State or ACP States concerned, the following shall also be eligible for financial support:
  - (a) national and/or regional public or semi-public agencies, departments or local authorities of the ACP States and, in particular, their financial institutions and development banks;
  - (b) companies, firms and other private organisations and private operators of ACP States;
  - (c) enterprises of a Community Member State to enable them, in addition to their own contribution, to undertake productive projects in the territory of an ACP State;
  - (d) ACP or Community financial intermediaries providing, promoting and financing private investments in ACP States; and
  - (c) agents of decentralised cooperation and other non-State actors from the ACP States and from the Community.

## CHAPTER 2

### Scope and nature of financing

#### ARTICLE 59

Within the framework of the priorities established by the ACP State or States concerned at both national and regional levels, support may be given to projects, programmes and other forms of operations contributing to the objectives set out in this Agreement.

#### ARTICLE 60

### Scope of Financing

The scope of financing may include, inter alia, depending on the needs and the types of operation considered most appropriate, support to:

- (a) measures which contribute to attenuate the debt burden and balance of payments problems of the ACP countries;
- (b) macroeconomic and structural reforms and policies;
- (c) mitigation of adverse effects of instability in export earnings;
- (d) sectoral policies and reforms;
- (e) institutional development and capacity building;
- (f) technical cooperation programmes; and
- (g) humanitarian and emergency assistance including assistance to refugees and displaced persons, short-term rehabilitation measures and disaster preparedness.

#### ARTICLE 61

### Nature of Financing

1. The nature of financing shall, inter alia, include:
  - (a) projects and programmes;
  - (b) credit lines, guarantee schemes and equity participation;

- (c) budgetary support, either directly, for the ACP States whose currencies are convertible and freely transferable, or indirectly, from counterparts funds generated by the various Community instruments;
  - (d) the human and material resources necessary for effective administration and supervision of projects and programmes;
  - (e) sectoral and general import support programmes which may take the form of:
    - (i) sectoral import programmes through direct procurement including financing of inputs in the productive system and supplies to improve social services;
    - (ii) sectoral import programmes in the form of foreign exchange released in instalments for financing sectoral imports; and
    - (iii) general import programmes in the form of foreign exchange released in instalments for financing general imports covering a wide range of products.
2. Direct budgetary assistance in support of macro-economic or sectoral reforms shall be granted where:
- (a) public expenditure management is sufficiently transparent, accountable and effective;
  - (b) well defined macroeconomic or sectoral policies established by the country itself and agreed to by its main donors are in place; and
  - (c) public procurement is open and transparent.
3. Similar direct budgetary assistance shall be granted gradually to sectoral policies in substitution for individual projects.
4. The instruments of import programmes or budgetary support defined above can also be used to support eligible ACP States implementing reforms aimed at intra-regional economic liberalisation which generate net transitional costs.
5. In the framework of the Agreement, the European Development Fund (hereinafter referred to as the Fund) including counterpart funds, unexpended balance from previous Funds, own resources of the European Investment Bank (hereinafter referred to as the Bank) and where appropriate resources drawn from the European Community's budget, shall be used to finance projects, programmes and other forms of operations contributing to the achievement of the objectives of this Agreement.
6. The funds provided under the Agreement may be used to cover the total costs of both the local and foreign expenditure of projects and programmes, including recurrent cost financing.

# TITLE II

## Financial cooperation

### CHAPTER 1

#### Financial resources

##### ARTICLE 62

###### Overall amount

1. For the purposes set out in this Agreement, the overall amount of the Community's financial assistance and the detailed terms and conditions of financing are provided for in the Annexes to this Agreement.
2. Should an ACP State fail to ratify this Agreement or denounce it, the Parties shall adjust the amounts of the resources provided for in the Financial Protocol set out in Annex I. Adjustment of the financial resources shall also apply upon:
  - (a) the accession to the Agreement of new ACP States which did not take part in its negotiation; and
  - (b) the enlargement of the Community.

##### ARTICLE 63

###### Methods of financing

The methods of financing for each project or programme shall be determined jointly by the ACP State or States concerned and the Community by reference to:

- (a) the level of development, the geographical situation and economic and financial circumstances of these States;
- (b) the nature of the project or programme, its economic and financial return as well as its social and cultural impact; and
- (c) in the case of loans, factors guaranteeing their servicing.

##### ARTICLE 64

###### On-lending operations

1. Financial assistance may be made available to or through the ACP States concerned or, subject to the provisions of this Agreement through eligible financial institutions or directly to any other eligible beneficiary. Where financial assistance is granted to the final recipient through an intermediary or directly to the final beneficiary in the private sector:
  - (a) the terms and conditions on which the assistance may be made available by the intermediary to the final recipient or directly to the final beneficiary in the private sector shall be laid down in the financing agreement or loan contract; and
  - (b) any financial benefit accruing to the intermediary from the on-lending transaction or resulting from direct lending operations to the final beneficiary in the private sector, shall be used for development purposes on the conditions laid down in the financing agreement or the loan contract, after taking into account administrative costs, exchange and financial risks and the cost of technical assistance given to the final recipient.
2. Where the financing is undertaken through an on-lending body based and/or operating in the ACP States, it shall be the responsibility of that body to select and appraise individual projects and to administer the funds placed at its disposal under the conditions provided for in this Agreement and by mutual agreement between the Parties.

##### ARTICLE 65

###### Co-financing

1. The financial resources provided for in this Agreement may be applied, at the request of the ACP States, to co-financing undertaken in particular with development agencies and institutions, Community Member States, ACP States, third countries or international or private financial institutions, firms or export credit agencies.

2. Special consideration shall be given to the possibility of co-financing in cases where Community participation will encourage the participation of other sources of finance and where such financing may lead to an advantageous financial package for the ACP State concerned.
3. Co-financing may be in the form of joint or parallel financing. Preference shall be given in each case to the solution, which is more suitable from the point of view of cost-effectiveness. In addition, measures shall be taken to coordinate and harmonise operations of the Community and those of other co-financing bodies in order to minimise the number of procedures to be undertaken by the ACP States and to render those procedures more flexible.
4. The process of consultation and coordination with other donors and co-financiers should be strengthened and developed, where possible, through the establishment of co-financing framework agreements and co-financing policies and procedures should be reviewed to ensure effectiveness and the best terms and conditions possible.

- (a) assistance in studying and finding practical solutions to indebtedness including domestic debt, debt-servicing difficulties and balance of payments problems;
  - (b) training in debt management and international financial negotiations as well as support for training workshops, courses and seminars in these fields; and
  - (c) assistance to develop flexible techniques and instruments of debt management.
3. In order to contribute to the servicing of the debt resulting from loans from the Bank's own resources, special loans and risk capital, the ACP States may, in accordance with arrangements to be made on a case-by-case basis with the Commission, use the available foreign currency referred to in this Agreement for such servicing, as and when debt repayment falls due and up to the amount required for payments in national currency.
  4. Given the seriousness of the international debt problem and its impact on economic growth, the Parties declare their readiness to continue to exchange views, within the context of international discussions, on the general problem of debt, and without prejudice to specific discussions taking place in the relevant fora.

## CHAPTER 2

### Debt and structural adjustment support

#### ARTICLE 66

##### Support for debt relief

1. In order to attenuate the debt burden of the ACP States and their balance-of-payment problems, the Parties agree to use the resources provided for in this Agreement to contribute to debt relief initiatives approved at international level for the benefit of ACP countries. In addition, on a case by case basis, the use of resources which have not been committed in the framework of past indicative programmes shall be accelerated through the quick-disbursing instruments provided for in this Agreement. The Community furthermore commits itself to examine how in the longer term other resources than the EDF can be mobilised in support of internationally agreed debt relief initiatives.
2. At the request of an ACP State, the Community may grant:

#### ARTICLE 67

##### Structural adjustment support

1. The Agreement shall provide support for macroeconomic and sectoral reforms implemented by the ACP States. In this framework, the Parties shall ensure that adjustment is economically viable and socially and politically bearable. Support shall be given in the context of a joint assessment between the Community and the ACP State concerned on the reform measures being undertaken or contemplated either at macroeconomic or sectoral level, and permit an overall evaluation of the reform efforts. Quick disbursement shall be an important feature of support programmes.
2. The ACP States and the Community recognise the necessity to encourage reform programmes at regional level ensuring that, in the preparation and execution of national programmes, due consideration is given to regional activities which have an influence on national development. To this end, support for structural adjustment shall also seek to:

- (a) incorporate, from the beginning of the diagnosis, measures to encourage regional integration and take account of the consequences of trans-border adjustment;
  - (b) support the harmonisation and coordination of macroeconomic and sectoral policies, including fiscal and customs areas, so as to fulfil the dual aim of regional integration and of structural reform at national level; and
  - (c) take account of the effects of net transitional costs of regional integration on budget revenue and balance of payments, either through general import programmes or budgetary support.
3. ACP States undertaking or contemplating reform at the macroeconomic or sectoral level shall be eligible for structural adjustment assistance, giving consideration to the regional context, their effectiveness and the likely impact on the economic, social and political dimension of development and on economic and social hardships being experienced.
  4. The ACP States undertaking reform programmes that are acknowledged and supported at least by the principal multilateral donors, or that are agreed with such donors but not necessarily financially supported by them, shall be treated as having automatically satisfied the requirements for adjustment assistance.
  5. Structural adjustment support shall be mobilised in a flexible manner and in the form of sectoral and general import programmes or budgetary support.
  6. The preparation, appraisal and financing decision for structural adjustment programmes shall be carried out according to the provisions on implementation procedures of this Agreement with due regard to the quick disbursing feature of structural adjustment programmes. On a case-by-case basis, retroactive financing of a limited part of imports of ACP-EC origin may be permissible.
  7. The implementation of each support programme shall ensure that the eligibility of ACP economic operators for access to the resources of the programme is as wide and transparent as possible and that the procurement procedures accord with the administrative and commercial practices in the State concerned, while ensuring the best possible price/quality ratio on imported goods and the necessary consistency with the progress achieved internationally for harmonising the procedures for supporting structural adjustment.

## CHAPTER 3

### Support in cases of short-term fluctuations in export earnings

#### ARTICLE 68

1. The Parties recognise that instability of export earnings, particularly in the agricultural and mining sectors, may adversely affect the development of the ACP States and jeopardise the attainment of their development requirements. A system of additional support in order to mitigate the adverse effects of any instability in export earnings, including in the agricultural and mining sectors, is therefore set up within the financial envelope for support to long-term development.
2. The purpose of support in cases of short-term fluctuations in export earnings is to safeguard macroeconomic and sectoral reforms and policies that are at risk as a result of a drop in revenue and remedy the adverse effects of instability of export earnings in particular from agricultural and mining products.
3. The extreme dependence of the ACP States' economies on exports, in particular from the agricultural and mining sectors, shall be taken into account in the allocation of resources in the year of application. In this context, the least developed, landlocked and island ACP States shall receive more favourable treatment.
4. The additional resources shall be provided in accordance with the specific modalities of the support mechanism as set out in Annex II on Terms and Conditions of Financing.
5. The Community shall also provide support for market based insurance schemes designed for ACP States seeking to protect themselves against the risk of fluctuations in export earnings.

## CHAPTER 4

### Support for sectoral policies

#### ARTICLE 69

1. Cooperation shall support, through the various instruments and modalities provided for in the Agreement:

- (a) social and economic sectoral policies and reforms;
- (b) measures to enhance productive sector activity and export competitiveness;
- (c) measures to expand social sector services; and
- (d) thematic and cross cutting issues.

2. This support shall be provided as appropriate through:

- (a) sectoral programmes;
- (b) budgetary support;
- (c) investments;
- (d) rehabilitation;
- (e) training;
- (f) technical assistance; and
- (g) institutional support.

## CHAPTER 5

### Microprojects and decentralised cooperation

#### ARTICLE 70

In order to respond to the needs of local communities with regard to development, and to encourage all agents of decentralised cooperation which are in a position to contribute to the autonomous development of the ACP States to put forward and implement initiatives, cooperation shall support, within the frame-

work laid down in the rules and national legislation of the ACP States concerned and the provisions of the indicative programme, such development operations. In this context, cooperation shall support:

- (a) micro-projects at local level which have an economic and social impact on the life of the people, meet a demonstrated and observed priority need, and shall be undertaken at the initiative and with the active participation of the local community which shall benefit therefrom; and
- (b) decentralised cooperation, in particular where such operations combine efforts and resources of decentralised agents from the ACP States and their counterparts from the Community. This form of cooperation shall enable the mobilisation of capabilities, innovative operating methods and resources of decentralised agents for the development of the ACP State.

#### ARTICLE 71

1. Microprojects and decentralised cooperation operations may be supported from the financial resources of the Agreement. Projects or programmes under this form of cooperation may or may not be linked to programmes in the sectors of concentration of the indicative programmes, but may be a way of achieving the specific objectives of the indicative programme or the results of initiatives by local communities or decentralised agents.

2. Contributions for the financing of micro-projects and decentralised cooperation shall be made by the Fund, in which case the contribution shall not normally exceed three-quarters of the total cost of each project and may not exceed the limit set in the indicative programme. The remaining balance shall be provided:

- (a) by the local community concerned in case of micro-projects (either in kind or in the form of services or cash and adapted to its capacity to contribute);
- (b) by the agents of decentralised cooperation, provided that the financial, technical, material and other resources brought in by such agents shall not normally be less than 25% of the estimated cost of the project/programme; and
- (c) exceptionally by the ACP State concerned, either in the form of a financial contribution or through the use of public equipment or the supply of services.

3. The procedures applicable to projects and programmes financed within the framework of micro-projects or decentralised cooperation shall be those laid down in the Agreement, in particular those referred to in multi-annual programmes.

## CHAPTER 6

### Humanitarian and emergency assistance

#### ARTICLE 72

1. Humanitarian and emergency assistance shall be accorded to the population in ACP States faced with serious economic and social difficulties of an exceptional nature resulting from natural disasters, man-made crises such as wars and other conflicts or extraordinary circumstances having comparable effects. The humanitarian and emergency assistance shall be maintained for as long as necessary to deal with the emergency needs resulting from these situations.
2. Humanitarian and emergency assistance shall be granted exclusively according to the needs and interests of victims of disasters and in line with the principles of international humanitarian law. In particular, there shall be no discrimination between victims on grounds of race, ethnic origin, religion, gender, age, nationality or political affiliation and free access to and protection of victims shall be guaranteed as well as the security of humanitarian personnel and equipment.
3. Humanitarian and emergency assistance shall aim to:
  - (a) safeguard human lives in crises and immediate post-crisis situations brought about by natural disasters, conflict or war;
  - (b) contribute to the financing and delivery of humanitarian aid and to the direct access to it of its intended beneficiaries by all logistical means available;
  - (c) carry out short-term rehabilitation and reconstruction to enable the parts of the population affected to benefit once more from a minimum of socio-economic integration and, as soon as possible, create the conditions for a resumption of development on the basis of long-term objectives set by the ACP country concerned;

- (d) address the needs arising from the displacement of people (refugees, displaced persons and returnees) following natural or man-made disasters so as to meet, for as long as necessary, all the needs of refugees and displaced persons (wherever they may be) and facilitate action for their voluntary repatriation and re-integration in their country of origin; and

- (e) assist the ACP State in setting up disaster prevention and preparedness mechanisms, including prediction and early-warning systems, with a view to reducing the consequences of disasters.

4. Similar assistance, as set out above, may be granted to ACP States taking in refugees or returnees to meet acute needs not covered by emergency assistance.

5. Underlining the developmental nature of the assistance granted in accordance with this Article, assistance may be used exceptionally together with the indicative programme at the request of the State concerned.

6. Humanitarian and emergency assistance operations shall be undertaken either at the request of the ACP country affected by the crisis situation, the Commission, international organisations or local or international non-State organisations. Such assistance shall be administered and implemented under procedures permitting operations that are rapid, flexible and effective. The Community shall take adequate steps to facilitate speedy action, which is required to meet the immediate needs for which emergency assistance is needed.

#### ARTICLE 73

1. Post-emergency action, aimed at physical and social rehabilitation consequent on the results of natural disasters or extraordinary circumstances having comparable effects, may be undertaken with Community assistance under this Agreement. Such action, using effective and flexible mechanisms, must ease the transition from the emergency phase to the development phase, promote the socio-economic reintegration of the parts of the population affected, remove as far as possible the causes of the crisis and strengthen institutions and the ownership by local and national actors of their role in formulating a sustainable development policy for the ACP country concerned.
2. Short-term emergency action shall only in exceptional circumstances be financed under the Fund where such assistance cannot be financed from the Community's budget.

## CHAPTER 7

### Investment and private sector development support

#### ARTICLE 74

Cooperation shall, through financial and technical assistance, support the policies and strategies for investment and private sector development as set out in this Agreement.

#### ARTICLE 75

##### Investment promotion

The ACP States, the Community and its Member States, within the scope of their respective competencies, recognising the importance of private investment in the promotion of their development cooperation and acknowledging the need to take steps to promote such investment, shall:

- (a) implement measures to encourage participation in their development efforts by private investors who comply with the objectives and priorities of ACP-EC development cooperation and with the appropriate laws and regulations of their respective States;
- (b) take measures and actions which help to create and maintain a predictable and secure investment climate as well as enter into negotiations on agreements which will improve such climate;
- (c) encourage the EU private sector to invest and to provide specific assistance to its counterparts in the ACP countries under mutual business cooperation and partnerships;
- (d) facilitate partnerships and joint ventures by encouraging co-financing;
- (e) sponsor sectoral investment fora to promote partnerships and external investment;
- (f) support efforts of the ACP States to attract financing, with particular emphasis on private financing, for infrastructure investments and revenue generating infrastructure critical for the private sector;
- (g) support capacity building for domestic investment promotion agencies and institutions involved in promoting and facilitating foreign investment;

- (h) disseminate information on investment opportunities and business operating conditions in the ACP States; and
  - (i) promote national, regional and ACP-EU private sector business dialogue, cooperation and partnerships, in particular through an ACP-EU private sector business forum. Support for operations of an ACP-EU private sector business forum shall be provided in pursuit of the following objectives:
    - (i) to facilitate dialogue within the ACP/EU private sector and between the ACP/EU private sector and the bodies established under the Agreement;
    - (ii) to analyse and periodically provide the relevant bodies with information on the whole range of issues concerning relations between the ACP and EU private sectors in the context of the Agreement or, more generally, of economic relations between the Community and the ACP countries; and
    - (iii) to analyse and provide the relevant bodies with information on specific problems of a sectoral nature relating to, inter alia, branches of production or types of products at regional or sub-regional level.

#### ARTICLE 76

##### Investment finance and support

1. Cooperation shall provide long-term financial resources, including risk capital, to assist in promoting growth in the private sector and help to mobilise domestic and foreign capital for this purpose. To this end, cooperation shall provide, in particular:
  - (a) grants for financial and technical assistance to support policy reforms, human resource development, institutional capacity-building or other forms of institutional support related to a specific investment, measures to increase the competitiveness of enterprises and to strengthen the capacities of the private financial and non-financial intermediaries, investment facilitation and promotion and competitiveness enhancement activities;
  - (b) advisory and consultative services to assist in creating a responsive investment climate and information base to guide and encourage the flow of capital;
  - (c) risk-capital for equity or quasi-equity investments, guarantees in support of domestic and foreign

private investment and loans or lines of credit on the conditions laid down in Annex II "Terms and Conditions of Financing" to this Agreement; and

(d) loans from the Bank's own resources.

2. Loans from the Bank's own resources shall be granted in accordance with its statute and with the terms and conditions laid down in Annex II to this Agreement.

## ARTICLE 77

### Investment guarantees

1. Investment guarantees are an increasingly important tool for development finance as they contribute to reducing project risks and inducing private capital flows. Cooperation shall therefore ensure the increasing availability and use of risk insurance as a risk-mitigating mechanism in order to boost investor confidence in the ACP States.
2. Cooperation shall offer guarantees and assist with guarantees funds covering risks for qualified investment. Specifically, cooperation shall provide support to:
  - (a) reinsurance schemes to cover foreign direct investment by eligible investors; against legal uncertainties and the major risks of expropriation, currency transfer restriction, war and civil disturbance, and breach of contract. Investors may insure projects for any combination of the four types of coverage;
  - (b) guarantee programmes to cover risk in the form of partial guarantees for debt financing. Both partial risk and partial credit guarantee shall be available; and
  - (c) national and regional guarantee funds, involving, in particular, domestic financial institutions or investors for encouraging the development of the financial sector.
3. Cooperation shall also provide support to capacity-building, institutional support and participation in the core funding of national and/or regional initiatives to reduce the commercial risks for investors (inter alia guarantee funds, regulatory bodies, arbitration mechanisms and judiciary systems to enhance the protection of investments improving the export credit systems).
4. Cooperation shall provide such support on the basis of complementary and added value with respect to private and/or public initiatives and, whenever feasible, in partnership with private and other

public organisations. The ACP and the EC will within the framework of the ACP-EC Development Finance Cooperation Committee undertake a joint study on the proposal to set up an ACP-EC Guarantee Agency to provide and manage investment guarantee programmes.

## ARTICLE 78

### Investment protection

1. The ACP States and the Community and its Member States, within the scope of their respective competencies, affirm the need to promote and protect either Party's investments on their respective territories, and in this context affirm the importance of concluding, in their mutual interest, investment promotion and protection agreements which could also provide the basis for insurance and guarantee schemes.
2. In order to encourage European investment in development projects of special importance to, and promoted by the ACP States, the Community and the Member States, on the one hand and the ACP States on the other, may also conclude agreements relating to specific projects of mutual interest where the Community and European enterprises contribute towards their financing.
3. The Parties also agree to introduce, within the economic partnership agreements, and while respecting the respective competencies of the Community and its Member States, general principles on protection and promotion of investments, which will endorse the best results agreed in the competent international fora or bilaterally.

# TITLE III

## Technical cooperation

### ARTICLE 79

1. Technical cooperation shall assist the ACP States in the development of national and regional manpower resources, the sustained development of the institutions critical for development success, including inter alia strengthening ACP consulting firms and organisations, as well as exchange arrangements involving consultants from both ACP and EU firms.
2. Furthermore, technical cooperation, shall be cost-effective and relevant to the need for which it is intended, and shall also favour the transfer of know-how and increase national and regional capabilities. Technical cooperation shall contribute to the achievement of project and programme goals, including efforts to strengthen management capacity of the National and Regional Authorising Officers. Technical assistance shall:
  - (a) be demand-driven and thus made available only at the request of the ACP State or States concerned, and adapted to recipient needs;
  - (b) complement and support ACP efforts to identify their own requirements;
  - (c) be monitored and followed up to guarantee effectiveness;
  - (d) encourage the participation of ACP experts, consultancy firms and educational and research institutions in contracts financed from the Fund and identify ways of employing qualified national and regional personnel on Fund projects;
  - (e) encourage the secondment of ACP national cadres as consultants to an institution in their own country, or a neighbouring country, or to a regional organisation;
  - (f) aim at developing knowledge of national and regional manpower constraints and potential and establish a register of ACP experts, consultants and consultancy firms suitable for employment on projects and programmes financed from the Fund;
  - (g) support intra-ACP technical assistance in order to promote the exchange between the ACP States of

technical assistance, management and professional expertise;

- (h) develop action programmes for long-term institution building and staff development as an integral part of project and programme planning, account being taken of the necessary financial requirements;
  - (i) support arrangements to enhance the capacity of the ACP States to build up their own expertise; and
  - (j) give special attention to the development of the ACP States' capacities in project planning, implementation and evaluation, as well budget management.
3. Technical assistance may be provided in all areas of cooperation and within the limits of the mandate of this Agreement. The activities covered would be diverse in scope and nature, and would be tailored to meet the needs of the ACP States.
  4. Technical cooperation may be either of a specific or a general nature. The ACP-EC Development Finance Cooperation Committee shall establish the guidelines for the implementation of technical cooperation.

### ARTICLE 80

With a view to reversing the brain drain from the ACP States, the Community shall assist ACP States which so request to facilitate the return of qualified ACP nationals resident in developed countries through appropriate re-installation incentives.

# TITLE IV

## Procedures and management systems

### ARTICLE 81

#### Procedures

Management procedures shall be transparent, easy to apply and shall enable the decentralisation of tasks and responsibilities to the field. The implementation of ACP-EU development cooperation shall be open to non-State actors in areas that concern them. The detailed procedural provisions for programming, preparation, implementation and the management of financial and technical cooperation are laid down in Annex IV on Implementation and Management Procedures. The Council of Ministers may review, revise and amend these provisions on the basis of a recommendation from the ACP-EC Development Finance Cooperation Committee.

### ARTICLE 82

#### Executing agents

For the implementation of financial and technical cooperation under this Agreement, executing agents are designated. Detailed provisions for the responsibilities of the executing agents are laid down in Annex IV on Implementation and Management Procedures.

### ARTICLE 83

#### ACP-EC Development Finance Cooperation Committee

1. The Council of Ministers shall at least once a year examine whether the objectives of development finance cooperation are being attained and shall examine the general and specific problems resulting from the implementation of that cooperation. To this end, an ACP-EC Development Finance Cooperation Committee, hereinafter referred to as "the ACP-EC Committee", shall be set up within the Council of Ministers.
2. The ACP-EC Committee shall, inter alia:
  - (a) ensure the overall achievement of the objectives and principles of development finance coopera-

tion and establish general guidelines for their effective and timely implementation;

- (b) examine the problems arising from the implementation of development cooperation activities and propose appropriate measures;
  - (c) review the annexes to the Agreement to ensure their continued relevance and recommend any appropriate amendments to the Council of Ministers for approval; and
  - (d) examine the operations deployed within the framework of the Agreement to attain the objectives of promoting private sector development and investment and the operations of the Investment Facility.
3. The ACP-EC Committee, which shall meet every quarter, shall be composed, on a basis of parity, of representatives of the ACP States and of the Community, or their authorised representatives. It shall meet at ministerial level whenever one of the parties so requests and at least once a year.
  4. The Council of Ministers shall lay down the ACP-EC Committee's rules of procedure, in particular the conditions for representation and the number of members of the Committee, the detailed arrangements for their deliberations and the conditions for holding the chair.
  5. The ACP-EC Committee may convene meetings of experts to study the cause of any difficulties and bottlenecks, which may impede the efficient implementation of development cooperation. These experts shall make recommendations to the Committee on possible ways of removing such difficulties and bottlenecks.



**PART FIVE**  
**GENERAL PROVISIONS**  
**FOR THE LEAST-DEVELOPED,**  
**LANDLOCKED AND ISLAND ACP STATES**  
**(LDLICs)**

## CHAPTER 1

### General provisions

#### ARTICLE 84

1. To enable LDLICs to take full advantage of the opportunities offered by the Agreement so as to step up their respective rates of development, cooperation shall ensure special treatment for the least developed ACP countries and take due account of the vulnerability of landlocked and island ACP countries. It shall also take into consideration the needs of countries in post-conflict situations.
2. Independently of the specific measures and provisions for the least-developed, landlocked and island countries in the different chapters of the Agreement, special attention shall be paid in respect of these groups as well as countries in post-conflict situations to:
  - (a) the strengthening of regional cooperation;
  - (b) transport and communications' infrastructure;
  - (c) the efficient exploitation of marine resources and the marketing of products so produced and, in the case of landlocked countries, inland fisheries;
  - (d) structural adjustment where account shall be taken of the level of development of these countries and equally, at the implementation stage, of the social dimension of adjustment; and
  - (e) the implementation of food strategies and integrated development programmes.

## CHAPTER 2

### Least-developed ACP states

#### ARTICLE 85

1. The least-developed ACP States shall be accorded a special treatment in order to enable them to overcome the serious economic and social difficulties hindering their development so as to step up their respective rates of development.

2. The list of least-developed countries is given in Annex VI. It may be amended by a decision of the Council of Ministers where:

- (a) a third State in a comparable situation accedes to this Agreement; and
- (b) the economic situation of an ACP State changes considerably and durably to the extent that it needs to be included in the least-developed category or its inclusion in that category is no longer justified.

#### ARTICLE 86

The provisions adopted in respect of the least-developed ACP States are contained in the following Articles: 2, 29, 32, 35, 37, 56, 68, 84, 85.

## CHAPTER 3

### Landlocked ACP states

#### ARTICLE 87

1. Specific provisions and measures shall be established to support landlocked ACP States in their efforts to overcome the geographical difficulties and other obstacles hampering their development so as to enable them to step up their respective rates of development.
2. The list of landlocked ACP States is given in Annex VI. It may be amended by decision of the Council of Ministers when a third State in a comparable situation accedes to the Agreement.

#### ARTICLE 88

The provisions adopted in respect of the landlocked ACP States are contained in the following Articles: 2, 32, 35, 56, 68, 84, 87.

## CHAPTER 4

### Island ACP states

#### ARTICLE 89

1. Specific provisions and measures shall be established to support island ACP States in their efforts to overcome the natural and geographical difficulties and other obstacles hampering their development so as to enable them to step up their respective rates of development.
2. The list of island ACP States is given in Annex VI. It may be amended by decision of the Council of Ministers when a third State in a comparable situation accedes to the Agreement.

#### ARTICLE 90

The provisions adopted in respect of the island ACP States are contained in the following Articles: 2, 32, 35, 56, 68, 84, 89.



**PART SIX  
FINAL PROVISIONS**

## ARTICLE 91

### **Conflict between this Agreement and other treaties**

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

## ARTICLE 92

### **Scope of territorial application**

Subject to the special provisions regarding the relations between the ACP States and the French overseas departments provided for therein, this Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territories of the ACP States.

## ARTICLE 93

### **Ratification and entry into force**

1. This Agreement shall be ratified or approved by the signatory Parties in accordance with their respective constitutional rules and procedures.
2. The instruments of ratification or approval of this Agreement shall be deposited in the case of the ACP States, with the General Secretariat of the Council of the European Union and in the case of the Community and the Member States, with the General Secretariat of the ACP States. The Secretariats shall promptly notify the signatory States and the Community.
3. This Agreement shall enter into force on the first day of the second month following the date of deposit of the instruments of ratification of the Member States and of at least two-thirds of the ACP States, and of the instrument of approval of this Agreement by the Community.
4. An ACP signatory State that has not completed the procedures set out in paragraphs 1 and 2 by the date on which this Agreement enters into force as provided for in paragraph 3 may do so only within the 12 months following that date, without prejudice to the provisions of paragraph 6.

For such States this Agreement shall become applicable on the first day of the second month following the completion of these procedures. These States shall recognise the validity of any

measure taken to implement the Agreement after the date of its entry into force.

5. The rules of procedure of the joint institutions set up under this Agreement shall lay down the conditions under which the representatives of signatory States referred to in paragraph 4 may attend those institutions as observers.
6. The Council of Ministers may decide to accord special support to ACP States party to previous ACP-EC Conventions which, in the absence of normally established government institutions, have not been able to sign or ratify this Agreement. This support may concern institution building and economic and social development activities, taking particular account of the needs of the most vulnerable sections of the population. In this context, such countries will be able to draw on the funds provided for in Part 4 of this Agreement for financial and technical cooperation.

By way of derogation from paragraph 4, the countries concerned which are signatories to the Agreement may complete the ratification procedures within twelve months of the restoration of government institutions.

The countries concerned which have neither signed nor ratified the Agreement may accede to it by means of the accession procedure provided for in Article 94.

## ARTICLE 94

### **Accession**

1. Any request for accession to this Agreement made by an independent State whose structural characteristics and economic and social situation are comparable to those of the ACP States shall be presented to the Council of Ministers.

If the request is approved by the Council of Ministers, the State concerned shall accede to this Agreement by depositing an act of accession with the General Secretariat of the Council of the European Union, which shall send a certified copy to the ACP Secretariat and notify the Member States. The Council of Ministers may lay down any amending measures that might be necessary.

The State concerned shall enjoy the same rights and be subject to the same obligations as the ACP States. Its accession may not infringe on the benefits enjoyed by the ACP States signatory to this Agreement under the provisions on development cooperation financing. The Council of Ministers may lay down the conditions and speci-

fic arrangements for the accession of an individual State in a special protocol that shall form an integral part of the Agreement.

2. The Council of Ministers shall be advised of any request made by a third State to become a member of an economic grouping of ACP States.
3. The Council of Ministers shall be advised of any request made by a third State to become a member of the European Union. During the negotiations between the Union and the applicant State, the Community shall provide the ACP States with any relevant information and they in turn shall convey their concerns to the Community so that it can take them fully into account. The ACP Secretariat shall be notified by the Community of any accession to the European Union.

Any new Member State of the European Union shall become a Party to this Agreement from the date of its accession by means of a clause to that effect in the act of accession. If the act of accession to the Union does not provide for such automatic accession of the Member State to this Agreement, the Member State concerned shall accede by depositing an act of accession with the General Secretariat of the Council of the European Union, which shall send a certified copy to the ACP Secretariat and notify the Member States.

The Parties shall review the effects of the accession of new Member States on this Agreement. The Council of Ministers may decide on any transitional or amending measures that might be necessary.

## ARTICLE 95

### Duration of the agreement and revision clause

1. This Agreement is hereby concluded for a period of twenty years, commencing on 1 March 2000.
2. Financial protocols are defined for each five-year period.
3. The Community and the Member States, on the one hand, and the ACP States, on the other, shall notify the other Party not later than 12 months before the expiry of each five-year period of any review of the provisions they desire to make with a view to a possible amendment of the Agreement. This shall not apply, however, to the provisions on economic and trade cooperation, for which a special review procedure is provided for. Notwithstanding this time limit, if one Party requests the

review of any provisions of the Agreement, the other Party shall have a period of two months in which to request the extension of the review to other provisions related to those which were the subject of the initial request.

Ten months before the expiry of this five-year period, the Parties shall enter into negotiations with a view to examining any possible amendments to the provisions that were the subject of the notification.

Article 93 shall also apply to the amendments made.

The Council of Ministers shall adopt any transitional measures that may be required in respect of the amended provisions until they come into force.

4. Eighteen months before the end of the total period of the Agreement, the Parties shall enter into negotiations in order to examine what provisions shall subsequently govern their relations.

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

## ARTICLE 96

### Essential elements: consultation procedure and appropriate measures

as regards human rights, democratic principles and the rule of law

1. Within the meaning of this Article, the term "Party" refers to the Community and the Member States of the European Union, of the one part, and each ACP State, of the other part.
2.
  - (a) If, despite the political dialogue conducted regularly between the Parties, a Party considers that the other Party has failed to fulfil an obligation stemming from respect for human rights, democratic principles and the rule of law referred to in paragraph 2 of Article 9, it shall, except in cases of special urgency, supply the other Party and the Council of Ministers with the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. To this end, it shall invite the other Party to hold consultations that focus on the measures taken or to be taken by the party concerned to remedy the situation.

The consultations shall be conducted at the level and in the form considered most appropriate for finding a solution.

The consultations shall begin no later than 15 days after the invitation and shall continue for a period established by mutual agreement, depending on the nature and gravity of the violation. In any case, the consultations shall last no longer than 60 days.

If the consultations do not lead to a solution acceptable to both Parties, if consultation is refused, or in cases of special urgency, appropriate measures may be taken. These measures shall be revoked as soon as the reasons for taking them have disappeared.

- (b) The term "cases of special urgency" shall refer to exceptional cases of particularly serious and flagrant violation of one of the essential elements referred to in paragraph 2 of Article 9, that require an immediate reaction.

The Party resorting to the special urgency procedure shall inform the other Party and the Council of Ministers separately of the fact unless it does not have time to do so.

- (c) The "appropriate measures" referred to in this Article are measures taken in accordance with international law, and proportional to the violation. In the selection of these measures, priority must be given to those which least disrupt the application of this agreement. It is understood that suspension would be a measure of last resort.

If measures are taken in cases of special urgency, they shall be immediately notified to the other Party and the Council of Ministers. At the request of the Party concerned, consultations may then be called in order to examine the situation thoroughly and, if possible, find solutions. These consultations shall be conducted according to the arrangements set out in the second and third subparagraphs of paragraph (a).

## ARTICLE 97

### Consultation procedure and appropriate measures

as regards corruption

1. The Parties consider that when the Community is a significant partner in terms of financial support to economic and sectoral policies and programmes, serious cases of corruption should give rise to consultations between the Parties.

2. In such cases either Party may invite the other to enter into consultations. Such consultations shall begin no later than 21 days after the invitation and shall last no longer than 60 days.
3. If the consultations do not lead to a solution acceptable to both Parties or if consultation is refused, the Parties shall take the appropriate measures. In all cases, it is above all incumbent on the Party where the serious cases of corruption have occurred to take the measures necessary to remedy the situation immediately. The measures taken by either Party must be proportional to the seriousness of the situation. In the selection of these measures, priority must be given to those which least disrupt the application of this agreement. It is understood that suspension would be a measure of last resort.
4. Within the meaning of this Article, the term "Party" refers to the Community and the Member States of the European Union, of the one part, and each ACP State, of the other part.

## ARTICLE 98

### Dispute settlement

1. Any dispute arising from the interpretation or application of this Agreement between one or more Member States or the Community, on the one hand, and one or more ACP States on the other, shall be submitted to the Council of Ministers.

Between meetings of the Council of Ministers, such disputes shall be submitted to the Committee of Ambassadors.

- 2.
- (a) If the Council of Ministers does not succeed in settling the dispute, either Party may request settlement of the dispute by arbitration. To this end, each Party shall appoint an arbitrator within thirty days of the request for arbitration. In the event of failure to do so, either Party may ask the Secretary-General of the Permanent Court of Arbitration to appoint the second arbitrator.
- (b) The two arbitrators shall in turn appoint a third arbitrator within thirty days. In the event of failure to do so, either Party may ask the Secretary-General of the Permanent Court of Arbitration to appoint the third arbitrator. \*
- (c) Unless the arbitrators decide otherwise, the procedure applied shall be that laid down in the optional arbitration regulation of the Permanent Court of Arbitration for International Organisations

and States. The arbitrators' decisions shall be taken by majority vote within three months.

- (d) Each Party to the dispute shall be bound to take the measures necessary to carry out the decision of the arbitrators.

For the application of this procedure, the Community and the Member States shall be deemed to be one Party to the dispute.

## **ARTICLE 99**

### **Denunciation clause**

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

## **ARTICLE 100**

### **Status of the texts**

The Protocols and Annexes attached to this Agreement shall form an integral part thereof. Annexes II, III, IV and VI may be revised, reviewed and/or amended by the Council of Ministers on the basis of a recommendation from the ACP-EC Development Finance Cooperation Committee.

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



# ANNEXES TO THE AGREEMENT

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# ANNEX I

## FINANCIAL PROTOCOL

1. For the purposes set out in this Agreement and for a period of five years commencing 1 March 2000, the overall amount of the Community's financial assistance to the ACP States shall be EUR 15 200 million.
2. The Community's financial assistance shall comprise an amount up to EUR 13 500 million from the 9th European Development Fund (EDF).
3. The 9th EDF shall be allocated between the instruments of cooperation as follows:
  - (a) EUR 10 000 million in the form of grants shall be reserved for an envelope for support for long-term development. This envelope shall be used to finance national indicative programmes in accordance with Articles 1 to 5 of Annex IV "Implementation and management procedures" to this Agreement. From the envelope for support for long-term development :
    - (i) EUR 90 million shall be reserved for the financing of the budget of the Centre for the Development of Enterprise (CDE);
    - (ii) EUR 70 million shall be reserved for the financing of the budget of the Centre for the Development of Agriculture (CTA); and
    - (iii) an amount not exceeding EUR 4 million shall be reserved for the purposes referred to in Article 17 of this Agreement (Joint Parliamentary Assembly).
  - (b) EUR 1 300 million in the form of grants shall be reserved for the financing of support for regional cooperation and integration of the ACP States in accordance with Articles 6 to 14 of Annex IV "Implementation and management procedures" to this Agreement.
  - (c) EUR 2 200 million shall be allocated to finance the Investment Facility according to the terms and conditions set out in Annex II "Terms and conditions of financing" to this Agreement without prejudice to the financing of the interest rate subsidies provided for in Articles 2 and 4 of Annex II to this Agreement funded from the resources mentioned in paragraph 3(a) of this Annex.
4. An amount of up to EUR 1 700 million shall be provided from the European Investment Bank in the form of loans made from its own resources. These resources shall be granted for the purposes set out in Annex II "Terms and conditions of financing" to this Agreement in accordance with the conditions provided for by its statutes and the relevant provisions of the terms and conditions for investment financing as laid down in the aforementioned Annex. The Bank may, from the resources it manages, contribute to the financing of regional projects and programmes.
5. Any balances remaining from previous EDFs on the date of entry into force of this Financial Protocol, as well as any amounts that shall be decommitted at a later date from ongoing projects under these Funds, shall be transferred to the 9th EDF and shall be used in accordance with the conditions laid down in this Agreement. Any resources thus transferred to the 9th EDF that previously had been allocated to the indicative programme of an ACP State or region shall remain allocated to that State or region. The overall amount of this Financial Protocol, supplemented by the transferred balances from previous EDFs, will cover the period of 2000 – 2007.
6. The Bank shall administer the loans made from its own resources, as well as the operations financed under the Investment Facility. All other financial resources of this Agreement shall be administered by the Commission.
7. Before the expiry of this Financial Protocol, the Parties shall assess the degree of realisation of commitments and disbursements. This assessment shall constitute the basis for re-evaluating the overall amount of resources as well for evaluating the need for new resources to support financial cooperation under this Agreement.
8. In the event of the funds provided for in any of the instruments of the Agreement being exhausted before the expiry of this Financial Protocol, the joint ACP-EC Council of Ministers shall take the appropriate measures.

# ANNEX II

## TERMS AND CONDITIONS OF FINANCING

### CHAPTER 1

#### Investment financing

##### ARTICLE 1

The terms and conditions of financing in relation to the operations of the Investment Facility (Facility), the loans from own resources of the European Investment Bank (Bank) and special operations shall be as laid down in this Chapter. These resources may be channelled to eligible enterprises, either directly or indirectly, through eligible investment funds and/or financial intermediaries.

##### ARTICLE 2

#### Resources of the investment facility

1. The resources of the Facility may be used, *inter alia*, to:
  - (a) provide risk capital in the form of:
    - (i) equity participation in ACP enterprises, including financial institutions;
    - (ii) quasi-capital assistance to ACP enterprises, including financial institutions; and
    - (iii) guarantees and other credit enhancements which may be used to cover political and other investment-related risks, both for foreign and local investors or lenders.
  - (b) provide ordinary loans.
2. Equity participation shall normally be for non-controlling minority holdings and shall be remunerated on the basis of the performance of the project concerned.
3. Quasi-capital assistance may consist of shareholders' advances, convertible bonds, conditional, subordinated and participating loans or any other

similar form of assistance. Such assistance may consist in particular of:

- (a) conditional loans, the servicing and/or the duration of which shall be linked to the fulfilment of certain conditions with regard to the performance of the project; in the specific case of conditional loans for pre-investment studies or other project-related technical assistance, servicing may be waived if the investment is not carried out;
  - (b) participating loans, the servicing and/or the duration of which shall be linked to the financial return of the project; and
  - (c) subordinated loans, which shall be repaid only after other claims have been settled.
4. The remuneration of each operation shall be specified when the loan is made. However:
    - (a) in the case of conditional or participating loans, the remuneration shall normally comprise a fixed interest rate of not more than 3% and a variable component related to the performance of the project; and
    - (b) in the case of subordinated loans, the interest rate shall be market related.
  5. Guarantees shall be priced so as to reflect the risks insured and the particular characteristics of the operation.
  6. The interest rate of ordinary loans shall comprise a reference rate applied by the Bank for comparable loans with the same terms and conditions as to grace and repayment periods and a mark up determined by the Bank.
  7. Ordinary loans may be extended on concessional terms and conditions in the following cases:
    - (a) for infrastructure projects in the Least Developed Countries or in post-conflict countries that are prerequisites for private sector development. In such cases, the interest rate of the loan will be reduced by 3%; and

- (b) for projects which involve restructuring operations in the framework of privatisation or for projects with substantial and clearly demonstrable social or environmental benefits. In such cases, loans may be extended with an interest rate subsidy the amount and form of which will be decided with respect to the particular characteristics of the project. However, the interest rate subsidy shall not be higher than 3%.

The final interest rate shall, in any case, never be less than 50% of the reference rate.

8. The funds to be provided for these concessional purposes will be made available from the Investment Facility and shall not exceed 5% of the overall amount allocated for investment financing by the Investment Facility and by the Bank from its own resources.
9. Interest subsidies may be capitalised or may be used in the form of grants to support project-related technical assistance, particularly for financial institutions in the ACP countries.

### ARTICLE 3

#### Operations of the investment facility

1. The Investment Facility shall operate in all economic sectors and support investments of private and commercially run public sector entities, including revenue generating economic and technological infrastructure critical for the private sector. The Facility shall:

(a) be managed as a revolving fund and aim at being financially sustainable. Its operations shall be on market-related terms and conditions and shall avoid creating distortions on local markets and displacing private sources of finances; and

(b) endeavour to have a catalytic effect by encouraging the mobilisation of long-term local resources and attracting foreign private investors and lenders to projects in the ACP States.

2. On expiry of the Financial Protocol, and in the absence of a specific decision by the Council of Ministers, the cumulative net reflows to the Investment Facility shall be carried over to the next Protocol.

### ARTICLE 4

#### Bank own resource loans

1. The Bank shall:

(a) contribute, through the resources it manages, to the economic and industrial development of the

ACP States on a national and regional basis; and to this end, finance as a priority productive projects and programmes or other investments aimed at promoting the private sector in all economic sectors;

(b) establish close cooperation links with national and regional development banks and with banking and financial institutions of the ACP States and of the EU; and

(c) in consultation with the ACP State concerned, adapt the arrangements and procedures for implementing development finance cooperation, as set out in this Agreement, if necessary, to take account of the nature of the projects and programmes and to act in accordance with the objectives of this Agreement, within the framework of the procedures laid down by its statute.

2. Loans from the Bank's own resources shall be granted under the following terms and conditions:

(a) the reference rate of interest shall be the rate applied by the Bank for a loan with the same conditions as to currency, and repayment period on the day of signature of the contract or on the date of disbursement;

(b) however :

(i) in principle, public sector projects shall be eligible for an interest rate subsidy of 3%;

(ii) private sector projects falling into the categories specified in Article 2 (7)(b) shall be eligible for interest rates subsidies on the same terms as those specified in Article 2(7)(b).

The final interest rate shall, in any case, never be less than 50% of the reference rate.

(c) the amount of the interest rate subsidy calculated in terms of its value at the times of disbursement of the loan shall be charged against the interest subsidy allocation of the Investment Facility as defined in Article 2(8) and 2(9), and paid directly to the Bank; and

(d) the repayment period of loans made by the Bank from its own resources shall be determined on the basis of the economic and financial characteristics of the project, but may not exceed 25 years. These loans shall normally comprise a grace period fixed by reference to the construction period of the project.

3. For investments financed by the Bank from its own resources in public sector companies, specific project-related guarantees or undertakings may be required from the ACP State concerned.

## ARTICLE 5

### Conditions for foreign exchange rate risk

In order to minimise the effects of exchange rate fluctuations, the problems of exchange rate risk shall be dealt with in the following way:

- (a) in the case of equity participation designed to strengthen an enterprise's own funds, the exchange rate risk shall, as a general rule, be borne by the Investment Facility;
- (b) in the case of risk capital financing for small-and medium-sized enterprises (SMEs), the exchange rate risk shall, as a general rule, be shared by the Community, on the one part, and by the other parties involved, on the other. On average, the foreign exchange rate risk shall be shared equally; and
- (c) where feasible and appropriate, particularly in countries characterised by macroeconomic and financial stability, the Facility will endeavour to extend loans in local ACP currencies, thus de facto taking the foreign exchange risk.

## ARTICLE 6

### Conditions for foreign exchange transfer

The ACP States concerned shall, in respect of operations under the Agreement, and in respect of which they have given their written approval within the framework of this Agreement:

- (a) grant exemption from all national or local duties, fiscal charges on interest, commission and amortisation of loans due in accordance with the law or laws of the ACP State or States concerned;
- (b) place at the disposal of the beneficiaries the currency necessary for the payment of interest, commission and the amortisation of loans due in terms of financing contracts granted for the implementation of projects and programmes on their territories; and
- (c) make available to the Bank the foreign currency necessary for the transfer of all sums received by it in national currency at the exchange rate applicable between the Euro or other currencies of transfer and the national currency at the date of the transfer. These include all forms of remuneration, such as, inter alia, interest, dividends, commissions and fees, as well as the amortisation of loans and the proceeds from the sale of shares due in terms of financing contracts granted for the

implementation of projects and programmes on their territories.

## CHAPTER 2

### Special operations

## ARTICLE 7

1. Cooperation shall support from the grant allocation:
  - (a) low-income housing to promote long-term development of the housing sector, including secondary mortgage facilities;
  - (b) micro-finance to promote SMEs and micro-enterprises; and
  - (c) capacity building to strengthen and facilitate the effective participation of the private sector in social and economic development.
2. The ACP-EC Council of Ministers shall, after the signature of this Agreement and on a proposal by the ACP-EC Development Finance Cooperation Committee, decide on the modalities and the amount of resources allocated from the long-term development envelope to attain these objectives.

## CHAPTER 3

### Financing for short-term fluctuations in export earnings

## ARTICLE 8

1. The Parties recognise that losses of export earnings as a result of short-term fluctuations may jeopardise the development financing requirements and the implementation of macroeconomic and sectoral policies. The degree of dependence of an ACP State's economy on the export of goods, and in particular from agricultural and mining products shall, therefore, be a criterion for determining the allocation of long-term development.

2. In order to mitigate the adverse effects of instability of export earnings and safeguard the development programme jeopardised by the drop in revenue, additional financial support may be mobilised from the programmable resources for the country's long-term development on the basis of Articles 9 and 10.

## ARTICLE 9

### Eligibility criteria

1. Eligibility for additional resources shall be established by:
  - (a) — a 10 % (2% in the case of least-developed countries) loss of export earnings from goods compared with the arithmetical average of the earnings in the first three years of the first four years preceding the application year; or  
  
— a 10 % (2% in the case of least-developed countries ) loss of export earnings from the total of agricultural or mineral products compared with the arithmetical average of the earnings in the first three years of the first four years preceding the application year for countries where the agricultural or mineral export revenues represent more than 40 % of total export revenues from goods; and
  - (b) a 10 % worsening in the programmed public deficit programmed for the year in question or forecast for the following year.
2. Entitlement to additional support shall be limited to four successive years.
3. The additional resources shall be reflected in the public accounts of the country concerned. They shall be utilised in accordance with programming rules and methods including the specific provisions in Annex IV "Implementation and management procedures", on the basis of agreements drawn up in advance between the Community and the ACP State concerned in the year following the application. By agreement of both Parties the resources may be used to finance programmes included in national budget. However a part of the additional resources may also be set aside for specific sectors.

## ARTICLE 10

### Advances

The system for allocating additional resources shall provide for advances to cover any delays in obtaining

consolidated trade statistics and to ensure that the resources in question can be included in the budget of the year following the application year. Advances shall be mobilised on the basis of provisional export statistics drawn up by the government and submitted to the Commission in advance of the official final consolidated statistics. The maximum advance shall be 80 % of the estimated amount of additional resources for the application year. The amounts thus mobilised shall be adjusted by common agreement between the Commission and the government in the light of final consolidated export statistics and the final figure of the public deficit.

## ARTICLE 11

The provisions in this Chapter shall be subject to review at the latest after two years of operation and subsequently at the request of either Party.

## CHAPTER 4

### Other provisions

## ARTICLE 12

### Current payments and capital movements

1. Without prejudice to paragraph 3 hereafter, the Parties undertake to impose no restrictions on any payments, in freely convertible currency, on the current account of balance of payments between residents of the Community and of the ACP States.
2. With regard to transactions on the capital account of balance of payments, the Parties undertake to impose no restrictions on the free movement of capital relating to direct investments made in companies formed in accordance with the law of the host country and investments made in accordance with this Agreement, and the liquidation or repatriation of these investments and of any profit stemming therefrom.
3. Where one or more ACP State or one or more Member State of the Community is in serious balance of payments difficulties, or under threat thereof, the ACP State, the Member State or the Community may, in accordance with the conditions established under the GATT, GATS and Article VIII and XIV of the Articles of Agreement of

the International Monetary Fund, adopt restrictions on current transactions which shall be of limited duration and may not go beyond what is necessary to remedy the balance of payments situation. The Party taking the measures shall inform the other Parties forthwith and shall submit to them as soon as possible a timetable for the elimination of the measures concerned.

### ARTICLE 13

#### Qualification and treatment of business entities

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

### ARTICLE 14

#### Definition of "companies and firms"

1. For the purpose of this Agreement, "companies or firms of a Member State or an ACP State" mean companies or firms constituted under civil or commercial law, including corporations, whether public or otherwise, cooperative societies and other legal persons and partnerships governed by public or private law, save for those which are non-profit-making, formed in accordance with the law of a Member State or an ACP State and whose statutory office, central administration or principal place of business is a Member State or an ACP State.
2. However, a company or firm having only its statutory office in a Member State or an ACP State must be engaged in an activity which has an effective and continuous link with the economy of that Member State or ACP State.

## CHAPTER 5

### Investment protection agreements

#### ARTICLE 15

1. When implementing the provisions of Article 78 of this Agreement, the Parties shall take into account the following principles :
  - (a) a Contracting State may request where appropriate, the negotiation of an investment promotion and protection agreement with another Contracting State;
  - (b) the States party to such agreements shall practise no discrimination between Contracting States party to this Agreement or against each other in relation to third countries when opening negotiations for concluding, applying and interpreting bilateral or multilateral investment promotion and protection agreements;
  - (c) the Contracting States shall have the right to request a modification or adaptation of the non-discriminatory treatment referred to above when international obligations or changed circumstances so necessitate;
  - (d) the application of the principles referred to above does not purport to and cannot in practice infringe the sovereignty of any Contracting Party to the Agreement; and
  - (e) the relation between the date of entry into force of any agreement negotiated, provisions for the settlement of disputes and the date of the investments concerned will be set out in the said agreement, account being taken of the provisions set out above. The Contracting Parties confirm that retroactivity shall not apply as a general principle unless Contracting States stipulate otherwise.
2. With a view to facilitating the negotiation of bilateral agreements on investment promotion and protection, the Contracting Parties agree to study the main clauses of a model protection agreement. The study, drawing on the provisions of the existing bilateral agreements between the States Parties, will give particular attention to the following issues:
  - (a) legal guarantees to ensure fair and equitable treatment and protection of foreign investors;
  - (b) the most-favoured-investor clause;

- (c) protection in the event of expropriation and nationalisation;
  - (d) the transfer of capital and profits, and
  - (e) international arbitration in the event of disputes between investor and host State.
3. The Parties agree to study the capacity of the guarantee systems to give a positive answer to the

specific needs of small and medium-sized enterprises of insuring their investments in ACP States. The studies referred to above shall be started as soon as possible after the signing of the Agreement. The result of these studies shall be submitted, upon completion to the ACP-EC Development Finance Cooperation Committee for consideration and appropriate action.

## **ANNEX III**

### **INSTITUTIONAL SUPPORT, CDE AND CTA**

#### **ARTICLE 1**

Cooperation shall support the institutional mechanisms that provide assistance for businesses and enterprises and promote agriculture and rural development. In this context, cooperation shall help to:

- (a) strengthen and enhance the role of the Centre for the Development of Enterprise (CDE) so as to provide the ACP private sector with the necessary support in the promotion of private sector development activities; and
- (b) strengthen and reinforce the role of the Centre for the Development of Agriculture (CTA) in ACP institutional capacity development, particularly information management, in order to improve access to technologies for increasing agricultural productivity, commercialisation, food security and rural development.

#### **ARTICLE 2**

##### **CDE**

1. The CDE shall support the implementation of private-sector development strategies in the ACP countries by providing non-financial services to ACP companies and businesses and support to joint initiatives set up by economic operators of the Community and of the ACP States.
2. The CDE shall aim to assist private ACP enterprises to become more competitive in all sectors of the economy. It shall in particular:

- (a) facilitate and promote business cooperation and partnerships between ACP and EU enterprises;
- (b) assist with the development of business support services through support for capacity building in private sector owned organisations or support for providers of technical, professional, management, commercial and training support services;
- (c) provide assistance for investment promotion activities, such as investment promotion organisations, organisation of investment conferences, training programmes, strategy workshops and follow-up investment promotion missions; and
- (d) support for initiatives that contribute to develop and transfer technologies and know-how and best practices on all aspects of business management.

3. The CDE shall also:

- (a) inform the ACP private sector about the provisions of the Agreement;
  - (b) diffuse information within the local ACP private sector about the product quality and standards required in external markets; and
  - (c) provide information to European companies and private sector organisations on business opportunities and modalities in ACP countries.
4. The CDE shall extend its support for enterprises through qualified and competent national and/or regional service-providing intermediaries.

5. The activities of the CDE shall be based on the concept of coordination, complementarity and added value in respect of any private sector development initiatives taken by public or private entities. The CDE shall exercise selectivity in undertaking its tasks.
6. The Committee of Ambassadors shall be the supervisory authority of the Centre. It shall, after the signature of this Agreement:
  - (a) lay down the statutes and rules of procedure of the Centre, including its supervisory bodies;
  - (b) lay down the statutes relating to staff, financial and staff regulations;
  - (c) supervise the work of the bodies of the Centre; and
  - (d) lay down the rules of operation and the procedures for the adoption of the Centre's budget.
7. The Committee of Ambassadors shall, in accordance with the procedures and criteria determined by it, appoint the members of the bodies of the Centre.
8. The budget of the Centre shall be financed in accordance with the rules laid down in this Agreement in respect of development finance cooperation.

### ARTICLE 3

#### CTA

1. The mission of the CTA shall be to strengthen policy and institutional capacity development and information and communication management capacities of ACP agricultural and rural development organisations. It shall assist such organisations in formulating and implementing policies and programmes to reduce poverty, promote sustainable food security, preserve the natural resource base, and thus contribute to building self-reliance in ACP rural and agricultural development.
2. The CTA shall:
  - (a) develop and provide information services and ensure better access to research, training and innovations in the spheres of agricultural and rural development and extension, in order to promote agriculture and rural development; and
  - (b) develop and reinforce ACP capacities in order to:

- (i) improve the formulation and management of agricultural and rural development policies and strategies at national and regional levels including improved capacity for data collection, policy research, analysis and formulation;
  - (ii) improve the information and communication management, in particular within the National Agricultural Strategy;
  - (iii) promote effective intra-institutional Information and Communication Management (ICM) for performance monitoring, as well as consortia with regional and international partners;
  - (iv) promote decentralised ICM at local and national levels;
  - (v) strengthen initiatives via regional cooperation; and
  - (vi) develop approaches for assessing the impact of policy on agricultural and rural development.
3. The Centre shall support regional initiatives and networks and shall progressively share capacity development programmes with appropriate ACP organisations. To this end, the Centre shall support decentralised regional information networks. Such networks shall be built up gradually and efficiently.
  4. The Committee of Ambassadors shall be the supervisory authority of the Centre. It shall, after the signature of this Agreement:
    - (a) lay down the statutes and rules of procedures of the Centre, including its supervisory bodies;
    - (b) lay down the statutes relating to staff, financial and staff regulations;
    - (c) supervise the work of the bodies of the Centre; and
    - (d) lay down the rules of operation and the procedures for the adoption of the Centre's budget.
  5. The Committee of Ambassadors shall, in accordance with the procedures and criteria determined by it, appoint the members of the bodies of the Centre.
  6. The budget of the Centre shall be financed in accordance with the rules laid down in this Agreement in respect of development finance cooperation.

# ANNEX IV

## IMPLEMENTATION AND MANAGEMENT PROCEDURES

### CHAPTER 1

#### Programming (national)

##### ARTICLE 1

Operations financed by grants within the framework of this Agreement shall be programmed at the beginning of the period covered by the Financial Protocol. Programming for this purpose shall mean:

- (a) the preparation and development of a Country Support Strategy (CSS) based on the country's own medium-term development objectives and strategies;
- (b) a clear indication from the Community of the indicative programmable financial allocation from which the country may benefit during the five-year period as well as any other relevant information;
- (c) the preparation and adoption of an indicative programme for implementing the CSS; and
- (d) a review process covering the CSS, the indicative programme and the volume of resources allocated to it.

##### ARTICLE 2

#### Country support strategy

The CSS shall be prepared by the ACP State concerned and the EU following consultations with a wide range of actors in the development process, and shall draw on lessons learned and best practices. Each CSS shall be adapted to the needs and respond to the specific circumstances of each ACP State. The CSS shall be an instrument to prioritise activities and to build local ownership of cooperation programmes. Any divergences between the country's own analysis and that of the Community shall be noted. The CSS shall include the following standard elements:

- (a) an analysis of the political, economic and social country context, constraints, capacities and prospects including an assessment of basic

needs, such as income per capita, population size and social indicators, and vulnerability;

- (b) a detailed outline of the country's medium-term development strategy, clearly defined priorities and expected financing requirements;
- (c) an outline of relevant plans and actions of other donors present in the country, in particular including those of the EU Member States in their capacity as bilateral donors;
- (d) response strategies, detailing the specific contribution the EU can provide. These shall, to the extent possible, enable complementarity with operations financed by the ACP State itself and by other donors present in the country; and
- (e) a definition of the nature and scope of the most appropriate support mechanisms to be applied in implementing the above strategies.

##### ARTICLE 3

#### Resource allocation

1. Resource allocation shall be based on needs and performance, as defined in this Agreement. In this context:
  - (a) needs shall be assessed on the basis of criteria pertaining to per capita income, population size, social indicators and level of indebtedness, export earning losses and dependence on export earnings, in particular from the sectors of agriculture and mining. Special treatment shall be accorded to the least developed ACP States and the vulnerability of island and landlocked states shall duly be taken into account. In addition, account shall be taken of the particular difficulties of post-conflict countries; and
  - (b) performance shall be assessed in an objective and transparent manner on the basis of the following parameters: progress in implementing institutional reforms, country performance in the use of resources, effective implementation of current operations, poverty alleviation or reduction, sustainable development measures and macro-economic and sectoral policy performance.

2. The allocated resources shall comprise two elements:
    - (a) an allocation to cover macroeconomic support, sectoral policies, programmes and projects in support of the focal or non focal areas of Community assistance; and
    - (b) an allocation to cover unforeseen needs such as emergency assistance where such support cannot be financed from the EU budget, contributions to internationally agreed debt relief initiatives and support to mitigate adverse effects of instability in export earnings.
  3. This indicative amount shall facilitate the long-term programming of Community aid for the country concerned. Together with the uncommitted balances of resources allocated to the country under previous EDF, and wherever possible Community budget resources, these allocations shall be the basis for the preparation of the indicative programme for the country concerned.
  4. Provision will be made for those countries which, due to exceptional circumstances, can not access normal programmable resources.
    - (f) a reserve for insurance against possible claims and to cover cost increases and contingencies.
2. The draft indicative programme shall, as appropriate, contain the resources reserved to reinforce human, material and institutional ACP capacity for preparing and implementing national and regional indicative programmes and for improving the management of the ACP States' public investment projects cycle.
  3. The draft indicative programme shall be the subject of an exchange of views between the ACP State concerned and the Community. The indicative programme shall be adopted by common agreement between the Community and the ACP State concerned. It shall, when adopted, be binding on both the Community and that State. This indicative programme shall be annexed to the CSS and shall in addition contain:
    - (a) specific and clearly identified operations, especially those that can be committed before the next review;
    - (b) a timetable for implementation and review of the indicative programme, including commitments and disbursements of resources; and
    - (c) the parameters and criteria for the reviews.
  4. The Community and the ACP State concerned shall take all necessary measures to ensure that the programming process is completed within the shortest possible time and, save in exceptional circumstances, within twelve months of the signing of the Financial Protocol. In this context, the preparation of the CSS and the indicative programme must be part of a continuous process leading to the adoption of a single document.

## ARTICLE 4

### Preparation and adoption of the indicative programme

1. Upon receipt of the information referred to above, each ACP State shall draw up and submit to the Community a draft indicative programme on the basis of and consistent with its development objectives and priorities as expressed in the CSS. The draft indicative programme shall contain:
  - (a) the focal sector, sectors or areas on which support should be concentrated;
  - (b) the most appropriate measures and operations for attaining the objectives and targets in the focal sector, sectors or areas;
  - (c) the resources reserved for projects and programmes outside the focal sector(s) and/or the broad outlines of such activities, as well as an indication of the resources to be deployed for each of these elements;
  - (d) identification of eligible non-State actors and the resources allocated for non-State actors;
  - (e) proposals for regional projects and programmes; and

## ARTICLE 5

### Review process

1. Financial cooperation between the ACP State and the Community shall be sufficiently flexible to ensure that operations are kept constantly in line with the objectives of this Agreement and to take account of any changes occurring in the economic situation, priorities and objectives of the ACP State concerned. In this context, the National Authorising Officer and the Head of Delegation shall:
  - (a) annually undertake an operational review of the indicative programme; and

- (b) undertake a mid-term and end-of-term review of the CSS and the indicative programme in the light of current needs and performance.
2. In exceptional circumstances referred to in the provisions on humanitarian and emergency assistance, the review can be carried out on the demand of either Party.
3. The National Authorising Officer and the Head of Delegation shall:
- (a) take all necessary measures to ensure adherence to the provisions of the indicative programme, including ensuring that the timetable of commitments and disbursements agreed at the time of programming is adhered to; and
- (b) determine any causes of delay in implementation and propose suitable measures to remedy the situation.
4. The annual operational review of the indicative programme shall consist of a joint assessment of the implementation of the programme and take into account the results of relevant activities of monitoring and evaluation. This review shall be conducted locally and shall be finalised between the National Authorising Officer and the Head of Delegation within a period of 60 days. It shall in particular cover an assessment of:
- (a) the results achieved in the focal sector(s) measured against the identified targets and impact indicators and sectoral policy commitments;
- (b) projects and programmes outside the focal sector(s) and/or in the framework of multi-annual programmes;
- (c) the use of resources set aside for non-State actors;
- (d) the effectiveness in implementation of current operations and the extent to which the timetable for commitments and payments have been respected; and
- (e) an extension of the programming perspective for the following years.
5. The National Authorising Officer and the Head of Delegation shall submit the report on the conclusion of the annual review to the Development Finance Cooperation Committee, within 30 days of the completion of the operational review. The Committee shall examine the report in accordance with its responsibilities and powers under the Agreement.
6. In the light of the annual operational reviews, the National Authorising Officer and the Head of Delegation may at the mid-term and end-of-term reviews, and within the above time frames, review and adapt the CSS:
- (a) where operational reviews indicate specific problems; and/or
- (b) in the light of changed circumstances of an ACP State.
- Such reviews shall be completed within a further period of 30 days of the finalisation of the mid-term and end-of-term reviews. The end of Financial Protocol review shall also include adaptation for the new financial Protocol in terms of both resource allocation and preparation for the next programme.
7. Following the completion of mid-term and end-of-term reviews, the Community may revise the resource allocation in the light of current needs and performance of the ACP State concerned.

## CHAPTER 2

### Programming and preparation (regional)

#### ARTICLE 6

#### Participation

1. Regional cooperation shall cover operations benefiting and involving:
- (a) two or more or all ACP States; and / or
- (b) a regional body of which at least two ACP States are members.
2. Regional cooperation can also involve Overseas Countries and Territories and outermost regions. The funding to enable participation of these territories shall be additional to funds allocated to the ACP States under the Agreement.

## ARTICLE 7

### Regional programmes

The ACP States concerned shall decide on the definition of geographical regions. To the maximum extent possible, regional integration programmes should correspond to programmes of existing regional organisations with a mandate for economic integration. In principle, in case the membership of several relevant regional organisations overlaps, the regional integration programme should correspond to the combined membership of these organisations. In this context, the Community will provide specific support from regional programmes to groups of ACP States who are committed to negotiate economic partnership agreements with the EU.

## ARTICLE 8

### Regional programming

1. Programming shall take place at the level of each region. The programming shall be a result of an exchange of views between the Commission and the duly mandated regional organisation(s) concerned, and in the absence of such a mandate, the National Authorising Officers of the countries in that region. Where appropriate, programming may include a consultation with eligible non-State actors.
2. Programming for this purpose shall mean:
  - (a) preparation and development of a Regional Support Strategy (RSS) based on the region's own medium-term development objectives and strategies;
  - (b) a clear indication from the Community of the indicative resource allocation from which the region may benefit during the five-year period as well as any other relevant information;
  - (c) preparation and adoption of a Regional Indicative Programme (RIP) for implementing the RSS; and
  - (d) a review process covering the RSS, the RIP and the volume of resources allocated to each region.
3. The RSS shall be prepared by the Commission and the duly mandated regional organisation(s) in collaboration with the ACP States in the region concerned. The RSS will be an instrument to prioritise activities and to build local ownership of supported programmes. The RSS shall include the following standard elements:

- (a) an analysis of the political, economic and social context of the region;
- (b) an assessment of the process and prospects of regional economic integration and integration into the world economy;
- (c) an outline of the regional strategies and priorities pursued and the expected financing requirements;
- (d) an outline of relevant activities of other external partners in regional cooperation; and
- (e) an outline of the specific EU contribution towards achievement of the goals for regional cooperation and integration, complementary insofar as possible to operations financed by the ACP States themselves and by other external partners, particularly the EU Member States.

## ARTICLE 9

### Resource allocation

At the beginning of the period covered by the Financial Protocol, each region shall receive from the Community an indication of the volume of resources from which it may benefit during a five-year period. The indicative resource allocation shall be based on an estimate of need and the progress and prospects in the process of regional cooperation and integration. In order to achieve an adequate scale and to increase efficiency, regional and national funds may be mixed for financing regional operations with a distinct national component.

## ARTICLE 10

### Regional indicative programme

1. On the basis of the resource allocation indicated above, the duly mandated regional organisation(s), and in the absence of such a mandate, the National Authorising Officers of the countries in the region, shall draw up a draft Regional Indicative Programme. In particular, the draft programme shall specify:
  - (a) the focal sectors and themes of Community aid;
  - (b) the most appropriate measures and operations to achieve the objectives set for those sectors and themes; and
  - (c) the projects and programmes enabling those objectives to be attained, insofar as they have been clearly identified as well as an indication of

the resources to be deployed for each of these elements and a timetable for their implementation.

2. The Regional Indicative Programmes shall be adopted by common agreement between the Community and the ACP States concerned.

## **ARTICLE 11**

### **Review process**

Financial cooperation between each ACP region and the Community shall be sufficiently flexible to ensure that operations are kept constantly in line with the objectives of this Agreement and to take account of any changes occurring in the economic situation, priorities and objectives of the region concerned. A mid-term and end-of-term review of the regional indicative programmes shall be undertaken to adapt the indicative programme to evolving circumstances and to ensure that they are correctly implemented. Following the completion of mid-term and end-of-term reviews, the Community may revise the resource allocation in the light of current needs and performance.

## **ARTICLE 12**

### **Intra-ACP cooperation**

At the beginning of the period covered by the Financial Protocol, the Community shall indicate to the ACP Council of Ministers the part of the funds earmarked for regional operations that shall be set aside for operations that benefit many or all ACP States. Such operations may transcend the concept of geographic location.

## **ARTICLE 13**

### **Requests for financing**

1. Requests for financing of regional programmes shall be submitted by:
  - (a) a duly mandated regional body or organisation; or
  - (b) a duly mandated sub-regional body, organisation or an ACP State in the region concerned at the programming stage, provided that the operation has been identified in the RIP.
2. Requests for intra-ACP programmes shall be submitted by:
  - (a) at least 3 mandated regional bodies or organisations belonging to different geographic regions, or

the National Authorising Officers of such regions; or

- (b) the ACP Council of Ministers, or, by specific delegation, the ACP Committee of Ambassadors; or
- (c) international organisations carrying out operations that contribute to the objectives of regional cooperation and integration, subject to prior approval by the ACP Committee of Ambassadors.

## **ARTICLE 14**

### **Procedures for implementation**

1. Regional programmes shall be implemented by the requesting body or any other duly authorised institution or body.
2. Intra-ACP programmes shall be implemented by the requesting body or their duly authorised agent. In the absence of a duly authorised implementing body, and without prejudice to ad hoc projects and programmes managed by the ACP Secretariat, the Commission shall be responsible for the implementation of intra-ACP operations.
3. Account being taken of the objectives and inherent characteristics of regional cooperation, operations undertaken in this sphere shall be governed by the procedures established for development finance cooperation where applicable.

## **CHAPTER 3**

### **Project implementation**

## **ARTICLE 15**

### **Project identification, preparation and appraisal**

1. Projects and programmes that have been presented by the ACP State shall be subject to joint appraisal. The ACP-EC Development Finance Cooperation Committee shall develop the general guidelines and criteria for appraisal of projects and programmes.
2. Project or programme dossiers prepared and submitted for financing must contain all information necessary for the appraisal of the projects or programmes or, where such projects and pro-

grammes have not been completely defined, provide the broad outlines necessary for their appraisal. Such dossiers shall be officially transmitted to the Community by the ACP States or the other eligible beneficiaries in accordance with this Agreement.

3. Project and programme appraisal shall, take due account of national human resource constraints and ensure a strategy favourable to the promotion of such resources. It shall also take into account the specific characteristics and constraints of each ACP State.

## ARTICLE 16

### Financing proposal and decision

1. The conclusions of the appraisal shall be summarised in a financing proposal drawn up by the Community in close collaboration with the ACP State concerned. This financing proposal shall be submitted for approval by the Commission's decision-making body.
2. The financing proposal shall contain an advance timetable for the technical and financial implementation of the project or programme, including multi-annual programmes and global allocations for operations of a small financial scale, and shall deal with the duration of the different phases of implementation. The financing proposal shall:
  - (a) take into account the comments of the ACP State or States concerned; and
  - (b) be forwarded simultaneously to the ACP State or States concerned and the Community.
3. The Commission shall finalise the financing proposal and forward it, with or without amendment, to the Community's decision-making body. The ACP State or States concerned shall be given an opportunity to comment on any amendment of substance which the Commission intends to make to the document. These comments shall be reflected in the amended financing proposal.
4. The Community's decision-making body shall communicate its decision within 120 days from the date of communication of the financial proposal referred to above.
5. Where the financing proposal is not adopted by the Community, the ACP State or States concerned shall be informed immediately of the reasons for that decision. In such a case, the representatives of the ACP State or States concerned may, within 60 days thereafter, request either:
  - (a) that the matter be referred to the ACP-EC Development Finance Cooperation Committee set up under the Agreement; or
  - (b) that they be given a hearing by the Community's decision-making body.
6. Following such a hearing, a definitive decision to adopt or reject the financing proposal shall be taken by the relevant Community body to which the ACP State or States concerned may forward, before the decision is taken, any facts which may appear necessary to supplement the information available to it.
7. Multi-annual programmes shall, inter alia, finance training, decentralised operations, micro-projects, trade promotion and trade development, sets of operations of a limited scale in a specific sector, project/programme management support and technical cooperation.
8. In cases referred to above, the ACP State concerned may submit to the Head of Delegation a multi-annual programme setting out its broad outlines, the types of actions envisaged and the financial commitment proposed:
  - (a) the financing decision on each multi-annual programme shall be taken by the Chief Authorising Officer. The letter from the Chief Authorising Officer to the National Authorising Officer notifying such decision shall constitute the financing agreement; and
  - (b) within the framework of multi-annual programmes thus adopted, the National Authorising Officer or, when the case arises, the agent of decentralised cooperation which has been delegated functions for this purpose or, in appropriate cases, other eligible beneficiaries shall implement each individual action in accordance with the relevant provisions of this Agreement and the terms of the financing agreement referred to above. Where implementation is to be carried out by agents of decentralised cooperation or other eligible beneficiaries, the National Authorising Officer and the Head of Delegation shall maintain financial responsibility and monitor the operations regularly with a view to enabling them, inter alia, to carry out their obligations.
9. At the end of each year, the National Authorising Officer in consultation with the Head of Delegation, shall forward a report to the Commission on the implementation of the multi-annual programmes.

## ARTICLE 17

### Financing agreement

1. Save as otherwise provided for in this Agreement, for any project or programme financed by a grant from the Fund, a financing agreement shall be drawn up between the Commission and the ACP State or States concerned. Where the direct beneficiary is not an ACP State, the Commission shall formalise the financing decision by means of an exchange of letters with the beneficiary concerned.
2. The financing agreement shall be drawn up between the Commission and the ACP State or States concerned within 60 days of the decision of the Community's decision-making body. The agreement shall:
  - (a) specify, in particular the details of the Fund's financial commitment and the financing arrangements and terms, the general and specific provisions relating to the project or programme concerned and shall also incorporate the advance timetable for the technical implementation of the project or programme contained in the financing proposal; and
  - (b) make adequate provision for appropriations to cover cost increases and contingencies.
3. Once the financing agreement has been signed, disbursements shall be made in accordance with the financing plan laid down therein. Any unexpended balance left upon closure of the accounts of projects and programmes shall accrue to the ACP State concerned and shall be so specified in the Fund's books. It may be used in the manner laid down in this Agreement for the financing of projects and programmes.

## ARTICLE 18

### Cost over-runs

1. Once it appears that cost over-runs beyond the limit set in the financing agreement are likely to be incurred, the National Authorising Officer shall, through the Head of Delegation, notify the Chief Authorising Officer accordingly, as well as of the measures which the National Authorising Officer intends to take in order to cover such cost over-runs over the allocated appropriations, either by reducing the scale of the project or programme or by calling on national or other non-Community resources.

2. If it is decided by agreement with the Community not to scale down the project or programme or if it is not possible to cover them by other resources, then such over-runs may be financed up to 20% of the financial commitment for the project or programme concerned from the indicative programme.

## ARTICLE 19

### Retroactive financing

1. In order to ensure early project start-up, avoid gaps between sequential projects and prevent delays, the ACP States, in agreement with the Commission, may, on completion of project appraisal and before the financing decision is taken:
  - (a) issue invitations to tender for all types of contracts, with a suspension clause; and
  - (b) pre-finance activities linked to the start-up of programmes, preliminary and seasonal work, orders for equipment with long delivery lead times as well as some on-going operations. Such expenditures must satisfy the procedures provided for in the Agreement.
2. These provisions do not prejudice the powers of the Community's decision-making body.
3. Expenditure made by the ACP State in pursuance of this provision shall be retroactively financed under the project or programme, once the financing agreement is signed.

## CHAPTER 4

### Competition and preferences

## ARTICLE 20

### Eligibility

Save where a derogation is granted in accordance with the General Regulations for contracts or Article 22:

- (a) participation in invitations to tender and the award of the contracts financed by the Fund shall be open on equal terms to:

- (i) natural persons, companies or firms or public or semi-public agencies of the ACP States and the Member States;
  - (ii) cooperative societies and other legal persons governed by public or private law, of the Member States and/or the ACP States; and
  - (iii) joint ventures or groupings of companies or firms of ACP States and/or of a Member State.
- (b) supplies must originate in the Community and/or the ACP States. In this context, the definition of the concept of 'originating products' shall be assessed by reference to the relevant international agreements and supplies originating in the Community shall include supplies originating in the Overseas Countries and Territories.

## ARTICLE 21

### Participation on equal terms

The ACP States and the Commission shall take the necessary measures to ensure the widest possible participation on equal terms in invitations to tender for works, supplies and services contracts, including, as appropriate, measures to:

- (a) ensure publication of invitations to tender in the Official Journal of the European Communities, the Internet, the Official Journals of all the ACP States and any other appropriate information media;
- (b) eliminate discriminatory practices or technical specifications which might stand in the way of widespread participation on equal terms;
- (c) encourage cooperation between the companies and firms of the Member States and of the ACP States;
- (d) ensure that all the awarding criteria are specified in the tender dossier; and
- (e) ensure that the tender selected conforms to the requirements of the tender dossier and meets the awarding criteria stated therein.

## ARTICLE 22

### Derogation

1. In order to ensure the optimum cost-effectiveness of the system, natural or legal persons from non-ACP developing countries may be authorised to participate in contracts financed by the Community at the request of the ACP States con-

cerned. The ACP States concerned shall, on each occasion, provide the Head of Delegation with the information needed for the Community to decide on such derogation, with particular attention being given to:

- (a) the geographical location of the ACP State concerned;
- (b) the competitiveness of contractors, suppliers and consultants from the Member States and the ACP States;
- (c) the need to avoid excessive increases in the cost of performance of the contract;
- (d) transport difficulties or delays due to delivery times or other similar problems; and
- (e) technology that is the most appropriate and best suited to local conditions.

2. Participation by third countries in contracts financed by the Community may also be authorised:

- (a) where the Community participates in the financing of regional or inter-regional schemes involving such countries;
- (b) in the case of co-financing projects and programmes; and
- (c) in the case of emergency assistance.

3. In exceptional cases and in agreement with the Commission, consultancy firms with experts who are nationals of third countries may participate in service contracts.

## ARTICLE 23

### Competition

1. To simplify and streamline the general rules and regulations for competition and preferences for EDF financed operations, contracts shall be awarded through open and restricted procedures as well as framework contract, direct agreement contracts and direct labour as follows:

- (a) open international invitation to tender through or after the publication of a procurement notice in accordance with the provisions of this Agreement;
- (b) open local invitation to tender where the procurement notice is published exclusively in the beneficiary ACP State;

- (c) restricted international invitation to tender where the Contracting Authority invites a limited number of candidates to take part in the call for tender after the publication of a pre-information notice;
- (d) direct agreement contracts which involve simplified procedure where the publication of the procurement notice is dispensed with and the Contracting Authority invites a limited number of service providers to present their offers; and
- (e) direct labour agreement where contracts are performed through public or semi-public agencies and departments of the beneficiary States concerned.
2. Contracts financed from the Fund shall be concluded in accordance with the following provisions:
- (a) works contracts of a value :
- (i) higher than EUR 5 000 000 shall be awarded in an open international invitation to tender;
- (ii) between EUR 300 000 and EUR 5 000 000 shall be awarded through an open local invitation to tender; and
- (iii) lower than EUR 300 000 shall be awarded by direct agreement contract which involves a simplified procedure without publication of a procurement notice.
- (b) supply contracts of a value :
- (i) higher than EUR 150 000 shall be awarded through an open international invitation to tender;
- (ii) between EUR 30 000 and EUR 150 000 shall be awarded through an open local invitation to tender; and
- (iii) below EUR 30 000 shall be awarded by direct agreement contract which involves a simplified procedure without publication of a procurement notice.
- (c) service contracts of a value :
- (i) higher than EUR 200 000 shall be awarded through a restricted international tender after publication of a procurement notice; and
- (ii) below EUR 200 000 shall be awarded by direct agreement contract which involves a simplified procedure or a framework contract.
3. For works, supply and service contracts with a value of EUR 5 000 or less, these can be awarded directly without competition.
4. In case of restricted invitation to tender, a short-list of prospective tenderers shall be drawn up by the ACP State or States concerned in agreement with the Head of Delegation following, where applicable, a call for pre-qualification of tenders based on the publication of a procurement notice.
5. In case of direct-agreement contracts, the ACP State shall enter freely into such discussions as it may consider appropriate with the prospective tenderers whom it has short-listed in accordance with the Articles 20 to 22 and award the contract to the tenderers whom it has selected.
6. The ACP States may request the Commission to negotiate, draw up, conclude and implement service contracts directly on their behalf or through its relevant agency.

## ARTICLE 24

### Direct labour

1. In case of direct labour operations, projects and programmes shall be implemented through public or semi-public agencies or departments of the State or States concerned or by the person responsible for executing the operation.
2. The Community shall contribute to the costs of the department involved by providing the equipment and/or materials that it lacks and/or resources to allow it to acquire additional staff required in the form of experts from within the ACP States concerned or other ACP States. The participation of the Community shall cover only costs incurred by supplementary measures and temporary expenditure relating to execution strictly confined to the requirements of the project in question.

## ARTICLE 25

### Emergency assistance contracts

Contracts under emergency assistance shall be undertaken in such a way as to reflect the urgency of the situation. To this end, for all operations relating to emergency assistance, the ACP State may, in agreement with the Head of Delegation, authorise:

- (a) the conclusion of contracts by direct agreement;
- (b) the performance of contracts by direct labour;

- (c) implementation through specialised agencies; and
- (d) direct implementation by the Commission.

## ARTICLE 26

### Preferences

Measures shall be taken to encourage the widest participation of the natural and legal persons of ACP States in the performance of contracts financed by the Fund in order to permit the optimisation of the physical and human resources of those States. To this end:

- (a) for works contracts of a value of less than EUR 5 000 000, tenderers of the ACP States, provided that at least one quarter of the capital stock and management staff originates from one or more ACP States, shall be accorded a 10% price preference where tenders of an equivalent economic, technical and administrative quality are compared;
- (b) for supply contracts, irrespective of the value of the supplies, tenderers of the ACP States who offer supplies of at least 50% in contract value of ACP origin, shall be accorded a 15% price preference where tenders of equivalent economic, technical and administrative quality are compared;
- (c) in respect of service contracts, given the required competence, preference shall be given to:
  - (i) experts, institutions or consultancy companies or firms from ACP States where tenders of equivalent economic and technical quality are compared,
  - (ii) offers submitted by an ACP firm in a consortium with European partners, and
  - (iii) offers presented by European tenderers with ACP sub-contractors or experts.
- (d) where subcontracting is envisaged, preference shall be given by the successful tenderer to natural persons, companies and firms of ACP States capable of performing the contract required on similar terms; and
- (e) the ACP State may, in the invitation to tender, propose to the prospective tenderers the assistance of other ACP States' companies or firms or national experts or consultants selected by mutual agreement. This cooperation may take the form either of a joint venture, or of a subcontract or of on-the-job training of trainees.

## ARTICLE 27

### Award of contracts

1. Without prejudice to Article 24, the ACP State shall award the contract to the tenderer:
  - (a) whose tender is found to be responsive to the tender dossier;
  - (b) for a works or supply contract, who has offered the most advantageous tender as assessed, inter alia, on the basis of :
    - (i) the price, the operating and maintenance costs;
    - (ii) the qualifications of, and the guarantees offered by the tenderers, as well as the technical qualities of the tender, including the offer of an after-sales service in the ACP State; and
    - (iii) the nature of, the conditions and the time limit for executing the contracts, and the adaptation to local conditions.
  - (c) for a service contract who offers the most advantageous tender taking into account, inter alia, the price, the technical value of the tender, the organisation and the methodology proposed for the provision of the services as well as the competence, independence and availability of the personnel proposed.
2. Where two tenders are acknowledged to be equivalent on the basis of the criteria stated above, preference shall be given:
  - (a) to the tenderer of an ACP State; or
  - (b) if no such tender is forthcoming, to the tenderer who :
    - (i) permits the best possible use of the physical and human resources of the ACP States;
    - (ii) offers the greatest subcontracting possibilities to ACP companies, firms or natural persons; or
    - (iii) is a consortium of natural persons, companies and firms from ACP States and the Community.

## ARTICLE 28

### General regulations for contracts

1. The award of contracts financed from the resources of the Fund shall be governed by this

Annex and the procedures which shall be adopted by decision of the Council of Ministers at the first meeting following the signing of this Agreement, upon the recommendation of the ACP-EC Development Finance Cooperation Committee. These procedures shall respect the provisions of this Annex and the Community's procurement rules for cooperation with third countries.

2. Pending the adoption of these procedures, the current EDF rules as contained in the current general regulations and general conditions of contracts shall apply.

## ARTICLE 29

### General conditions for contracts

Performance of works, supply and service contracts financed from the resources of the Fund shall be governed by:

- (a) the general conditions applicable to contracts financed by the Fund which shall be adopted by decision of the Council of Ministers at the first meeting following the signing of this Agreement, upon the recommendation of the ACP-EC Development Finance Cooperation Committee; or
- (b) in the case of co-financed projects and programmes, or where a derogation to third parties has been granted or in accelerated procedures or in other appropriate cases, such other general conditions as may be agreed by the ACP State concerned and the Community, i.e. :
  - (i) the general conditions for contracts prescribed by the national legislation of the ACP State concerned or its established practices regarding international contracts; or
  - (ii) any other international general conditions for contracts.

## ARTICLE 30

### Settlement of disputes

Any dispute arising between the authorities of an ACP State and a contractor, supplier or provider of services during the performance of a contract financed by the Fund shall:

- (a) in the case of a national contract, be settled in accordance with the national legislation of the ACP State concerned; and

- (b) in the case of a transnational contract be settled either :

- (i) if the Parties to the contract so agree, in accordance with the national legislation of the ACP State concerned or its established international practices; or
- (ii) by arbitration in accordance with the procedural rules which will be adopted by decision of the Council of Ministers at the first meeting following the signing of this Agreement, upon the recommendation of the ACP-EC Development Finance Cooperation Committee.

## ARTICLE 31

### Tax and customs arrangements

1. The ACP States shall apply to contracts financed by the Community tax and customs arrangements no less favourable than those applied by them to the most favoured States or international development organisations with which they have relations. For the purpose of determining the most-favoured-nation (MFN) treatment, account shall not be taken of arrangements applied by the ACP State concerned to other ACP States, or to other developing countries.
2. Subject to the above provisions the following shall apply to contracts financed by the Community:
  - (a) the contract shall not be subject in the beneficiary ACP State to stamp or registration duties or to fiscal charges having equivalent effect, whether such charges already exist or are to be instituted in the future; however, such contracts shall be registered in accordance with the laws in force in the ACP State and a fee corresponding to the service rendered may be charged for it;
  - (b) profits and/or income arising from the performance of contracts shall be taxable according to the internal fiscal arrangements of the ACP State concerned, provided that the natural or legal persons who realise such profit and/or income have a permanent place of business in that State, or that the performance of the contract takes longer than six months;
  - (c) enterprises which must import professional equipment in order to carry out works contracts shall, if they so request, benefit from the system of temporary admission as laid down by the national legislation of the beneficiary ACP State in respect of the said equipment;

- (d) professional equipment necessary for carrying out tasks defined in a service contract shall be temporarily admitted into the beneficiary ACP State or States in accordance with its national legislation free of fiscal, import and customs duties and of other charges having equivalent effect where these duties and charges do not constitute remuneration for services rendered;
  - (e) imports under supply contracts shall be admitted into the beneficiary ACP State without customs duties, import duties, taxes or fiscal charges having equivalent effect. The contract for supplies originating in the ACP State concerned shall be concluded on the basis of the ex-works price of the supplies to which may be added such internal fiscal charges as may be applicable to those supplies in the ACP State;
  - (f) fuels, lubricants and hydrocarbon binders and, in general, all materials used in the performance of works contracts shall be deemed to have been purchased on the local market and shall be subject to fiscal rules applicable under the national legislation in force in the beneficiary ACP State; and
  - (g) personal and household effects imported for use by natural persons, other than those recruited locally, engaged in carrying out tasks defined in a service contract and members of their families, shall be exempt from customs or import duties, taxes and other fiscal charges having equivalent effect, within the limit of the national legislation in force in the beneficiary ACP State.
3. Any matter not covered by the above provisions on tax and customs arrangements shall remain subject to the national legislation of the ACP State concerned.

## CHAPTER 5

### Monitoring and evaluation

#### ARTICLE 32

##### Objectives

The objective of monitoring and evaluation shall consist in the regular assessment of development operations (preparation, implementation and subsequent operation) with a view to improving the development effectiveness of on-going and future operations.

## ARTICLE 33

### Modalities

1. Without prejudice to evaluations carried out by the ACP States or the Commission, this work will be done jointly by the ACP State(s) and the Community. The ACP-EC Development Finance Cooperation Committee shall ensure the joint character of the joint monitoring and evaluation operations. In order to assist the ACP-EC Development Finance Cooperation Committee, the Commission and the ACP General Secretariat shall prepare and implement the joint monitoring and evaluations and report to the Committee. The Committee shall, at its first meeting after the signature of the Agreement, fix the operational modalities aimed at ensuring the joint character of the operations and shall, on a yearly basis, approve the work programme.
2. Monitoring and evaluation activities shall notably:
  - (a) provide regular and independent assessments of the Fund's operations and activities by comparing results with objectives; and thereby
  - (b) enable the ACP States and the Commission and the Joint Institutions, to feed the lessons of experience back into the design and execution of future policies and operations.

## CHAPTER 6

### Management and executing agents

#### ARTICLE 34

##### The Chief Authorising Officer

1. The Commission shall appoint the Chief Authorising Officer of the Fund, who shall be responsible for managing the resources of the Fund. The Chief Authorising Officer shall be responsible for commitment, clearance, authorisation and accounting of expenditure under the Fund.
2. The Chief Authorising Officer shall:
  - (a) commit, clear and authorise expenditure and keep accounts of commitments and authorisations;

- (b) ensure that financing decisions are carried out;
  - (c) in close cooperation with the National Authorising Officer, make commitment decisions and financial arrangements that prove necessary to ensure proper execution of approved operations from the economic and technical viewpoints;
  - (d) prepare the tender dossier before the invitations to tender are issued, for:
    - (i) open international tender, and
    - (ii) restricted international invitation to tender with prequalification.
  - (e) approve the proposals for the placing of contracts subject to the powers exercised by the Head of Delegation under Article 36;
  - (f) ensure publication in reasonable time of international invitations to tender.
3. The Chief Authorising Officer shall, at the end of each year, make available a detailed balance sheet of the Fund showing balances of contributions paid into the Fund by the Member States and global disbursements in respect of each financing heading.
- (d) complete the evaluation of tenders within the tender validity period taking into consideration the period required for the approval of contracts;
  - (e) transmit the results of the examination of and a proposal for placing the contract to the Head of Delegation for his approval within the time limits set out in Article 36;
  - (f) clear and authorise expenditure within the limits of the funds assigned to him; and
  - (g) during the execution operations, make any adaptation arrangements necessary to ensure the proper execution of approved projects or programmes from the economic and technical viewpoint.
2. The National Authorising Officer shall, during the execution of operations and subject to the requirement to inform the Head of Delegation, decide on:
- (a) technical adjustments and alterations in matters of detail so long as they do not affect the technical solution adopted and remain within the limits of the reserve for adjustments;
  - (b) alterations to estimates during execution;
  - (c) transfers from item to item within estimates;
  - (d) changes of site for multiple-unit projects or programmes where justified on technical, economic or social grounds;
  - (e) imposition or remission of penalties for delay;
  - (f) acts discharging guarantors;
  - (g) purchase of goods, irrespective of their origin, on the local market;
  - (h) use of construction equipment and machinery not originating in the Member States or ACP States provided there is no production of comparable equipment and machinery in the Member States or ACP States;
  - (i) subcontracting;
  - (j) final acceptance, provided that the Head of Delegation is present at provisional acceptance, endorses the corresponding minutes and, where appropriate, is present at the final acceptance, in particular where the extent of the reservations recorded at the provisional acceptance necessitates major additional work; and
  - (k) hiring of consultants and other technical assistance experts.

## ARTICLE 35

### National Authorising Officer

1. The Government of each ACP States shall appoint a National Authorising Officer to represent it in all operations financed from the resources of the Fund managed by the Commission and the Bank. The National Authorising Officer may delegate some of these functions and shall inform the Chief Authorising Officer of any such delegation. The National Authorising Officer shall:
- (a) in close cooperation with the Head of Delegation be responsible for the preparation, submission and appraisal of projects and programmes;
  - (b) in close cooperation with the Head of Delegation, issue invitations for local open tender, receive tenders, both local and international( open and restricted), preside over the examination of tenders, establish the results of this examination, sign contracts and riders thereto and approve expenditure;
  - (c) submit, before issuing local open invitations to tender, the invitation to tender dossier to the Head of Delegation who shall give his agreement within 30 days;

## ARTICLE 36

### Head of Delegation

1. The Commission shall be represented in each ACP State or in each regional grouping, which expressly so requests, by a delegation under the authority of a Head of Delegation, with the approval of the ACP State or States concerned. Where a Head of Delegation is appointed to a group of ACP States, appropriate steps shall be taken to ensure that the Head of Delegation is represented by a deputy resident in each of the States in which the Head of Delegation is not resident. The Head of Delegation shall represent the Commission in all spheres of its competence and in all its activities.
2. To this end, and in close cooperation with the National Authorising Officer, the Head of Delegation shall:
  - (a) at the request of the ACP State concerned, participate and give assistance in the preparation of projects and programmes and in negotiating technical assistance contracts;
  - (b) participate in appraising projects and programmes, preparing tender dossiers and seeking ways to simplify project and programme appraisal and implementation procedures;
  - (c) prepare financing proposals;
  - (d) approve, before the National Authorising Officer issues them, the local open invitation to tender and the emergency assistance contract dossiers within 30 days of their submission to him by the National Authorising Officer;
  - (e) be present at the opening of tenders and receive copies of them and of the results of their examination;
  - (f) approve, within 30 days, the National Authorising Officer's proposal for the placing of local open tenders, direct agreement contracts, emergency assistance contracts, service contracts and works contracts with a value less than EUR 5 million and supply contracts with a value less than EUR 1 million;
  - (g) for all other contracts not covered by the above, approve within 30 days the National Authorising Officer's proposal for the placing of the contract wherever the following conditions are fulfilled:
    - (i) the tender selected is the lowest of those conforming to the requirements of the tender dossier;
    - (ii) the tender selected meets all the selection criteria stated in the tender dossier; and
    - (iii) the tender selected does not exceed the sum earmarked for the contract.
  - (h) where the conditions set out in paragraph (g) are not fulfilled, forward the proposal to the Chief Authorising Officer who shall decide thereon within 60 days of the receipt of the Head of Delegation. Where the price of the selected tender exceeds the sum earmarked for the contract, the Chief Authorising Officer shall, upon giving approval to the award, make the necessary financial commitment;
  - (i) endorse contracts and estimates in the case of direct labour, riders thereto as well as payment authorisations issued by the National Authorising Officer;
  - (j) ensure that the projects and programmes financed from the resources of the Fund managed by the Commission are properly executed from the financial and technical viewpoints;
  - (k) cooperate with the national authorities of the ACP State where he represents the Commission in evaluating operations regularly;
  - (l) communicate to the ACP State all information and relevant documents on the procedures for implementing development finance cooperation especially as regards appraisal criteria and tender evaluation criteria; and
  - (m) on a regular basis, inform the national authorities of Community activities which may directly concern cooperation between the Community and the ACP States.
3. The Head of Delegation shall have the necessary instructions and delegated powers to facilitate and expedite all operations under the Agreement. Any further delegation of administrative and/or financial powers to the Head of Delegation other than described in this Article shall be notified to the National Authorising Officers and the Council of Ministers.

## ARTICLE 37

### Payments and paying agents

1. For the purpose of effecting payments in the national currencies of the ACP States, accounts denominated in the currencies of the Members States or in Euro shall be opened in each ACP State in the name of the Commission with a

national public or semi-public financial institution chosen by agreement between the ACP State and the Commission. This institution shall exercise the functions of National Paying Agent.

2. The National Paying Agent shall receive no remuneration for its services and no interest shall be payable by it on deposited funds. The local accounts shall be replenished by the Commission in the currency of one of the Member States or in Euro, based on estimates of future cash requirements, which shall be made sufficiently in advance to avoid the need for pre-financing by ACP States and to prevent delayed disbursements.
3. For the purpose of effecting payments in Euro, accounts denominated in Euro shall be opened in the name of the Commission with financing institutions in the Member States. These institutions shall exercise the functions of Paying Agents in Europe.
4. Payments from the European accounts, which will be executed on the instruction of the Commission or by the Head of Delegation acting on its behalf, may be made in respect of expenditure authorised by the National Authorising Officer or by the Chief Authorising Officer with the prior authorisation of the National Authorising Officer.
5. Within the limits of the funds available in the accounts, the Paying Agents shall make disbursements authorised by the National Authorising Officer or, as appropriate, the Chief Authorising Officer, after verifying that the supporting documents provided are substantially correct and in order, and that the discharge given for payment is valid.
6. The procedures for clearance, authorisation and payment of expenditure must be completed within a period of 90 days from the date on which the payment becomes due. The National Authorising Officer shall process and deliver the payment authorisation to the Head of Delegation not later than 45 days before the due date.
7. Claims for delayed payments shall be borne by the ACP State or States concerned, and by the Commission from its own resources, for that part of the delay for which each party is responsible in accordance with the above procedures.
8. The Paying Agents, the National Authorising Officer, the Head of Delegation and the responsible Commission departments shall remain financially liable until the Commission gives final clearance for the operations for the execution of which they are responsible.

# ANNEX V

## TRADE REGIME APPLICABLE DURING THE PREPARATORY PERIOD REFERRED TO IN ARTICLE 37 (1)

### CHAPTER 1

#### General trade arrangements

##### ARTICLE 1

Products originating in the ACP States shall be imported into the Community free of customs duties and charges having equivalent effect.

(a) For products originating in the ACP States:

- listed in Annex I to the Treaty where they come under a common organization of the market within the meaning of Article 34 of the Treaty, or
- subject, on import into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy,

the Community shall take the necessary measures to ensure more favorable treatment than that granted to third countries benefiting from the most-favored-nation clause for the same products.

(b) If, during the application of this Annex, the ACP States request that new lines of agricultural production or agricultural products which are not the subject of specific arrangements when this Annex enters into force should benefit from such arrangements, the Community shall examine these requests in consultation with the ACP States.

(c) Notwithstanding the above, the Community shall, in the context of the special relations and special nature of ACP-EC cooperation, examine on a case-by-case basis the requests from the ACP States for preferential access for their agricultural products to the Community market and shall notify its decision on these reasoned requests if possible within four months, and in any case not more than six months after the date of their submission.

Within the context of subparagraph (a), the Community shall take its decisions in particular

with reference to concessions granted to developing third countries. It shall take account of the possibilities offered by the off-season market.

(d) The arrangements referred to in subparagraph (a) shall enter into force at the same time as this Agreement and shall remain applicable for the duration of the preparatory period defined in Article 37(1) of the Agreement.

However, if during this period, the Community:

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

(e) Where the Community intends to conclude a preferential agreement with third States it shall inform the ACP States thereof. Consultations shall take place where the ACP States so request in order to safeguard their interests.

##### ARTICLE 2

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

2. Paragraph 1 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security, the protection of health and life of humans, animals and plants, the protection of national treasures possessing artistic, historic or archaeological value, conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption, or the protection of industrial and commercial property.
3. Such prohibitions or restrictions shall in no case constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction of trade generally.

In cases where implementation of the measures referred to in paragraph 2 affects the interests of one or more ACP States, consultation shall be held at the request of the latter, in accordance with the provisions of Article 12 of this Agreement, with a view to reaching a satisfactory solution.

### ARTICLE 3

1. Where new measures or measures stipulated in programmes adopted by the Community for the approximation of laws and regulations in order to facilitate the movement of goods are likely to affect the interests of one or more ACP States, the Community shall, prior to adopting such measures, inform the ACP States thereof through the Council of Ministers.
2. In order to enable the Community to take into consideration the interests of the ACP State concerned, consultations shall be held at the request of the latter in accordance with the provisions of Article 12 of this Agreement, with a view to reaching a satisfactory solution.

### ARTICLE 4

1. Where existing Community rules or regulations adopted in order to facilitate the movement of goods affect the interests of one or more ACP States or where these interests are affected by the interpretation, application or administration of such rules or regulations, consultations shall be held at the request of the ACP States concerned with a view to reaching a satisfactory solution.
2. With a view to finding a satisfactory solution, the ACP States may also bring up within the Council of Ministers any other problems relating to the movement of goods which might result from

measures taken or envisaged by the Member States.

3. The relevant institutions of the Community shall, to the greatest possible extent, inform the Council of Ministers of such measures in order to ensure effective consultations.

### ARTICLE 5

1. The ACP States shall not be required to assume, in respect of imports of products originating in the Community, obligations corresponding to the commitment entered into by the Community under this Annex in respect of imports of the products originating in the ACP States.
  - (a) In their trade with the Community, the ACP States shall not discriminate among the Member States and shall grant to the Community treatment no less favorable than most-favoured-nation treatment.
  - (b) The most-favoured-nation treatment referred to in subparagraph (a) shall not apply in respect of trade or economic relations between ACP States or between one or more ACP States and other developing countries.

### ARTICLE 6

Each Party shall communicate its customs tariff to the Council of Ministers within three months of the entry into force of this Annex. Each Party shall also communicate any subsequent amendments to its tariff as and when they come into force.

### ARTICLE 7

1. The concept of "originating products" for the purposes of implementing this Annex, and the methods of administrative cooperation relating thereto, are defined in Protocol 1 annexed hereto.
2. The Council of Ministers may adopt any amendment to Protocol 1.
3. Where the concept of "originating products" has not yet been defined for a given product pursuant to paragraphs 1 or 2, each Contracting Party shall continue to apply its own rules.

### ARTICLE 8

1. Where any product is being imported into the Community in such increased quantities and

under such conditions as to cause or threaten to cause serious injury to its domestic producers of like or directly competitive products or serious disturbances in any sector of the economy or difficulties which could bring about serious deterioration in the economic situation of a region, the Community may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 9.

2. The Community undertakes not to use other means for protectionism purposes or to hamper structural development. The Community will refrain from using safeguard measures having the same effect.
3. Safeguard measures shall be restricted to those which would least disturb trade between the Contracting Parties in implementing the objectives of this Agreement and must not exceed the scope of what is strictly necessary to remedy the difficulties that have arisen.
4. When applied, safeguard measures shall take into account the existing level of the ACP exports concerned to the Community and their potential for development. Particular attention shall be paid to the interests of the least-developed, landlocked and island ACP States.

## ARTICLE 9

1. Prior consultation shall take place concerning the application of the safeguard clause, both when such measures are first adopted and when they are extended. The Community shall provide the ACP States with all the information required for such consultations and shall provide the data from which to determine to what extent imports from an ACP State of a specific product have caused the effects referred to in Article 8(1).
2. Where consultations have taken place, safeguard measures, or arrangements jointly agreed upon by the ACP States concerned and the Community, shall enter into force thereafter.
3. However, the prior consultations provided for in paragraphs 1 and 2 shall not prevent any immediate decisions which the Community, in accordance with Article 8(1), might take where special factors have necessitated such decisions.
4. In order to facilitate the examination of factors that may cause market disturbances, a mechanism shall be instituted for the statistical surveillance of certain ACP exports to the Community.

5. The Parties undertake to hold regular consultations with a view to finding satisfactory solutions to problems which might result from the application of the safeguard clause.
6. The prior consultations as well as the regular consultations and the surveillance mechanism referred to in paragraphs 1 to 5 shall be implemented in accordance with Protocol 2 annexed hereto.

## ARTICLE 10

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

## ARTICLE 11

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

## ARTICLE 12

In order to ensure the effective implementation of this Annex, the Parties agree to inform and consult each other.

In addition to the cases for which consultations are specifically provided for in Articles 2 to 9 of this Annex, consultations shall also take place, at the request of the Community or the ACP States, and in accordance with the conditions provided for in the procedural rules in Article 12 of this Agreement, particularly in the following cases:

- (1) where Parties intend to take any trade measures affecting the interests of one or more Parties under this Annex, they shall inform the Council of Ministers thereof. Consultations shall take place, where the Parties concerned so request, in order to take account of their respective interests;
- (2) if, during the application of this Annex, the ACP States consider that agricultural products covered by Article 1(2)(a) other than those subject to special treatment should benefit from such treatment, consultations may take place within the Council of Ministers;
- (3) where a Party considers that obstacles to the movement of goods arise as a result of the existing rules of another Party or the interpretation, application or administration thereof;

(4) where the Community takes safeguard measures in accordance with the provisions of Article 8, consultations on these measures may take place within the Council of Ministers, where the Parties concerned so request, notably with a view to ensuring compliance with Article 8(3).

Such consultations must be completed within three months.

## CHAPTER 2

### Special undertaking on sugar and beef and veal

#### ARTICLE 13

1. In accordance with Article 25 of the ACP-EEC Convention of Lomé signed on 28 February 1975 and with Protocol 3 annexed thereto, the Community has undertaken for an indefinite period, notwithstanding the other provisions of this Annex, to purchase and import, at guaranteed prices, specific quantities of cane sugar, raw or white, which originates in the ACP States producing and exporting cane sugar and which those States have undertaken to deliver to it.
2. The conditions for the implementation of the aforementioned Article 25 have been laid down by Protocol 3 referred to in paragraph 1. The text of the Protocol is attached to this Annex as Protocol 3.
3. Article 8 of this Annex shall not apply within the framework of the said Protocol.
4. For the purpose of Article 8 of the said Protocol the institutions established under this Agreement may be used during the period of application of this Agreement.
5. Article 8(2) of the said Protocol shall apply should this Agreement cease to be operative.
6. The declarations contained in Annexes XIII, XXI and XXII of the Final Act to the ACP-EEC Convention of Lomé signed on 28 February 1975 are reaffirmed and their provisions shall continue to apply. These declarations are annexed as such to Protocol 3.

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

#### ARTICLE 14

The special undertaking on beef and veal, defined in Protocol 4 annexed hereto shall apply.

## CHAPTER 3

### Final provisions

#### ARTICLE 15

The Protocols attached to this Annex shall form an integral part thereof.

Protocole n° 1  
Concerning the definition of the concept of  
“originating products” and  
methods of administrative cooperation

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# TITLE I

## General provisions

### ARTICLE 1

#### Definitions

For the purposes of this Protocol:

- (a) "manufacture" means any kind of working or processing including assembly or specific operations;
- (b) "material" means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
- (c) "product" means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- (d) "goods" means both materials and products;
- (e) "customs value" means the value as determined in accordance with the 1994 Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade (WTO Agreement on customs valuation);
- (f) "ex-works price" means the price paid for the product ex works to the manufacturer in whose undertaking the last working or processing is carried out, provided the price includes the value of all the materials used, minus any internal taxes which are, or may be, repaid when the product obtained is exported;
- (g) "value of materials" means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the territory concerned;
- (h) "value of originating materials" means the value of such materials as defined in subparagraph (g) applied *mutatis mutandis*;
- (i) "added value" shall be taken to be the ex-works price minus the customs value of third-country materials imported into the Community, the ACP States or the Overseas Countries and Territories;
- (j) "chapters" and "headings" mean the chapters and the headings (four-digit codes) used in the

nomenclature which makes up the Harmonized Commodity Description and Coding System, referred to in this Protocol as "the Harmonized System" or "HS";

- (k) "classified" refers to the classification of a product or material under a particular heading;
- (l) "consignment" means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such a document, by a single invoice;
- (m) "territories" includes territorial waters.

# TITLE II

## Definition of the concept of “originating products”

### ARTICLE 2

#### General requirements

1. For the purpose of implementing the trade co-operation provisions of ANNEX V, the following products shall be considered as originating in the ACP States:

- (a) products wholly obtained in the ACP States within the meaning of Article 3 of this Protocol;
  - (b) products obtained in the ACP States incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in the ACP States within the meaning of Article 4 of this Protocol.
2. For the purpose of implementing paragraph 1, the territories of the ACP States shall be considered as being one territory.

Originating products made up of materials wholly obtained or sufficiently worked or processed in two or more ACP States shall be considered as products originating in the ACP State where the last working or processing took place, provided the working or processing carried out there goes beyond that referred to in Article 5 of this Protocol.

### ARTICLE 3

#### Wholly obtained products

1. The following shall be considered as wholly obtained, in the ACP States or in the Community, or in the overseas countries and territories defined in Annex III, hereafter referred to as the OCT:

- (a) mineral products extracted from their soil or from their seabed;
- (b) vegetable products harvested there;
- (c) live animals born and raised there;
- (d) products from live animals raised there;

(e) products obtained by hunting or fishing conducted there;

(f) products of sea fishing and other products taken from the sea outside the territorial waters by their vessels;

(g) products made aboard their factory ships exclusively from products referred to in subparagraph (f);

(h) used articles collected there fit only for the recovery of raw materials, including used tyres fit only for retreading or for use as waste;

(i) waste and scrap resulting from manufacturing operations conducted there;

(j) products extracted from marine soil or subsoil outside their territorial waters provided that they have sole rights to work that soil or subsoil;

(k) goods produced there exclusively from the products specified in subparagraphs (a) to (j).

2. The terms “their vessels” and “their factory ships” in paragraph 1(f) and (g) shall apply only to vessels and factory ships:

(a) which are registered or recorded in an EC Member State, in an ACP State or in an OCT

(b) which sail under the flag of an EC Member State, of an ACP State or of an OCT;

(c) which are owned to an extent of at least 50 per cent by nationals of States party to the Agreement, or of an OCT, or by a company with its head office in one of these States or OCT, of which the Chairman of the Board of Directors or the Supervisory Board, and the majority of the members of such boards are nationals of States party to the Agreement, or of an OCT, and of which, in addition, in the case of partnerships or limited companies, at least half the capital belongs to those States party to the Agreement or to public bodies or nationals of the said States, or of an OCT;

(d) of which at least 50 % of the crew, master and officers included, are nationals of States party to the Agreement, or of an OCT.

3. Notwithstanding the provisions of paragraph 2, the Community shall recognise, upon request of an ACP State, that vessels chartered or leased by the ACP State be treated as "their vessels" to undertake fisheries activities in its exclusive economic zone under the following conditions:

— that the ACP State offered the Community the opportunity to negotiate a fisheries agreement and the Community did not accept this offer;

— that at least 50% of the crew, master and officers included are nationals of States party to the Agreement, or of an OCT;

— that the charter or lease contract has been accepted by the ACP-EC Customs Cooperation Committee as providing adequate opportunities for developing the capacity of the ACP State to fish on its own account and in particular as conferring on the ACP State the responsibility for the nautical and commercial management of the vessel placed at its disposal for a significant period of time.

#### ARTICLE 4

##### **Sufficiently worked or processed products**

1. For the purposes of this Protocol, products which are not wholly obtained are considered to be sufficiently worked or processed in the ACP States, or in the Community or in the OCT, when the conditions set out in the list in Annex II are fulfilled.

The conditions referred to above indicate, for all products covered by this Agreement, the working or processing which must be carried out on non-originating materials used in manufacturing and apply only in relation to such materials. Accordingly, it follows that if a product, which has acquired originating status by fulfilling the conditions set out in the list is used in the manufacture of another product, the conditions applicable to the product in which it is incorporated do not apply to it, and no account shall be taken of the non-originating materials which may have been used in its manufacture.

2. Notwithstanding paragraph 1, non-originating materials which, according to the conditions set out in the list, should not be used in the manufacture of a given product may nevertheless be used, provided that:

(a) their total value does not exceed 15 per cent of the ex-works price of the product;

(b) any of the percentages given in the list for the maximum value of non-originating materials are not exceeded through the application of this paragraph.

3. Paragraphs 1 and 2 shall apply except as provided in Article 5.

#### ARTICLE 5

##### **Insufficient working or processing operations**

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 4 are satisfied:

(a) operations to ensure the preservation of products in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);

(b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;

(c) (i) changes of packaging and breaking up and assembly of packages;

(ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards, etc., and all other simple packaging operations;

(d) affixing marks, labels and other like distinguishing signs on products or their packaging;

(e) simple mixing of products, whether or not of different kinds, where one or more components of the mixtures do not meet the conditions laid down in this Protocol to enable them to be considered as originating in an ACP State, in the Community or in the OCT;

(f) simple assembly of parts to constitute a complete product;

(g) a combination of two or more operations specified in subparagraphs (a) to (f);

(h) slaughter of animals.

2. All the operations carried out in either the ACP States, the Community or the OCT on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.

## ARTICLE 6

### Cumulation of origin

#### Cumulation with the OCT and the Community

1. Materials originating in the Community or in the OCT shall be considered as materials originating in the ACP States when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing, provided they have undergone working or processing going beyond that referred to in Article 5.
2. Working and processing carried out in the Community or in the OCT shall be considered as having been carried out in the ACP States, when the materials undergo subsequent working or processing in the ACP States.

#### Cumulation with South Africa

3. Subject to the provisions of paragraphs 4, 5, 6, 7 and 8, materials originating in South Africa shall be considered as originating in the ACP States when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing.
4. Products which have acquired originating status by virtue of paragraph 3 shall only continue to be considered as products originating in the ACP States when the value added there exceeds the value of the materials used originating in South Africa. If this is not so, the products concerned shall be considered as originating in South Africa. In the allocation of origin, no account shall be taken of materials originating in South Africa which have undergone sufficient working or processing in the ACP States.
5. The cumulation provided for in paragraph 3 may only be applied after 3 years for the products listed in Annex XI and 6 years for the products listed in Annex XII respectively, as from the provisional application of the Agreement on Trade, Development and Co-operation between the European Community and the Republic of South Africa. The cumulation provided for in paragraph 3

shall not be applicable to the products listed in Annex XIII.

6. Notwithstanding paragraph 5, the cumulation provided for in paragraph 3 may be applied at the request of the ACP States for the products listed in Annexes XI and XII. The ACP-EC Committee of Ambassadors shall decide on the ACP requests, product per product, on the basis of a report drawn up by the ACP-EC Customs Co-operation Committee in accordance with Article 37. In the examination of requests, account shall be taken of the risk of the circumvention of the trade provisions of the Agreement on Trade, Development and Co-operation between the European Community and the Republic of South Africa.
7. The cumulation provided for in paragraph 3 shall only be applicable to the products listed in Annex XIV when the tariffs on these products in the framework of the Agreement on Trade, Development and Co-operation between the European Community and the Republic of South Africa have been eliminated. The European Commission shall publish in the Official Journal of the European Communities (C series) the date on which the conditions of this paragraph have been fulfilled.
8. The cumulation provided for in paragraph 3 may only be applied where the South African materials used have acquired the status of originating products by an application of the rules of origin identical to those set out in this Protocol. The ACP States shall provide the Community with details of agreements and their corresponding rules of origin which have been concluded with South Africa. The European Commission shall publish in the Official Journal of the European Communities (C series) the date on which the ACP States have met the obligations laid down in this paragraph .
9. Without prejudice to paragraphs 5 and 7, working and processing carried out in South Africa shall be considered as having been carried out in an other Member State of the South African Customs Union (SACU) when the materials undergo subsequent working or processing in that other Member State of SACU.
10. Without prejudice to paragraphs 5 and 7 and at the request of the ACP States, working and processing carried out in South Africa, shall be considered as having been carried out in the ACP States, when the materials undergo subsequent working or processing in an ACP State within the context of a regional economic integration agreement.

Unless there is a specific request by either party for a referral of the decision to the ACP-EC Council of Ministers, the ACP-EC Customs Cooperation Committee shall decide on the ACP requests in accordance with Article 37.

### **Cumulation with neighbouring developing countries**

11. At the request of the ACP States, materials originating in a neighbouring developing country, other than an ACP State, belonging to a coherent geographical entity, shall be considered as materials originating in the ACP States when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing, provided that :

- the working or processing carried out in the ACP State exceeds the operations listed in Article 5. However, products of Chapter 50 to 63 of the Harmonised System shall in addition undergo in the ACP State at least working or processing as a result of which the product obtained is classified in a heading which is different from those in which the materials originating in the non-ACP developing country used in its manufacture, are classified. For products listed in Annex IX to this Protocol, only the specific processing referred to in column 3 shall apply, whether or not it involves a change of heading,
- the ACP States, the Community and the other countries concerned have concluded an agreement on adequate administrative procedures which will ensure correct implementation of this paragraph.

This paragraph shall not apply to tuna products classified under Harmonised System Chapters 3 or 16, rice products of HS Code 1006 or the textile products listed in Annex X to this Protocol.

For the purpose of determining whether the products originate in the non-ACP developing country, the provisions of this Protocol shall apply.

Unless there is a specific request by either party for a referral of the decision to the ACP-EC Council of Ministers, the ACP-EC Customs Cooperation Committee shall decide on the ACP requests in accordance with Article 37.

## **ARTICLE 7**

### **Unit of qualification**

1. The unit of qualification for the application of the provisions of this Protocol shall be the particular product which is considered as the basic unit when determining classification using the nomenclature of the Harmonized System.

Accordingly, it follows that:

- when a product composed of a group or assembly of articles is classified under the terms of the Harmonized System in a single heading, the whole constitutes the unit of qualification;
  - when a consignment consists of a number of identical products classified under the same heading of the Harmonized System, each product must be taken individually when applying the provisions of this Protocol.
2. Where, under General Rule 5 of the Harmonized System, packaging is included with the product for classification purposes, it shall be included for the purposes of determining origin.

## **ARTICLE 8**

### **Accessories, spare parts and tools**

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

## **ARTICLE 9**

### **Sets**

Sets, as defined in General Rule 3 of the Harmonized System, shall be regarded as originating when all component products are originating. Nevertheless, when a set is composed of originating and non-originating products, the set as a whole shall be regarded as originating, provided that the value of the non-originating products does not exceed 15 per cent of the ex-works price of the set.

## ARTICLE 10

### Neutral elements

In order to determine whether a product originates, it shall not be necessary to determine the origin of the following which might be used in its manufacture:

- (a) energy and fuel;
- (b) plant and equipment;
- (c) machines and tools;
- (d) goods which do not enter and which are not intended to enter into the final composition of the product.

## TITLE III

### Territorial requirements

#### ARTICLE 11

##### Principle of territoriality

1. The conditions set out in Title II relative to the acquisition of originating status must be fulfilled without interruption in the ACP States, except as provided for in Article 6.
2. If originating goods exported from the ACP States, the Community or the OCT to another country are returned, except insofar as provided for in Article 6, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:
  - (a) the goods returned are the same goods as those exported; and
  - (b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

#### ARTICLE 12

##### Direct transport

1. The preferential treatment provided for under the trade co-operation provisions of ANNEX V applies only to products, satisfying the requirements of this Protocol, which are transported directly between the territory of the ACP States, of the Community, of the OCT or of South Africa for the purposes of Article 6 without entering any other territory. However, products constituting one single consignment may be transported through other territories with, should the occasion arise, transshipment or temporary warehousing in such territories, provided that they remain under the surveillance of the customs authorities in the country of transit or warehousing and do not undergo operations other than unloading, reloading or any operation designed to preserve them in good condition.

Originating products may be transported by pipeline across territory other than that of an ACP State, of the Community or of an OCT.

2. Evidence that the conditions set out in paragraph 1 have been fulfilled shall be supplied to the customs authorities of the importing country by the production of:
- (a) a single transport document covering the passage from the exporting country through the country of transit; or
  - (b) a certificate issued by the customs authorities of the country of transit:
    - (i) giving an exact description of the products;
    - (ii) stating the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used; and
    - (iii) certifying the conditions under which the products remained in the transit country; or
  - (c) failing these, any substantiating documents.

## **ARTICLE 13**

### **Exhibitions**

1. Originating products, sent from an ACP State for exhibition in a country other than those referred to in Article 6 and sold after the exhibition for importation into the Community shall benefit on importation from the provisions of ANNEX V provided it

is shown to the satisfaction of the customs authorities that:

- (a) an exporter has consigned these products from an ACP State to the country in which the exhibition is held and has exhibited them there;
- (b) the products have been sold or otherwise disposed of by that exporter to a person in the Community;
- (c) the products have been consigned during the exhibition or immediately thereafter in the state in which they were sent for exhibition; and
- (d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A proof of origin must be issued or made out in accordance with the provisions of Title IV and submitted to the customs authorities of the importing country in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the conditions under which they have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organized for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

## **TITLE IV**

### **Proof of origin**

## **ARTICLE 14**

### **General requirements**

1. Products originating in the ACP States shall, on importation into the Community benefit from ANNEX V upon submission of either:
  - (a) a movement certificate EUR.1, a specimen of which appears in Annex IV; or
  - (b) in the cases specified in Article 19(1), a declaration, the text of which appears in Annex V to this

Protocol, given by the exporter on an invoice, a delivery note or any other commercial document which describes the products concerned in sufficient detail to enable them to be identified (hereinafter referred to as the "invoice declaration").

2. Notwithstanding paragraph 1, originating products within the meaning of this Protocol shall, in the cases specified in Article 25, benefit from ANNEX V without it being necessary to submit any of the documents referred to above.

## ARTICLE 15

### Procedure for the issue of a movement certificate EUR.1

1. A movement certificate EUR.1 shall be issued by the customs authorities of the exporting country on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative.
2. For this purpose, the exporter or his authorized representative shall fill out both the movement certificate EUR.1 and the application form, specimens of which appear in Annex IV. These forms shall be completed in accordance with the provisions of this Protocol. If they are handwritten, they shall be completed in ink in printed characters. The description of the products must be given in the box reserved for this purpose without leaving any blank lines. Where the box is not completely filled, a horizontal line must be drawn below the last line of the description, the empty space being crossed through.
3. The exporter applying for the issue of a movement certificate EUR.1 shall be prepared to submit at any time, at the request of the customs authorities of the exporting ACP State where the movement certificate EUR.1 is issued, all appropriate documents proving the originating status of the products concerned as well as the fulfillment of the other requirements of this Protocol.
4. A movement certificate EUR.1 shall be issued by the customs authorities of the exporting ACP State if the products concerned can be considered as products originating in the ACP States or in one of the other countries referred to in Article 6 and fulfil the other requirements of this Protocol.
5. The issuing customs authorities shall take any steps necessary to verify the originating status of the products and the fulfillment of the other requirements of this Protocol. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate. The issuing customs authorities shall also ensure that the forms referred to in paragraph 2 are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions.
6. The date of issue of the movement certificate EUR.1 shall be indicated in Box 11 of the certificate.

7. A movement certificate EUR.1 shall be issued by the customs authorities and made available to the exporter as soon as actual exportation has been effected or ensured.

## ARTICLE 16

### Movement certificates EUR.1 issued retrospectively

1. Notwithstanding Article 15(7), a movement certificate EUR.1 may exceptionally be issued after exportation of the products to which it relates if:
  - (a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or
  - (b) it is demonstrated to the satisfaction of the customs authorities that a movement certificate EUR.1 was issued but was not accepted at importation for technical reasons.
2. For the implementation of paragraph 1, the exporter must indicate in his application the place and date of exportation of the products to which the movement certificate EUR.1 relates, and state the reasons for his request.
3. The customs authorities may issue a movement certificate EUR.1 retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.
4. Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

"NACHTRÄGLICH AUSGESTELLT", "DELIVRE A POSTERIORI", "RILASCIATO A POSTERIORI", "AFGEGEVEN A POSTERIORI", "ISSUED RETROSPECTIVELY", "UDSTEDT EFTERFØLGENDE", "EXPEDIDO A POSTERIORI", "EMITIDO A POSTERIORI", "ANNETTU JÄLKIKÄTEEN", "UTFÄRDAT I EFTERHAND".
5. The endorsement referred to in paragraph 4 shall be inserted in the "Remarks" box of the movement certificate EUR.1.

## ARTICLE 17

### Issue of a duplicate movement certificate EUR.1

1. In the event of theft, loss or destruction of a movement certificate EUR.1, the exporter may apply to

the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession.

2. The duplicate issued in this way must be endorsed with one of the following words:

“DUPLIKAT”, “DUPLICATA”, “DUPLICATO”, “DUPLICAAAT”, “DUPLICATE”, “DUPLICADO”, “SEGUNDA VIA”, “KAKSOISKAPPALE”.

3. The endorsement referred to in paragraph 2 shall be inserted in the “Remarks” box of the duplicate movement certificate EUR.1.
4. The duplicate, which must bear the date of issue of the original movement certificate EUR.1, shall take effect as from that date.

## ARTICLE 18

### **Issue of movement certificates EUR.1 on the basis of a proof of origin issued or made out previously**

When originating products are placed under the control of a customs office in an ACP State or in the Community, it shall be possible to replace the original proof of origin by one or more movement certificates EUR.1 for the purpose of sending all or some of these products elsewhere within the ACP States or within the Community. The replacement movement certificate(s) EUR.1 shall be issued by the customs office under whose control the products are placed.

## ARTICLE 19

### **Conditions for making out an invoice declaration**

1. An invoice declaration as referred to in Article 14(1)(b) may be made out:
  - (a) by an approved exporter within the meaning of Article 20, or
  - (b) by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed EUR 6 000.
2. An invoice declaration may be made out if the products concerned can be considered as products originating in the ACP States or in one of the other countries referred to in Article 6 and fulfil the other requirements of this Protocol.

3. The exporter making out an invoice declaration shall be prepared to submit at any time, at the request of the customs authorities of the exporting country, all appropriate documents proving the originating status of the products concerned as well as the fulfillment of the other requirements of this Protocol.
4. An invoice declaration shall be made out by the exporter by typing, stamping or printing on the invoice, the delivery note or another commercial document, the declaration, the text of which appears in Annex V to this Protocol, using one of the linguistic versions set out in that Annex and in accordance with the provisions of the domestic law of the exporting country. If the declaration is handwritten, it shall be written in ink in printed characters.
5. Invoice declarations shall bear the original signature of the exporter in manuscript. However, an approved exporter within the meaning of Article 20 shall not be required to sign such declarations provided that he gives the customs authorities of the exporting country a written undertaking that he accepts full responsibility for any invoice declaration which identifies him as if it had been signed in manuscript by him.
6. An invoice declaration may be made out by the exporter when the products to which it relates are exported, or after exportation on condition that it is presented in the importing country no longer than two years after the importation of the products to which it relates.

## ARTICLE 20

### **Approved exporter**

1. The customs authorities of the exporting country may authorize any exporter who makes frequent shipments of products under the trade co-operation provisions of ANNEX V to make out invoice declarations irrespective of the value of the products concerned. An exporter seeking such authorization must offer to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the products as well as the fulfillment of the other requirements of this Protocol.
2. The customs authorities may grant the status of approved exporter subject to any conditions which they consider appropriate.
3. The customs authorities shall grant to the approved exporter a customs authorization number which shall appear on the invoice declaration.

4. The customs authorities shall monitor the use of the authorization by the approved exporter.
5. The customs authorities may withdraw the authorization at any time. They shall do so where the approved exporter no longer offers the guarantees referred to in paragraph 1, does not fulfil the conditions referred to in paragraph 2 or otherwise makes an incorrect use of the authorization.

## **ARTICLE 21**

### **Validity of proof of origin**

1. A proof of origin shall be valid for ten months from the date of issue in the exporting country, and must be submitted within the said period to the customs authorities of the importing country.
2. Proofs of origin which are submitted to the customs authorities of the importing country after the final date for presentation specified in paragraph 1 may be accepted for the purpose of applying preferential treatment, where the failure to submit these documents by the final date set is due to exceptional circumstances.
3. In other cases of belated presentation, the customs authorities of the importing country may accept the proofs of origin where the products have been submitted before the said final date.

## **ARTICLE 22**

### **Transit procedure**

When the products enter an ACP State or OCT other than the country of origin, a further period of validity of 4 months shall begin on the date on which the customs authorities in the country of transit enter the following in box 7 of the certificate EUR.1:

- the word "transit",
- the name of the country of transit,
- the official stamp, a specimen of which had been made available to the Commission, in conformity with Article 31,
- date of the endorsements.

## **ARTICLE 23**

### **Submission of proof of origin**

Proofs of origin shall be submitted to the customs authorities of the importing country in accordance with the procedures applicable in that country. The said authorities may require a translation of a proof of origin and may also require the import declaration to be accompanied by a statement from the importer to the effect that the products meet the conditions required for the implementation of ANNEX V.

## **ARTICLE 24**

### **Importation by installments**

Where, at the request of the importer and on the conditions laid down by the customs authorities of the importing country, dismantled or non-assembled products within the meaning of General Rule 2(a) of the Harmonized System falling within Sections XVI and XVII or heading Nos 7308 and 9406 of the Harmonized System are imported by installments, a single proof of origin for such products shall be submitted to the customs authorities upon importation of the first installment.

## **ARTICLE 25**

### **Exemptions from proof of origin**

1. Products sent as small packages from private persons to private persons or forming part of travellers' personal luggage shall be admitted as originating products without requiring the submission of a proof of origin, provided that such products are not imported by way of trade and have been declared as meeting the requirements of this Protocol and where there is no doubt as to the veracity of such a declaration. In the case of products sent by post, this declaration can be made on the customs declaration CN22/CN23 or on a sheet of paper annexed to that document.
2. Imports which are occasional and consist solely of products for the personal use of the recipients or travellers or their families shall not be considered as imports by way of trade if it is evident from the nature and quantity of the products that no commercial purpose is in view.
3. Furthermore, the total value of these products shall not exceed EUR 500 in the case of small packages or EUR 1 200 in the case of products forming part of travellers' personal luggage.

## ARTICLE 26

### Information procedure for cumulation purposes

1. When Articles 2(2) and 6(1) are applied, the evidence of originating status within the meaning of this protocol of the materials coming from the other ACP States, the Community or the OCT shall be given by a movement certificate EUR 1 or by the supplier's declaration, a specimen of which appears in Annex VI A to this Protocol, given by the exporter in the State or OCT from which the materials came.
2. When Articles 2(2), 6(2) and 6(9) are applied, the evidence of the working or processing carried out in the other ACP States, the Community, the OCT or South Africa shall be given by the supplier's declaration a specimen of which appears in Annex VI B to this Protocol, given by the exporter in the State or OCT from which the materials came.
3. A separate supplier's declaration shall be given by the supplier for each consignment of material on the commercial invoice related to that shipment or in an annex to that invoice, or on a delivery note or other commercial document related to that shipment which describes the materials concerned in sufficient detail to enable them to be identified.
4. The supplier's declaration may be made out on a pre-printed form.
5. The suppliers' declarations shall be signed in manuscript. However, where the invoice and the supplier's declaration are established using electronic data-processing methods, the supplier's declaration need not be signed in manuscript provided the responsible official in the supplying company is identified to the satisfaction of the customs authorities in the State where the suppliers' declarations are established. The said customs authorities may lay down conditions for the implementation of this paragraph.
6. The supplier's declarations are submitted to the competent customs office in the exporting ACP State requested to issue the movement certificate EUR 1.
7. Suppliers' declarations made and information certificates issued before the date of entry into force of this Protocol in accordance with Article 23 of Protocol 1 to the Fourth ACP-EC Convention shall remain valid.

## ARTICLE 27

### Supporting documents

The documents referred to in Articles 15(3) and 19(3) used for the purpose of proving that products covered by a movement certificate EUR.1 or an invoice declaration can be considered as products originating in an ACP State or in one of the other countries referred to in Article 6 and fulfil the other requirements of this Protocol may consist inter alia of the following:

- (a) direct evidence of the processes carried out by the exporter or supplier to obtain the goods concerned, contained for example in his accounts or internal bookkeeping;
- (b) documents proving the originating status of materials used, issued or made out in an ACP State or in one of the other countries referred to in Article 6 where these documents are used in accordance with domestic law;
- (c) documents proving the working or processing of materials in the ACP States, in the Community or in the OCT, issued or made out in an ACP State, in the Community or in an OCT, where these documents are used in accordance with domestic law;
- (d) movement certificates EUR.1 or invoice declarations proving the originating status of materials used, issued or made out in the ACP States or in one of the other countries referred to in Article 6 and in accordance with this Protocol.

## ARTICLE 28

### Preservation of proof of origin and supporting documents

1. The exporter applying for the issue of a movement certificate EUR.1 shall keep for at least three years the documents referred to in Article 15(3).
2. The exporter making out an invoice declaration shall keep for at least three years a copy of this invoice declaration as well as the documents referred to in Article 19(3).
3. The customs authorities of the exporting country issuing a movement certificate EUR.1 shall keep for at least three years the application form referred to in Article 15(2).
4. The customs authorities of the importing country shall keep for at least three years the movement certificates EUR.1 and the invoice declarations submitted to them.

## ARTICLE 29

### Discrepancies and formal errors

1. The discovery of slight discrepancies between the statements made in the proof of origin and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not ipso facto render the proof of origin null and void if it is duly established that this document does correspond to the products submitted.
  2. Obvious formal errors such as typing errors on a proof of origin should not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in this document.
2. The amounts expressed in euro and their equivalents in the national currencies of some EC Member States may be reviewed by the Community if necessary and shall be notified by the Community to the Customs Cooperation Committee not later than one month before they shall come into force. When carrying out this review, the Community shall ensure that there will be no decrease in the amounts to be used in any national currency and shall furthermore consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in euro.
  3. When the products are invoiced in the currency of another EC Member State, the importing country shall recognize the amount notified by the Member State concerned.

## ARTICLE 30

### Amounts expressed in euro

1. The amounts to be used in any given national currency of a Member State shall be the equivalent in that national currency of the amounts expressed in euro as at the first working day in October 1999.

# TITLE V

## Arrangements for administrative cooperation

### ARTICLE 31

#### Mutual assistance

1. The ACP States shall send to the Commission specimens of the stamps used together with the addresses of the customs authorities competent to issue movement certificates EUR.1 and carry out the subsequent verification of movement certificates EUR.1 and invoice declarations.

Movement certificates EUR.1 and invoice declarations shall be accepted for the purpose of applying preferential treatment from the date the information is received by the Commission.

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

2. In order to ensure the proper application of this Protocol, the Community, the OCT, the ACP States shall assist each other, through the competent customs administrations, in checking the authenticity of the movement certificates EUR.1, the invoice declarations or supplier's declarations and the correctness of the information given in these documents.

The authorities consulted shall furnish the relevant information concerning the conditions under which the product has been made, indicating especially the conditions in which the rules of origin have been respected in the various ACP States, Member States, OCT concerned.

### ARTICLE 32

#### Verification of proofs of origin

1. Subsequent verifications of proofs of origin shall be carried out at random or whenever the customs authorities of the importing country have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements of this Protocol.
2. For the purposes of implementing the provisions of paragraph 1, the customs authorities of the

importing country shall return the movement certificate EUR.1 and the invoice, if it has been submitted, the invoice declaration, or a copy of these documents, to the customs authorities of the exporting country giving, where appropriate, the reasons for the enquiry. Any documents and information obtained suggesting that the information given on the proof or origin is incorrect shall be forwarded in support of the request for verification.

3. The verification shall be carried out by the customs authorities of the exporting country. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate.
4. If the customs authorities of the importing country decide to suspend the granting of preferential treatment to the products concerned while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.
5. The customs authorities requesting the verification shall be informed of the results of this verification as soon as possible. These results must indicate clearly whether the documents are authentic and whether the products concerned can be considered as products originating in the ACP States or in one of the countries referred to in Article 6 and fulfil the other requirements of this Protocol.
6. If in cases of reasonable doubt there is no reply within ten months of the date of the verification request or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the requesting customs authorities shall, except in exceptional circumstances, refuse entitlement to the preferences.
7. Where the verification procedure or any other available information appears to indicate that the provisions of this Protocol are being contravened, the ACP State on its own initiative or at the request of the Community shall carry out appropriate enquires or arrange for such enquiries to be carried out with due urgency to identify and prevent such contraventions and for this purpose the

ACP State concerned may invite the participation of the Community in these enquiries.

### **ARTICLE 33**

#### **Verification of suppliers' declarations**

1. Verification of suppliers' declaration may be carried out at random or whenever the customs authorities of the importing State have reasonable doubts as to the authenticity of the document or the accuracy or completeness of the information concerning the true origin of the materials in question.
2. The customs authorities to which a supplier's declaration is submitted may request the customs authorities of the State where the declaration was made to issue an information certificate, a specimen of which appears in Annex VII to this Protocol. Alternatively, the customs authorities to which a supplier's declaration is submitted may request the exporter to produce an information certificate issued by the customs authorities of the State where the declaration was made.

A copy of the information certificate shall be preserved by the office which has issued it for at least three years.

3. The requesting customs authorities shall be informed of the results of the verification as soon as possible. The results must be such as to indicate positively whether the declaration concerning the status of the materials is correct.
4. For the purpose of verification, suppliers shall keep for not less than three years a copy of the document containing the declaration together with all necessary evidence showing the true status of the materials.
5. The customs authorities in the State where the supplier's declaration is established shall have the right to call for any evidence or to carry out any check which they consider appropriate in order to verify the correctness of any supplier's declaration.
6. Any movement certificate EUR.1 or invoice declaration issued or made out on the basis of an incorrect supplier's declaration shall be considered null and void.

### **ARTICLE 34**

#### **Dispute settlement**

Where disputes arise in relation to the verification procedures of Articles 32 and 33 which cannot be settled between the customs authorities requesting a verification and the customs authorities responsible for carrying out this verification or where they raise a question as to the interpretation of this Protocol, they shall be submitted to the Customs Cooperation Committee.

In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall be under the legislation of the said country.

### **ARTICLE 35**

#### **Penalties**

Penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect information for the purpose of obtaining a preferential treatment for products.

### **ARTICLE 36**

#### **Free zones**

1. The ACP States shall take all necessary steps to ensure that products traded under cover of a proof of origin or a supplier's declaration and which in the course of transport use a free zone situated in their territory, are not substituted by other goods and do not undergo handling other than normal operations designed to prevent their deterioration.
2. By means of an exemption to the provisions contained in paragraph 1, when originating products are imported into a free zone under cover of a proof of origin and undergo treatment or processing, the authorities concerned shall issue a new EUR.1 certificate at the exporter's request, if the treatment or processing undergone is in conformity with the provisions of this Protocol.

### **ARTICLE 37**

#### **Customs Cooperation Committee**

1. A Customs Cooperation Committee, hereinafter referred to as "the Committee", shall be set up and charged with carrying out administrative cooperation with a view to the correct and uniform appli-

cation of this Protocol and with carrying out any other task in the customs field which may be entrusted to it.

2. The Committee shall examine regularly the effect on the ACP States and in particular on the least developed ACP States of application of the rules of origin and shall recommend to the Council of Ministers appropriate measures.
3. The Committee shall take decisions on cumulation under the conditions laid down in Article 6.
4. The Committee shall take decisions on derogations from this Protocol, under the conditions laid down in Article 38.
5. The Committee shall meet regularly, in particular to prepare the decisions of the Council of Ministers pursuant to Article 40.
6. The Committee shall be composed on the one hand of experts from the Member States and of Commission officials responsible for customs questions, and on the other hand of experts representing the ACP States and of officials of regional groupings of the ACP States who are responsible for customs questions. The Committee may call upon appropriate expertise where necessary.

## ARTICLE 38

### Derogations

1. Derogations from this Protocol may be adopted by the Committee where the development of existing industries or the creation of new industries justifies them.

The ACP State or States concerned shall, either before or when the ACP States submit the matter to the Committee, notify the Community of its request for a derogation together with the reasons for the request in accordance with paragraph 2.

The Community shall respond positively to all the ACP requests which are duly justified in conformity with this Article and which cannot cause serious injury to an established Community industry.

2. In order to facilitate the examination by the Committee of requests for derogation, the ACP State making the request shall, by means of the form given in Annex VIII to this Protocol, furnish in support of its request the fullest possible information covering in particular the points listed below:

— description of the finished product,

- nature and quantity of materials originating in a third country,
- nature and quantity of materials originating in ACP States, the Community or the OCT, or which have been processed there,
- manufacturing processes,
- value added,
- number of employees in the enterprise concerned,
- anticipated volume of exports to the Community,
- other possible sources of supply for raw materials
- reasons for the duration requested in the light of efforts made to find new sources of supply,
- other observations.

The same rules shall apply to any requests for extension.

The Committee may modify the form.

3. The examination of requests shall in particular take into account:

(a) the level of development or the geographical situation of the ACP State or States concerned;

(b) cases where the application of the existing rules of origin would significantly affect the ability of an existing industry in an ACP State to continue its exports to the Community, with particular reference to cases where this could lead to cessation of its activities;

(c) specific cases where it can be clearly demonstrated that significant investment in an industry could be deterred by the rules of origin and where a derogation favouring the realisation of the investment programme would enable these rules to be satisfied by stages.

4. In every case an examination shall be made to ascertain whether the rules relating to cumulation of origin do not provide a solution to the problem.

5. In addition when a request for derogation concerns a least-developed or an island ACP State, its examination shall be carried out with a favourable bias having particular regard to:

- (a) the economic and social impact of the decision to be taken especially in respect of employment;
  - (b) the need to apply the derogation for a period taking into account the particular situation of the ACP State concerned and its difficulties.
6. In the examination of requests, special account shall be taken, case by case, of the possibility of conferring originating status on products which include in their composition materials originating in neighbouring developing countries, least-developed countries or developing countries with which one or more ACP States have special relations, provided that satisfactory administrative co-operation can be established.
  7. Without prejudice to paragraphs 1 to 6, the derogation shall be granted where the value added to the non-originating products used in the ACP State or States concerned is at least 45% of the value of the finished product, provided that the derogation is not such as to cause serious injury to an economic sector of the Community or of one or more Member States.
  8. Notwithstanding paragraphs 1 to 7, derogations concerning canned tuna and tuna loins shall only be granted within an annual quota of 8 000 tonnes for canned tuna and within an annual quota of 2 000 tonnes for tuna loins.

Applications for such derogations shall be submitted by the ACP States in accordance with the above-mentioned quota to the Committee, which shall grant them automatically and put them into force by means of a decision.

9. The Committee shall take steps necessary to ensure that a decision is reached as quickly as possible and in any case not later than seventy-five working days after the request is received by the EC Co-chairman of the Committee. If the

Community does not inform the ACP States of its position on the request within this period, the request shall be deemed to have been accepted. In the event of a decision not being taken by the Committee, the Committee of Ambassadors shall be called upon to decide within one month of the date on which the matter is referred to it.

- 10.(a) The derogation shall be valid for a period, generally of five years, to be determined by the Committee.
- (b) The derogation decision may provide for renewals without a new decision of the Committee being necessary, provided that the ACP State or States concerned submit, three months before the end of each period, proof that they are still unable to meet the conditions of this Protocol which have been derogated from.

If any objection is made to the extension, the Committee shall examine it as soon as possible and decide whether to prolong the derogation. The Committee shall proceed as provided for in paragraph 9. All necessary measures shall be taken to avoid interruptions in the application of the derogation.

- (c) In the periods referred to in subparagraphs (a) and (b), the Committee may review the terms for implementing the derogation should a significant change be found to have taken place in the substantive factors governing the decision to grant the derogation. On conclusion of its review the Committee may decide to amend the terms of its decision as regards the scope of derogation or any other condition previously laid down.

# TITLE VI

## Ceuta and Melilla

### ARTICLE 39

#### Special conditions

1. The term "Community" used in this Protocol shall not cover Ceuta and Melilla. The term "products originating in the Community" shall not cover products originating in Ceuta and Melilla.
2. The provisions of this Protocol shall apply *mutatis mutandis* in determining whether products may be deemed as originating in the ACP States when imported into Ceuta and Melilla.
3. Where products wholly obtained in Ceuta, Melilla, the OCT or the Community undergo working and processing in the ACP States, they shall be considered as having been wholly obtained in the ACP States.
4. Working or processing carried out in Ceuta, Melilla, the OCT or the Community shall be considered as having been carried out in the ACP States, when materials undergo further working or processing in the ACP States.
5. For the purpose of implementing paragraphs 3 and 4, the insufficient operations listed in Article 5 shall not be considered as working or processing.
6. Ceuta and Melilla shall be considered as a single territory.

# TITLE VII

## Final provisions

### ARTICLE 40

#### Revision of rules of origin

In accordance with Article 7 of ANNEX V, the Council of Ministers shall examine annually, or whenever the ACP States or the Community so request, the application of the provisions of this Protocol and their economic effects with a view to making any necessary amendments or adaptations.

The Council of Ministers shall take into account among other elements the effects on the rules of origin of technological developments.

The decisions taken shall be implemented as soon as possible.

### ARTICLE 41

#### Annexes

The Annexes to this Protocol shall form an integral part thereof.

## ARTICLE 42

### Implementation of the Protocol

The Community and the ACP States shall each take the steps necessary to implement this Protocol.

## Annex I to Protocol 1

### Introductory notes to the list in Annex II

#### Note 1:

The list sets out the conditions required for all products to be considered as sufficiently worked or processed within the meaning of Article 4 of the Protocol.

#### Note 2:

1. first two columns in the list describe the product obtained. The first column gives the heading number or chapter number used in the Harmonized System and the second column gives the description of goods used in that system for that heading or chapter. For each entry in the first two columns a rule is specified in columns 3 or 4. Where, in some cases, the entry in the first column is preceded by an "ex", this signifies that the rules in columns 3 or 4 apply only to the part of that heading as described in column 2.
2. Where several heading numbers are grouped together in column 1 or a chapter number is given and the description of products in column 2 is therefore given in general terms, the adjacent rules in columns 3 or 4 apply to all products which, under the Harmonized System, are classified in headings of the chapter or in any of the headings grouped together in column 1.
3. Where there are different rules in the list applying to different products within a heading, each indent contains the description of that part of the heading covered by the adjacent rules in columns 3 or 4.
4. Where, for an entry in the first two columns, a rule is specified in both columns 3 and 4, the exporter may opt, as an alternative, to apply either the rule set out in column 3 or that set out in column 4. If no origin rule is given in column 4, the rule set out in column 3 has to be applied.

#### Note 3:

1. The provisions of Article 4 of the Protocol concerning products having acquired originating status which are used in the manufacture of other products apply regardless of whether this status has been acquired inside the factory where these products are used or in another factory in the Community or in the ACP States.

Example:

An engine of heading No 8407, for which the rule states that the value of the non-originating materials which may be incorporated may not exceed 40 per cent of the ex-works price, is made from "other alloy steel roughly shaped by forging" of heading No ex 7224.

If this forging has been forged in the Community from a non-originating ingot, it has already acquired originating status by virtue of the rule for heading No ex 7224 in the list. The forging can then count as originating in the value calculation for the engine regardless of whether it was produced in the same factory or in another factory in the Community. The value of the non-originating ingot is thus not taken into account when adding up the value of the non-originating materials used.

2. The rule in the list represents the minimum amount of working or processing required and the carrying out of more working or processing also confers originating status; conversely, the carrying out of less working or processing cannot confer originating status. Thus if a rule provides that non-originating material at a certain level of manufacture may be used, the use of such material at an earlier stage of manufacture is allowed and the use of such material at a later stage is not.
3. Without prejudice to Note 3.2 where a rule states that "materials of any heading" may be used, materials of the same heading as the product may also be used, subject, however, to any specific limitations which may also be contained in the rule. However, the expression "manufacture from materials of any heading, including other materials of heading No ..." means that only materials classified in the same heading as the product of a different description than that of the product as given in column 2 of the list may be used.
4. When a rule in the list specifies that a product may be manufactured from more than one material, this means that any one or more materials may be used. It does not require that all be used.

Example:

The rule for fabrics of heading Nos 5208 to 5212 provides that natural fibres may be used and that chemical materials, among other materials, may also be used. This does not mean that both have to be used; it is possible to use one or the other or both.

5. Where a rule in the list specifies that a product must be manufactured from a particular material, the condition obviously does not prevent the use of other materials which, because of their inherent nature, cannot satisfy the rule. (See also Note 6.3 below in relation to textiles).

Example:

The rule for prepared foods of heading No 1904 which specifically excludes the use of cereals and their derivatives does not prevent the use of mineral salts, chemicals and other additives which are not products from cereals.

However, this does not apply to products which, although they cannot be manufactured from the particular materials specified in the list, can be produced from a material of the same nature at an earlier stage of manufacture.

Example:

In the case of an article of apparel of ex Chapter 62 made from non-woven materials, if the use of only non-originating yarn is allowed for this class of article, it is not possible to start from non-woven cloth – even if non-woven cloths cannot normally be made from yarn. In such cases, the starting material would normally be at the stage before yarn – that is the fibre stage.

6. Where, in a rule in the list, two percentages are given for the maximum value of non-originating materials that can be used, then these percentages may not be added together. In other words, the maximum value of all the non-originating materials used may never exceed the highest of the percentages given. Furthermore, the individual percentages must not be exceeded in relation to the particular materials they apply to.

#### **Note 4:**

1. The term “natural fibres” is used in the list to refer to fibres other than artificial or synthetic fibres. It is restricted to the stages before spinning takes place, including waste, and, unless otherwise specified, includes fibres that have been carded, combed or otherwise processed but not spun.

2. The term “natural fibres” includes horsehair of heading No 0503, silk of heading Nos 5002 and 5003 as well as the wool fibres, fine or coarse animal hair of heading Nos 5101 to 5105, the cotton fibres of heading Nos 5201 to 5203 and the other vegetable fibres of heading Nos 5301 to 5305.
3. The terms “textile pulp”, “chemical materials” and “paper-making materials” are used in the list to describe the materials not classified in Chapters 50 to 63, which can be used to manufacture artificial, synthetic or paper fibres or yarns.
4. The term “man-made staple fibres” is used in the list to refer to synthetic or artificial filament tow, staple fibres or waste, of heading Nos 5501 to 5507.

#### **Note 5:**

1. Where for a given product in the list a reference is made to this note, the conditions set out in column 3 shall not be applied to any basic textile materials, used in the manufacture of this product, which, taken together, represent 10 per cent or less of the total weight of all the basic textile materials used. (See also Notes 5.3 and 5.4 below).
2. However, the tolerance mentioned in Note 5.1 may only be applied to mixed products which have been made from two or more basic textile materials.

The following are the basic textile materials:

- silk,
- wool,
- coarse animal hair,
- fine animal hair,
- horsehair,
- cotton,
- paper-making materials and paper,
- flax,
- true hemp,
- jute and other textile bast fibres,
- sisal and other textile fibres of the genus *Agave*,
- coconut, abaca, ramie and other vegetable textile fibres,
- synthetic man-made filaments,
- artificial man-made filaments,
- current conducting filaments
- synthetic man-made staple fibres of polypropylene,
- synthetic man-made staple fibres of polyester,
- synthetic man-made staple fibres of polyamide,
- synthetic man-made staple fibres of polyacrylonitrile,
- synthetic man-made staple fibres of polyimide,

- synthetic man-made staple fibres of polytetrafluoroethylene,
- synthetic man-made staple fibres of polyphenylene sulphide,
- synthetic man-made staple fibres of polyvinyl chloride,
- other synthetic man-made staple fibres,
- artificial man-made staple fibres of viscose,
- other artificial man-made staple fibres,
- yarn made of polyurethane segmented with flexible segments of polyether whether or not gimped,
- yarn made of polyurethane segmented with flexible segments of polyester whether or not gimped,
- products of heading No 5605 (metallized yarn) incorporating strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film,
- other products of heading No 5605.

Example:

A yarn of heading No 5205 made from cotton fibres of heading No 5203 and synthetic staple fibres of heading No 5506 is a mixed yarn. Therefore, non-originating synthetic staple fibres that do not satisfy the origin rules (which require manufacture from chemical materials or textile pulp) may be used up to a weight of 10 per cent of the yarn.

Example:

A woollen fabric of heading No 5112 made from woollen yarn of heading No 5107 and synthetic yarn of staple fibres of heading No 5509 is a mixed fabric. Therefore synthetic yarn which does not satisfy the origin rules (which require manufacture from chemical materials or textile pulp) or woollen yarn that does not satisfy the origin rules (which require manufacture from natural fibres, not carded or combed or otherwise prepared for spinning) or a combination of the two may be used provided their total weight does not exceed 10 per cent of the weight of the fabric.

Example:

Tufted textile fabric of heading No 5802 made from cotton yarn of heading No 5205 and cotton fabric of heading No 5210 is only a mixed product if the cotton fabric is itself a mixed fabric being made from yarns classified in two separate headings or if the cotton yarns used are themselves mixtures.

Example:

If the tufted textile fabric concerned had been made from cotton yarn of heading No 5205 and synthetic fabric of heading No 5407, then, obviously, the yarns used are two separate basic textile materials and the tufted textile fabric is accordingly a mixed product.

3. In the case of products incorporating "yarn made of polyurethane segmented with flexible segments of polyether whether or not gimped" this tolerance is 20 per cent in respect of this yarn.
4. In the case of products incorporating "strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of an adhesive between two layers of plastic film", this tolerance is 30 per cent in respect of this strip.

### Note 6:

1. In the case of those textile products, which are marked in the list by a footnote referring to this Introductory Note, textile trimmings and accessories which do not satisfy the rule set out in the list in column 3 for the made up products concerned may be used provided that their weight does not exceed 10% of the total weight of all the textile materials incorporated.

Textile trimmings and accessories are those classified in Chapters 50 to 63. Linings and interlinings are not be regarded as trimmings or accessories.

2. Any non-textile trimmings and accessories or other materials used which contain textiles do not have to satisfy the conditions set out in column 3 even though they fall outside the scope of Note 3.5.
3. In accordance with Note 3.5, any non-originating non-textile trimmings and accessories or other product, which do not contain any textiles, may, anyway, be used freely where they cannot be made from the materials listed in column 3.
  - For example, 1 if a rule in the list says that for a particular textile item, such as a blouse, yarn must be used, this does not prevent the use of metal items, such as buttons, because they cannot be made from textile materials.
4. Where a percentage rule applies, the value of trimmings and accessories must be taken into account when calculating the value of the non-originating materials incorporated.

### Note 7:

1. For the purposes of heading Nos ex 2707, 2713 to 2715, ex 2901, ex 2902 and ex 3403, the "specific processes" are the following:

- (a) vacuum distillation;
- (b) redistillation by a very thorough fractionation process <sup>(2)</sup>;
- (c) cracking;
- (d) reforming;
- (e) extraction by means of selective solvents;
- (f) the process comprising all the following operations: processing with concentrated sulphuric acid, oleum or sulphuric anhydride; neutralization with alkaline agents; decolorization and purification with naturally active earth, activated earth, activated charcoal or bauxite;
- (g) polymerization;
- (h) alkylation;
- (i) isomerization.

2. For the purposes of heading Nos 2710, 2711 and 2712, the "specific processes" are the following:

- (a) vacuum distillation;
- (b) redistillation by a very thorough fractionation process <sup>(1)</sup>;
- (c) cracking;
- (d) reforming;
- (e) extraction by means of selective solvents;
- (f) the process comprising all the following operations: processing with concentrated sulphuric acid, oleum or sulphuric anhydride; neutralization with alkaline agents; decolorization and purification with naturally active earth, activated earth, activated charcoal or bauxite;
- (g) polymerization;
- (h) alkylation;
- (i) isomerization;
- (j) in respect of heavy oils falling within heading No ex 2710 only, desulphurization with hydrogen resulting in a reduction of at least 85 per cent of the sul-

phur content of the products processed (ASTM D 1266-59 T method);

- (k) in respect of products falling within heading No 2710 only, deparaffining by a process other than filtering;
  - (l) in respect of heavy oils falling within heading No ex 2710 only, treatment with hydrogen at a pressure of more than 20 bar and a temperature of more than 250°C with the use of a catalyst, other than to effect desulphurization, when the hydrogen constitutes an active element in a chemical reaction. The further treatment with hydrogen of lubricating oils of heading No ex 2710 (e.g. hydrofinishing or decolorization) in order, more especially, to improve colour or stability shall not, however, be deemed to be a specific process;
  - (m) in respect of fuel oils falling within heading No ex 2710 only, atmospheric distillation, on condition that less than 30 per cent of these products distills, by volume, including losses, at 300°C by the ASTM D 86 method;
  - (n) in respect of heavy oils other than gas oils and fuel oils falling within heading No ex 2710 only, treatment by means of a high-frequency electrical brush-discharge.
3. For the purposes of heading Nos ex 2707, 2713 to 2715, ex 2901, ex 2902 and ex 3403, simple operations such as cleaning, decanting, desalting, water separation, filtering, colouring, marking, obtaining a sulphur content as a result of mixing products with different sulphur contents, any combination of these operations or like operations do not confer origin.

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1. This example is given for the purpose of explanation only. It is not legally binding  
2. See additional Explanatory Note 4(b) to Chapter 27 of the Combined Nomenclature

## Annex II to Protocol 1

### **List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status**

The products mentioned in the list may not all be covered by this Agreement. It is therefore necessary to consult the other parts of this Agreement.

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
Chapter 01	Live animals	All the animals of Chapter 1 used must be wholly obtained
Chapter 02	Meat and edible meat offal	Manufacture in which all the materials of Chapters 1 and 2 used must be wholly obtained
Chapter 03	Fish and crustaceans, molluscs and other aquatic invertebrates	Manufacture in which all the materials of Chapter 3 used must be wholly obtained
ex Chapter 04	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included; except for:	Manufacture in which all the materials of Chapter 4 used must be wholly obtained
0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa	Manufacture in which: – all the materials of Chapter 4 used must be wholly obtained; – any fruit juice (except those of pineapple, lime or grapefruit) of heading No 2009 used must already be originating; – the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
ex Chapter 05	Products of animal origin, not elsewhere specified or included; except for:	Manufacture in which all the materials of Chapter 5 used must be wholly obtained
ex 0502	Prepared pigs', hogs' or boars' bristles and hair	Cleaning, disinfecting, sorting and straightening of bristles and hair
Chapter 06	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage	Manufacture in which: – all the materials of Chapter 6 used must be wholly obtained; – the value of all the materials used does not exceed 50% of the ex-works price of the product
Chapter 07	Edible vegetables and certain roots and tubers	Manufacture in which all the materials of Chapter 7 used must be wholly obtained
Chapter 08	Edible fruit and nuts; peel of citrus fruits or melons	Manufacture in which: – all the fruit and nuts used must be wholly obtained; – the value of any materials of Chapter 17 used does not exceed 30 % of the value of the ex-works price of the product
ex Chapter 09	Coffee, tea, maté and spices; except for:	Manufacture in which all the materials of Chapter 9 used must be wholly obtained
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion	Manufacture from materials of any heading
0902	Tea, whether or not flavoured	Manufacture from materials of any heading
ex 0910	Mixtures of spices	Manufacture from materials of any heading
Chapter 10	Cereals	Manufacture in which all the materials of Chapter 10 used must be wholly obtained
ex Chapter 11	Products of the milling industry; malt; starches; inulin; wheat gluten; except for:	Manufacture in which all the cereals, edible vegetables, , roots and tubers of heading No 0714 or fruit used must be wholly obtained
ex 1106	Flour, meal and powder of the dried, shelled leguminous vegetables of heading No 0713	Drying and milling of leguminous vegetables of heading No 0708
Chapter 12	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder	Manufacture in which all the materials of Chapter 12 used must be wholly obtained

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
1301	Lac; natural gums, resins, gum-resins and oleoresins (for example, balsams)	Manufacture in which the value of any materials of heading No 1301 used may not exceed 50% of the ex-works price of the product
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:  – Mucilages and thickeners, modified, derived from vegetable products  – Other	Manufacture from non-modified mucilages and thickeners  Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
Chapter 14	Vegetable plaiting materials; vegetable products not elsewhere specified or included	Manufacture in which all the materials of Chapter 14 used must be wholly obtained
ex Chapter 15	Animal or vegetable fats and oils and their cleavage products; prepared edible fats; animals or vegetable waxes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
1501	Pig fat (including lard) and poultry fat, other than that of heading no. 0209 or 1503:  – Fats from bones or waste  – Other	Manufacture from materials of any heading except those of heading Nos 0203, 0206 or 0207 or bones of heading No 0506  Manufacture from meat or edible offal of swine of heading No 0203 or 0206 or of meat and edible offal of poultry of heading No 0207
1502	Fats of bovine animals, sheep or goats, other than those of heading No. 1503  – Fats from bones or waste  – Other	Manufacture from materials of any heading except those of heading Nos 0201, 0202, 0204 or 0206 or bones of heading No 0506  Manufacture in which all the materials of Chapter 2 used must be wholly obtained
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified:  – Solid fractions  – Other	Manufacture from materials of any heading including other materials of heading No 1504  Manufacture in which all the materials of Chapters 2 and 3 used must be wholly obtained
ex 1505	Refined lanolin	Manufacture from crude wool grease of heading No 1505
1506	Other animals fats and oils and their fractions, whether or not refined, but not chemically modified:  – Solid fractions  – Other	Manufacture from materials of any heading including other materials of heading No 1506  Manufacture in which all the materials of Chapter 2 used must be wholly obtained
1507 à 1515	Vegetable oils and their fractions:  – Soya, ground nut, palm, copra, palm kernel, babassu, tung and oiticica oil, myrtle wax and Japan wax, fractions of jojoba oil and oils for technical or industrial uses other than the manufacture of foodstuffs for human consumption	Manufacture in which all the materials used are classified within a heading other than that of the product

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
1516	<ul style="list-style-type: none"> <li>- Solid fractions, except for that of jojoba oil</li> <li>- Other</li> </ul> <p>Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinized, whether or not refined, but not further prepared</p>	<p>Manufacture from other materials of heading Nos. 1507 to 1515</p> <p>Manufacture in which all the vegetable materials used must be wholly obtained</p> <p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials of Chapter 2 used must be wholly obtained;</li> <li>- all the vegetable materials used must be wholly obtained. However, materials of headings 1507, 1508, 1511 and 1513 may be used</li> </ul>
1517	<p>Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading No 1516</p>	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials of Chapters 2 and 4 used must be wholly obtained;</li> <li>- all the vegetable materials used must be wholly obtained. However, materials of headings 1507, 1508, 1511 and 1513 may be used</li> </ul>
Chapter 16	Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates	Manufacture from animals of Chapter 1. All the materials of Chapter 3 used must be wholly obtained
ex Chapter 17	Sugars and sugar confectionery; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 1701	Cane or beet sugar and chemically pure sucrose, in solid form, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
1702	<p>Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:</p> <ul style="list-style-type: none"> <li>- Chemically pure maltose and fructose</li> </ul>	<p>Manufacture from materials of any heading including other materials of heading No 1702</p>
ex 1703	<ul style="list-style-type: none"> <li>- Other sugars in solid form, flavoured or coloured</li> <li>- Other</li> </ul> <p>Molasses resulting from the extraction or refining of sugar, flavoured or coloured</p>	<p>Manufacture in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</p> <p>Manufacture in which all the materials used must already be originating</p> <p>Manufacture in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</p>
1704	Sugar confectionery (including white chocolate), not containing cocoa	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</li> </ul>
Chapitre 18	Cocoa and cocoa preparations	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</li> </ul>
1901	<p>Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos. 0401 to 0404, not containing cocoa or containing less than 5% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:</p> <ul style="list-style-type: none"> <li>- Malt extract</li> </ul>	<p>Manufacture from cereals of Chapter 10</p>

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
	– Other	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:  – Containing 20% or less by weight of meat, meat offal, fish, crustaceans or molluscs  – Containing more than 20% by weight of meat, meat offal, fish, crustaceans or molluscs	Manufacture in which all the cereals and derivatives (except durum wheat and its derivatives) used must be wholly obtained  Manufacture in which: – all cereals and derivatives (except durum wheat and its derivatives) used must be wholly obtained; – all the materials of Chapters 2 and 3 used must be wholly obtained
1903	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms	Manufacture from materials of any heading except potato starch of heading No. 1108
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included	Manufacture: – from materials not classified within heading No 1806; – in which all the cereals and flour (except durum wheat and its derivatives and Zea mays) used must be wholly obtained <sup>1</sup> ; – in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	Manufacture from materials of any heading except those of Chapter 11
ex Chapter 20	Preparations of vegetables, fruit, nuts or other parts of plants; except for:	Manufacture in which all the fruit, nuts or vegetables used must be wholly obtained
ex 2001	Yams, sweet potatoes and similar edible parts of plants containing 5% or more by weight of starch, prepared or preserved by vinegar or acetic acid	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 2004 and ex 2005	Potatoes in the form of flour, meal or flakes, prepared or preserved otherwise than by vinegar or acetic acid	Manufacture in which all the materials used are classified within a heading other than that of the product
2006	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized)	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
ex 2008	– Nuts, not containing added sugar or spirit  – Peanut butter; mixtures based on cereals; palm hearts; maize (corn)  – Other except for fruit and nuts cooked otherwise than by steaming or boiling in water, not containing added sugar, frozen	Manufacture in which the value of the originating nuts and oil seeds of headings Nos 0801, 0802 and 1202 to 1207 used exceeds 60% of the ex-works price of the products  Manufacture in which all the materials used are classified within a heading other than that of the product  Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	Manufacture in which: <ul style="list-style-type: none"> <li>– all the materials used are classified within a heading other than that of the product;</li> <li>– the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</li> </ul>
ex Chapter 21	Miscellaneous edible preparations; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof	Manufacture in which: <ul style="list-style-type: none"> <li>– all the materials used are classified within a heading other than that of the product;</li> <li>– all the chicory used must be wholly obtained</li> </ul>
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard: <ul style="list-style-type: none"> <li>– Sauces and preparations therefor; mixed condiments and mixed seasonings</li> <li>– Mustard flour and meal and prepared mustard</li> </ul>	Manufacture in which all the materials used are classified within a heading other than that of the product. However, mustard flour or meal or prepared mustard may be used  Manufacture from materials of any heading
ex 2104	Soups and broths and preparations therefor	Manufacture from materials of any heading except prepared or preserved vegetables of heading Nos 2002 to 2005
2106	Food preparations not elsewhere specified or included	Manufacture in which: <ul style="list-style-type: none"> <li>– all the materials used are classified within a heading other than that of the product;</li> <li>– the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</li> </ul>
ex Chapter 22	Beverages, spirits and vinegar; except for:	Manufacture in which: <ul style="list-style-type: none"> <li>– all the materials used are classified within a heading other than that of the product;</li> <li>– all the grapes or any material derived from grapes used must be wholly obtained</li> </ul>
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009	Manufacture in which: <ul style="list-style-type: none"> <li>– all the materials used are classified within a heading other than that of the product;</li> <li>– the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product;</li> <li>– any fruit juice used (except for pineapple, lime and grapefruit juices) must already be originating</li> </ul>
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80% vol or higher; ethyl alcohol and other spirits, denatured, of any strength.	Manufacture: <ul style="list-style-type: none"> <li>– using materials not classified in headings 2207 or 2208,</li> <li>– in which all the grapes or any materials derived from grapes used must be wholly obtained or if all the other materials used are already originating, arrack may be used up to a limit of 5% by volume</li> </ul>
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other spirituous beverages	Manufacture: <ul style="list-style-type: none"> <li>– from materials not classified within heading Nos 2207 or 2208,</li> <li>– in which all the grapes or any material derived from grapes used must be wholly obtained or if all the other materials used are already originating, arrack may be used up to a limit of 5% by volume</li> </ul>
ex Chapter 23	Residues and waste from the food industries; prepared animal fodder; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 2301	Whale meal; flours, meals and pellets of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption	Manufacture in which all the materials of Chapters 2 and 3 used must be wholly obtained

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
ex 2303	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product, exceeding 40% by weight	Manufacture in which all the maize used must be wholly obtained
ex 2306	Oil cake and other solid residues resulting from the extraction of olive oil, containing more than 3% of olive oil	Manufacture in which all the olives used must be wholly obtained
2309	Preparations of a kind used in animal feeding	Manufacture in which: – all the cereals, sugar or molasses, meat or milk used must already be originating; – all the materials of Chapter 3 used must be wholly obtained
ex Chapitre 24	Tobacco and manufactured tobacco substitutes; except for:	Manufacture in which all the materials of Chapter 24 used must be wholly obtained
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes	Manufacture in which at least 70% by weight of the unmanufactured tobacco or tobacco refuse of heading No 2401 used must already be originating
ex 2403£	Smoking tobacco	Manufacture in which at least 70% by weight of the unmanufactured tobacco or tobacco refuse of heading No 2401 used must already be originating
ex Chapter 25	Salt; sulphur; earths and stone; plastering materials, lime and cement; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 2504	Natural crystalline graphite, with enriched carbon content, purified and ground	Enriching of the carbon content, purifying and grinding of crude crystalline graphite
ex 2515	Marble, merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25 cm	Cutting, by sawing or otherwise, of marble (even if already sawn) of a thickness exceeding 25 cm
ex 2516	Granite, porphyry, basalt, sandstone and other monumental and building stone, merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25 cm	Cutting, by sawing or otherwise, of stone (even if already sawn) of a thickness exceeding 25 cm
ex 2518	Calcined dolomite	Calcination of dolomite not calcined
ex 2519	Crushed natural magnesium carbonate (magnesite), in hermetically-sealed containers, and magnesium oxide, whether or not pure, other than fused magnesia or dead-burned (sintered) magnesia	Manufacture in which all the materials used are classified within a heading other than that of the product. However, natural magnesium carbonate (magnesite) may be used
ex 2520	Plasters specially prepared for dentistry	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 2524	Natural asbestos fibres	Manufacture from asbestos concentrate
ex 2525	Mica powder	Grinding of mica or mica waste
ex 2530	Earth colours, calcined or powdered	Calcination or grinding of earth colours
Chapter 26	Ores, slag and ash	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65% by volume distils at a temperature of up to 250°C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels	Operations of refining and/or one or more specific process(es) <sup>1</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product

<sup>1</sup> For the special conditions to "specific processes" see Introductory Notes 7.1 and 7.3

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
ex 2709	Crude oils obtained from bituminous minerals	Destructive distillation of bituminous materials
2710	Petroleum oils and oils obtained from bituminous materials, other than crude; preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous materials, these oils being the basic constituents of the preparations	Operations of refining and/or one or more specific process(es) <sup>1</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
2711	Petroleum gases and other gaseous hydrocarbons	Operations of refining and/or one or more specific process(es) <sup>1</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
2712	Petroleum jelly; paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes and similar products obtained by synthesis or by other processes, whether or not coloured	Operations of refining and/or one or more specific process(es) <sup>1</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous materials	Operations of refining and/or one or more specific process(es) <sup>1</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphaltic rocks	Operations of refining and/or one or more specific process(es) <sup>1</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
2715	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs)	Operations of refining and/or one or more specific process(es) <sup>1</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
ex Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product  Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 2805	"Mischmetal"	Manufacture by electrolytic or thermal treatment in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 2811	Sulphur trioxide	Manufacture from sulphur dioxide Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

<sup>1</sup> For the special conditions to "specific processes" see Introductory Note 7.2

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
ex 2833	Aluminium sulphate	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 2840	Sodium perborate	Manufacture from disodium tetraborate pentahydrate Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 29	Organic chemicals; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 2901	Acyclic hydrocarbons for use as power or heating fuels	Operations of refining and/or one or more specific process(es) <sup>1</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
ex 2902	Cyclanes and cyclenes (other than azulenes), benzene, toluene, xylenes, for use as power or heating fuels	Operations of refining and/or one or more specific process(es) <sup>1</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used, provided their value does not exceed 50% of the ex-works price of the product
ex 2905	Metal alcoholates of alcohols of this heading and of ethanol	Manufacture from materials of any heading, including other materials of heading No 2905. However, metal alcoholates of this heading may be used, provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
2915	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their exceed 20% of the ex-works price of the product halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of headings Nos 2915 and 2916 used may not exceed 40% of the ex-works price of the product
ex 2932	– Internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives – Cyclic acetals and internal hemiacetals and their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of heading No 2909 used may not exceed 20% of the ex-works price of the product Manufacture from materials of any heading Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
2933	Heterocyclic compounds with nitrogen hetero-atom(s) only	Manufacture from materials of any heading. However, the value of all the materials of headings Nos 2932 and 2933 used may not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
2934	Nucleic acids and their salts; other heterocyclic compounds	Manufacture from materials of any heading. However, the value of all the materials of headings Nos 2932, 2933 and 2934 used may not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

<sup>1</sup> For the special conditions to "specific processes" see Introductory Notes 7.1 and 7.3

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
ex Chapter 30	Pharmaceutical products; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product
3002	Human blood; animal blood prepared for therapeutic, prophylactic or diagnostic uses; antisera and other blood fractions and modified immunological products, whether or not obtained by means of biotechnological processes; vaccines, toxins, cultures of micro-organisms (excluding yeasts) and similar products:  – Products consisting of two or more constituents which have been mixed together for therapeutic or prophylactic uses or unmixed products for these uses, put up in measured doses or in forms or packings for retail sale  – Other:  – human blood  – animal blood prepared for therapeutic or prophylactic uses  – blood fractions other than antisera, haemoglobin, blood globulins and serum globulins  – haemoglobin, blood globulins and serum globulins	Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product  Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product  Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product  Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product  Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product
3003 and 3004	– other  Medicaments (excluding goods of heading No 3002, 3005 or 3006):  – Obtained from amikacin of heading No 2941  – Other	Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product  Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials of heading No 3003 or 3004 may be used provided their value, taken together, does not exceed 20 % of the ex works price of the product  Manufacture in which: – all the materials used are classified within a heading other than that of the product. However, materials of heading No 3003 or 3004 may be used provided their value, taken together, does not exceed 20% of the ex-works price of the product; – the value of all the materials used does not exceed 50% of the ex-works price of the product
ex Chapter 31	Fertilisers; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
ex 3105	Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorous and potassium; other fertilizers; goods of this Chapter, in tablets or similar forms or in packages of a gross weight not exceeding 10 kg, except for: <ul style="list-style-type: none"> <li>- sodium nitrate</li> <li>- calcium cyanamide</li> <li>- potassium sulphate</li> <li>- magnesium potassium sulphate</li> </ul>	Manufacture in which: <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product;</li> <li>- the value of all the materials used does not exceed 50% of the ex-works price of the product</li> </ul> 50 % du prix départ usine du produit Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3201	Tannins and their salts, ethers, esters and other derivatives	Manufacture from tanning extracts of vegetable origin Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3205	Colour lakes; preparations as specified in Note 3 to this Chapter based on colour lakes <sup>1</sup>	Manufacture from materials of any heading, except headings Nos 3203, 3204 and 3205. However, materials from heading No 3205 may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils	Manufacture from materials of any heading, including materials of a different "group" <sup>2</sup> in this heading. However, materials of the same group may be used, provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, "dental waxes" and dental preparations with a basis of plaster; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3403	Lubricating preparations containing petroleum oils or oils obtained from bituminous minerals, provided they represent less than 70% by weight	Operations of refining and/or one or more specific process(es) <sup>3</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product

<sup>1</sup> Note 3 to Chapter 32 says that these preparations are those of a kind used for coloring any material or used as ingredients in the manufacturing of coloring preparations, provided they are not classified in another heading in Chapter 32

<sup>2</sup> A "group" is regarded as any part of the heading separated from the rest by a semi-colon

<sup>3</sup> For the special conditions to "specific processes" see Introductory Notes 7.1 and 7.3

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
3404	Artificial waxes and prepared waxes: – With a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax  – Other	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product Manufacture from materials of any heading, except: – hydrogenated oils having the character of waxes of heading No 1516; Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product – fatty acids not chemically defined or industrial fatty alcohols having the character of waxes of heading No 3823; Fabrication dans laquelle la valeur de toutes les matières utilisées ne doit pas excéder 40 % du prix départ usine du produit – materials of heading No 3404 However, these materials may be used provided their value does not exceed 20% of the ex-works price of the product
ex Chapter 35	Albuminoidal substances; modified starches; glues; enzymes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches:  – Starch ethers and esters  – Other	Manufacture from materials of any heading, including other materials of heading No 3505 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture from materials of any heading, except those of heading No 1108 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3507	Prepared enzymes not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
Chapitre 36	Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 37	Photographic or cinematographic goods; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3701	Photographic plates and film in the flat, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in the flat, sensitized, unexposed, whether or not in packs:  – Instant print film for colour photography, in packs	Manufacture in which all the materials used are classified within a heading other than heading Nos 3701 or 3702. However, materials from heading No 3702 may be used provided their value does not exceed 30% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
	– Other	Manufacture in which all the materials used are classified within a heading other than heading No 3701 or 3702. However, materials from heading Nos 3701 and 3702 may be used provided their value taken together, does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3702	Photographic film in rolls, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in rolls, sensitized, unexposed	Manufacture in which all the materials used are classified within a heading other than heading Nos 3701 or 3702 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3704	Photographic plates, film paper, paperboard and textiles, exposed but not developed	Manufacture in which all the materials used are classified within a heading other than heading Nos 3701 to 3704 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 38	Miscellaneous chemical products; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3801	– Colloidal graphite in suspension in oil and semi-colloidal graphite; carbonaceous pastes for electrodes  – Graphite in paste form, being a mixture of more than 30% by weight of graphite with mineral oils	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product  Manufacture in which the value of all the materials of heading No 3403 used does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3803	Refined tall oil	Refining of crude tall oil Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3805	Spirits of sulphate turpentine, purified	Purification by distillation or refining of raw spirits of sulphate turpentine Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3806	Ester gums	Manufacture from resin acids Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3807	Wood pitch (wood tar pitch)	Distillation of wood tar Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3808	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulphur-treated bands, wicks and candles, and fly-papers)	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the products
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the products

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
3810	Pickling preparations for metal surfaces; fluxes and other auxiliary preparations for soldering, brazing or welding; soldering, brazing or welding powders and pastes consisting of metal and other materials; preparations of a kind used as cores or coatings for welding electrodes or rods	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the products
3811	Anti-knock preparations, oxidation inhibitors, gum inhibitors, viscosity improvers, anti-corrosive preparations and other prepared additives, for mineral oils (including gasoline) or for other liquids used for the same purposes as mineral oils:  – Prepared additives for lubricating oil, containing petroleum oils or oils obtained from bituminous minerals  – Other	Manufacture in which the value of all the materials of heading No 3811 used does not exceed 50% of the ex-works price of the product  Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3812	Prepared rubber accelerators; compound plasticizers for rubber or plastics, not elsewhere specified or included; anti-oxidizing preparations and other compound stabilizers for rubber or plastics	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3813	Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3814	Organic composite solvents and thinners, not elsewhere specified or included; prepared paint or varnish removers	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3818	Chemical elements doped for use in electronics, in the form of discs, wafers or similar forms; chemical compounds doped for use in electronics	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3819	Hydraulic brake fluids and other prepared liquids for hydraulic transmission, not containing or containing less than 70% by weight of petroleum oils or oils obtained from bituminous minerals	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3820	Anti-freezing preparations and prepared de-icing fluids	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3822	Diagnostic or laboratory reagents on a backing and prepared diagnostic or laboratory reagents, whether or not on a backing, other than those of heading No. 3002 or 3006	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols.  – Industrial monocarboxylic fatty acids, acid oils from refining  – Industrial fatty alcohols	Manufacture in which all the materials used are classified within a heading other than that of the product  Manufacture from materials of any heading including other materials of heading No. 3823
3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included:  – The following of this heading: Prepared binders for foundry moulds or cores based on natural resinous products Naphthenic acids, their water insoluble salts and their esters	

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
	<p>Sorbitol other than that of heading No 2905</p> <p>Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanolamines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts</p> <p>Ion exchangers</p> <p>Getters for vacuum tubes</p> <p>Alkaline iron oxide for the purification of gas</p> <p>Ammoniacal gas liquors and spent oxide produced in coal gas purification</p> <p>Sulphonaphthenic acids, their water insoluble salts and their esters</p> <p>Fusel oil and Dippel's oil</p> <p>Mixtures of salts having different anions</p> <p>Copying pastes with a basis of gelatin, whether or not on a paper or textile backing</p> <p>– Other</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product</p>
3901 à 3915	<p>Plastics in primary forms, waste, parings and scrap, of plastic; except for heading Nos ex 3907 and 3912 for which the rules are set out below:</p> <p>– Addition homopolymerization products in which a single monomer contributes more than 99% by weight to the total polymer content</p> <p>– Other</p>	<p>Manufacture in which:</p> <p>– the value of all the materials used does not exceed 50% of the ex-works price of the product;</p> <p>– the value of any materials of Chapter 39 used does not exceed 20% of the ex-works price of the product<sup>1</sup></p> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p> <p>Manufacture in which the value of the materials of Chapter 39 used does not exceed 20% of the ex-works price of the product<sup>1</sup></p> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
ex 3907	<p>– Copolymer, made from polycarbonate and acrylonitrile-butadiene-styrene copolymer (ABS)</p> <p>– Polyester</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product<sup>1</sup></p> <p>Manufacture in which the value of any materials of Chapter 39 used does not exceed 20% of the ex-works price of the product and/or manufacture from polycarbonate of tetrabromo-(bisphenol A)</p>
3912	<p>Cellulose and its chemical derivatives, not elsewhere specified or included, in primary forms</p>	<p>Manufacture in which the value of any materials classified in the same heading as the product does not exceed 20% of the ex-works price of the product</p>
3916 to 3921	<p>Semi-manufactures and articles of plastics; except for headings Nos ex 3916, ex 3917, ex 3920 and ex 3921, for which the rules are set out below:</p> <p>– Flat products, further worked than only surface-worked or cut into forms other than rectangular (including square); other products, further worked than only surface-worked</p> <p>– Other:</p>	<p>Manufacture in which the value of any materials of Chapter 39 used does not exceed 50% of the ex-works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>

<sup>1</sup> In the case of the products composed of materials classified within both headings Nos 3901 to 3906, on the one hand, and within headings Nos 3907 to 3911, on the other hand, this restriction only applies to that group of materials which predominates by weight in the product.

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
	<ul style="list-style-type: none"> <li>- Addition homopolymerization products in which a single monomer contributes more than 99% by weight to the total polymer content</li> <li>- Other</li> </ul>	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- the value of all the materials used does not exceed 50% of the ex-works price of the product;</li> <li>- the value of any materials of Chapter 39 used does not exceed 20% of the ex-works price of the product<sup>1</sup></li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
ex 3916 and ex 3917	Profile shapes and tubes	<p>Manufacture in which the value of any materials of Chapter 39 used does not exceed 20% of the ex-works price of the product<sup>1</sup></p> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
ex 3920	<ul style="list-style-type: none"> <li>- Ionomer sheet or film</li> </ul>	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- the value of all the materials used does not exceed 50% of the ex-works price of the product;</li> <li>- the value of any materials classified within the same heading as the product does not exceed 20% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
ex 3921	<ul style="list-style-type: none"> <li>- Sheets of regenerated cellulose, polyamides or polyethylene</li> </ul> <p>Foils of plastic, metallized</p>	<p>Manufacture in which the value of any materials classified in the same heading as the product does not exceed 20% of the ex-works price of the product</p> <p>Manufacture from highly transparent polyester foils with a thickness of less than 23 micron<sup>1</sup></p> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
3922 to 3926	Articles of plastics	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex Chapter 40	Rubber and articles thereof; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 4001	Laminated slabs of crepe rubber for shoes	Lamination of sheets of natural rubber
4005	Compounded rubber, unvulcanised, in primary forms or in plates, sheets or strip	Manufacture in which the value of all the materials used, except natural rubber, does not exceed 50% of the ex-works price of the product
4012	<p>Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, interchangeable tyre treads and tyre flaps, of rubber:</p> <ul style="list-style-type: none"> <li>- Retreaded pneumatic, solid or cushion tyres, of rubber</li> <li>- Other</li> </ul>	<p>Retreading of used tyres</p> <p>Manufacture from materials of any heading, except those of heading Nos 4011 or 4012</p>
ex 4017	Articles of hard rubber	Manufacture from hard rubber
ex Chapter 41	Raw hides and skins (other than furskins) and leather; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 4102	Raw skins of sheep or lambs, without wool on	Removal of wool from sheep or lamb skins, with wool on
4104 à 4107	Leather, without hair or wool, other than leather of heading Nos 4108 or 4109	<p>Retanning of pre-tanned leather</p> <p>or</p> <p>Manufacture in which all the materials used are classified within a heading other than that of the product</p>

<sup>1</sup> In the case of the products composed of materials classified within both headings Nos 3901 to 3906, on the one hand, and within headings Nos 3907 to 3911, on the other hand, this restriction only applies to that group of materials which predominates by weight in the product.

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
4109	Patent leather and patent laminated leather; metallized leather	Manufacture from leather of heading Nos 4104 to 4107 provided its value does not exceed 50% of the ex-works price of the product
Chapter 42	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk worm gut)	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 43	Furskins and artificial fur; manufactures thereof; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 4302	Tanned or dressed furskins, assembled: – Plates, crosses and similar forms – Other	Bleaching or dyeing, in addition to cutting and assembly of non-assembled tanned or dressed furskins  Manufacture from non-assembled, tanned or dressed furskins
4303	Articles of apparel, clothing accessories and other articles of furskin	Manufacture from non-assembled tanned or dressed furskins of heading No 4302
ex Chapter 44	Wood and articles of wood; wood charcoal; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 4403	Wood roughly squared	Manufacture from wood in the rough, whether or not stripped of its bark or merely roughed down
ex 4407	Wood sawn or chipped lengthwise, sliced or peeled, of a thickness exceeding 6 mm, planed, sanded or finger-jointed	Planing, sanding or finger-jointing
ex 4408	Veneer sheets and sheets for plywood, of a thickness not exceeding 6 mm, spliced, and other wood sawn lengthwise, sliced or peeled of a thickness not exceeding 6 mm, planed, sanded or finger-jointed	Splicing, planing, sanding or finger-jointing
ex 4409	Wood continuously shaped along any of its edges or faces, whether or not planed, sanded or finger-jointed: – Sanded or finger-jointed – Beadings and mouldings	Sanding or finger-jointing  Beading or moulding
ex 4410 to ex 4413	Beadings and mouldings, including moulded skirting and other moulded boards	Beading or moulding
ex 4415	Packing cases, boxes, crates, drums and similar packings, of wood	Manufacture from boards not cut to size
ex 4416	– Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood	Manufacture from riven staves, not further worked than sawn on the two principal surfaces
ex 4418	– Builders' joinery and carpentry of wood  – Beadings and mouldings	Manufacture in which all the materials used are classified within a heading other than that of the product. However, cellular wood panels, shingles and shakes may be used  Beading or moulding
ex 4421	Match splints; wooden pegs or pins for footwear	Manufacture from wood of any heading except drawn wood of heading No 4409
ex Chapitre 45	Cork and articles of cork; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
4503	Articles of natural cork	Manufacture from cork of heading No 4501

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
Chapter 46	Manufactures of straw, of esparto or of other plaiting materials; basketware and wickerwork	Manufacture in which all the materials used are classified within a heading other than that of the product
Chapter 47	Pulp of wood or of other fibrous cellulosic material; recovered (waste and scrap) paper or paperboard	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 48	Paper and paperboard; articles of paper pulp, of paper or of paperboard; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 4811	Paper and paperboard, ruled, lined or squared only	Manufacture from paper-making materials of Chapter 47
4816	Carbon paper, self-copy paper and other copying or transfer papers (other than those of heading No 4809), duplicator stencils and offset plates, of paper, whether or not put up in boxes	Manufacture from paper-making materials of Chapter 47
4817	Envelopes, letter cards, plain postcards and correspondence cards, of paper or paperboard; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing an assortment of paper stationery	Manufacturing in which: <ul style="list-style-type: none"> <li>– all the materials used are classified within a heading other than that of the product;</li> <li>– the value of all the materials used does not exceed 50% of the ex-works price of the product</li> </ul>
ex 4818	Toilet paper	Manufacture from paper-making materials of Chapter 47
ex 4819	Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibres	Manufacture in which: <ul style="list-style-type: none"> <li>– all the materials used are classified within a heading other than that of the product;</li> <li>– the value of all the materials used does not exceed 50% of the ex-works price of the product</li> </ul>
ex 4820	Letter pads	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 4823	Other paper, paperboard, cellulose wadding and webs of cellulose fibres, cut to size or shape	Manufacture from paper-making materials of Chapter 47
ex Chapter 49	Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
4909	Printed or illustrated postcards; printed cards bearing personal greetings, messages or announcements, whether or not illustrated, with or without envelopes or trimmings	Manufacture from materials not classified within heading Nos 4909 or 4911
4910	Calendars of any kind, printed, including calendar blocks: <ul style="list-style-type: none"> <li>– Calendars of the "perpetual" type or with replaceable blocks mounted on bases other than paper or paperboard</li> <li>– Other</li> </ul>	Manufacture in which: <ul style="list-style-type: none"> <li>– all the materials used are classified within a heading other than that of the product;</li> <li>– the value of all the materials used does not exceed 50% of the ex-works price of the product</li> </ul> Manufacture from materials not classified in heading Nos 4909 or 4911
ex Chapter 50	Silk; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock), carded or combed	Carding or combing of silk waste
5004 à ex 5006	Silk yarn and yarn spun from silk waste	Manufacture from <sup>1</sup> : <ul style="list-style-type: none"> <li>– raw silk or silk waste carded or combed or otherwise prepared for spinning,</li> <li>– other natural fibres not carded or combed or otherwise prepared for spinning,</li> <li>– chemical materials or textile pulp, or</li> <li>– paper-making materials</li> </ul>

<sup>1</sup> For special conditions relating to products made of mixture of textile materials, see Introductory Note 5.

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
5007	Woven fabrics of silk or of silk waste: – Incorporating rubber thread – Other	Manufacture from single yarn <sup>1</sup>  Manufacture from <sup>1</sup> : – coir yarn, – natural fibres, – man-made staple fibres not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
ex Chapter 51	Wool, fine or coarse animal hair; horsehair yarn and woven fabric; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
5106 to 5110	Yarn of wool, of fine or coarse animal hair or of horsehair	Manufacture from <sup>1</sup> : – raw silk or silk waste carded or combed or otherwise prepared for spinning, – de fibres naturelles non cardées ni peignées ou autrement natural fibres not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper-making materials
5111 à 5113	Woven fabrics of wool, of fine or coarse animal hair or of horsehair: – Incorporating rubber thread – Other	Manufacture from single yarn <sup>1</sup>  Manufacture from <sup>1</sup> : – coir yarn, – natural fibres, – man-made staple fibres not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
ex Chapter 52	Cotton; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
5204 à 5207	Yarn and thread of cotton	Manufacture from <sup>1</sup> : – raw silk or silk waste carded or combed or otherwise prepared for spinning, – natural fibres not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper-making materials
5208 à 5212	Woven fabrics of cotton: – Incorporating rubber thread – Other	Manufacture from single yarn <sup>1</sup>  Manufacture from <sup>1</sup> : – coir yarn, – natural fibres, – man-made staple fibres not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper or

<sup>1</sup> For special conditions relating to products made of mixture of textile materials, see Introductory Note 5.

Position SH n°	Désignation du produit	Ouvraison ou transformation appliquée à des matières non originaires conférant le caractère de produit originaire
(1)	(2)	(3) ou (4)
		Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
ex Chapter 53	Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
5306 to 5308	Yarn of other vegetable textile fibres; paper yarn	Manufacture from <sup>1</sup> : <ul style="list-style-type: none"> <li>- raw silk or silk waste carded or combed or otherwise prepared for spinning,</li> <li>- natural fibres not carded or combed or otherwise prepared for spinning,</li> <li>- chemical materials or textile pulp, or</li> <li>- paper-making materials</li> </ul>
5309 à 5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn: <ul style="list-style-type: none"> <li>- Incorporating rubber thread</li> <li>- Other</li> </ul>	Manufacture from single yarn <sup>1</sup>  Manufacture from <sup>1</sup> : <ul style="list-style-type: none"> <li>- coir yarn,</li> <li>- natural fibres,</li> <li>- man-made staple fibres not carded or combed or otherwise prepared for spinning,</li> <li>- chemical materials or textile pulp, or</li> <li>- paper</li> </ul> or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
5401 to 5406	Yarn, monofilament and thread of man-made filaments	Manufacture from <sup>1</sup> : <ul style="list-style-type: none"> <li>- raw silk or silk waste carded or combed or otherwise prepared for spinning,</li> <li>- natural fibres not carded or combed or otherwise prepared for spinning,</li> <li>- chemical materials or textile pulp, or</li> <li>- paper-making materials</li> </ul>
5407 and 5408	Woven fabrics of man-made filament yarn: <ul style="list-style-type: none"> <li>- Incorporating rubber thread</li> <li>- Other</li> </ul>	Manufacture from single yarn <sup>1</sup>  Manufacture from <sup>1</sup> : <ul style="list-style-type: none"> <li>- coir yarn,</li> <li>- natural fibres,</li> <li>- man-made staple fibres not carded or combed or otherwise prepared for spinning,</li> <li>- chemical materials or textile pulp, or</li> <li>- paper</li> </ul> or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
5501 to 5507	Man-made staple fibres	Manufacture from chemical materials or textile pulp

<sup>1</sup> For special conditions relating to products made of mixture of textile materials, see Introductory Note 5.

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
5508 to 5511	Yarn and sewing thread of man-made staple fibres	Manufacture from <sup>1</sup> : <ul style="list-style-type: none"> <li>- raw silk or silk waste carded or combed or otherwise prepared for spinning,</li> <li>- natural fibres not carded or combed or otherwise prepared for spinning,</li> <li>- chemical materials or textile pulp, or</li> <li>- paper-making materials</li> </ul>
5512 to 5516	Woven fabrics of man-made staple fibres: <ul style="list-style-type: none"> <li>- Incorporating rubber thread</li> <li>- Other</li> </ul>	Manufacture from single yarn <sup>1</sup>  Manufacture from <sup>1</sup> : <ul style="list-style-type: none"> <li>- coir yarn,</li> <li>- natural fibres,</li> <li>- man-made staple fibres not carded or combed or otherwise prepared for spinning,</li> <li>- chemical materials or textile pulp, or</li> <li>- paper</li> </ul> or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
ex Chapter 56	Wadding, felt and non-wovens; special yarns; twine, cordage, ropes and cables and articles thereof; except for:	Manufacture from <sup>1</sup> : <ul style="list-style-type: none"> <li>- coir yarn,</li> <li>- natural fibres,</li> <li>- chemical materials or textile pulp, or</li> <li>- paper making materials</li> </ul>
5602	Felt, whether or not impregnated, coated, covered or laminated: <ul style="list-style-type: none"> <li>- Needleloom felt</li> <li>- Other</li> </ul>	Manufacture from <sup>1</sup> : <ul style="list-style-type: none"> <li>- natural fibres,</li> <li>- chemical materials or textile pulp</li> </ul> However: <ul style="list-style-type: none"> <li>- polypropylene filament of heading No 5402,</li> <li>- polypropylene fibres of heading No 5503 or 5506 or</li> <li>- polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex may be used provided their value does not exceed 40% of the ex-works price of the product</li> </ul> Manufacture from <sup>1</sup> : <ul style="list-style-type: none"> <li>- natural fibres,</li> <li>- man-made staple fibres made from casein, or</li> <li>- chemical materials or textile pulp</li> </ul>
5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading No 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics: <ul style="list-style-type: none"> <li>- Rubber thread and cord, textile covered</li> <li>- Other</li> </ul>	Manufacture from rubber thread or cord, not textile covered  Manufacture from <sup>1</sup> : <ul style="list-style-type: none"> <li>- natural fibres not carded or combed or otherwise processed for spinning,</li> <li>- chemical materials or textile pulp, or</li> <li>- paper-making materials</li> </ul>

<sup>1</sup> For special conditions relating to products made of mixture of textile materials, see Introductory Note 5.

Position SH n°	Désignation du produit	Ouvraison ou transformation appliquée à des matières non originaires conférant le caractère de produit originaire
(1)	(2)	(3) ou (4)
5605	Metallized yarn, whether or not gimped, being textile yarn, or strip or the like of heading No 5404 or 5405, combined with metal in the form of thread, strip or powder or covered with metal	Manufacture from <sup>1</sup> : – natural fibres, – man-made staple fibres not carded or combed or otherwise processed for spinning, – chemical materials or textile pulp, or – paper-making materials
5606	Gimped yarn, and strip and the like of heading No 5404 or 5405, gimped (other than those of heading No 5605 and gimped horsehair yarn); chenille yarn (including flock chenille yarn; loop wale-yarn)	Manufacture from <sup>1</sup> : – natural fibres, – man-made staple fibres not carded or combed or otherwise processed for spinning, – chemical materials or textile pulp, or – paper-making materials
Chapter 57	Carpets and other textile floor coverings:  – Of needleloom felt           – Of other felt           – Other	Manufacture from <sup>1</sup> : – natural fibres, or – chemical materials or textile pulp However: – polypropylene filament of heading No 5402, – polypropylene fibres of heading No 5503 or 5506 or – polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex may be used provided their value does not exceed 40% of the ex-works price of the product – jute fabric may be used as backing  Manufacture from <sup>1</sup> : – natural fibres not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp  Manufacture from <sup>1</sup> : – coir or jute yarn, – synthetic or artificial filament yarn, – natural fibres, or – man-made staple fibres not carded or combed or otherwise processed for spinning Jute fabric may be used as backing
ex Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery; except for:  – Combined with rubber thread  – Other	Manufacture from single yarn <sup>1</sup>  Manufacture from <sup>1</sup> : – natural fibres, – man-made staple fibres not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp, or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
5805	Hand-woven tapestries of the types gobelins, flanders, aubusson, beauvais and the like, and needle-worked tapestries (for example, petit point, cross stitch), whether or not made up	Manufacture in which all the materials used are classified within a heading other than that of the product
5810	Embroidery in the piece, in strips or in motifs	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 50% of the ex-works price of the product

<sup>1</sup> For special conditions relating to products made of mixture of textile materials, see Introductory Note 5.

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations	Manufacture from yarn
5902	Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon:  – Containing not more than 90 % by weight of textile materials  – Other	Manufacture from yarn  Manufacture from chemical materials or textile pulp
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading No 5902	Manufacture from yarn or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape	Manufacture from yarn <sup>1</sup>
5905	Textile wall coverings:  – Impregnated, coated, covered or laminated with rubber, plastics or other materials  – Other	Manufacture from yarn  Manufacture from <sup>1</sup> : – coir yarn, – natural fibres, – man-made staple fibres not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp, or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
5906	Rubberized textile fabrics, other than those of heading No 5902:  – Knitted or crocheted fabrics  – Other fabrics made of synthetic filament yarn, containing more than 90% by weight of textile materials  – Other	Manufacture from <sup>1</sup> : – natural fibres, – man-made staple fibres not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp  Manufacture from chemical materials  Manufacture from yarn
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio back-cloths or the like	Manufacture from yarn or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product

<sup>1</sup> For special conditions relating to products made of mixture of textile materials, see Introductory Note 5.

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
5908	Textile wicks, woven, plaited or knitted, for lamps, stoves, lighters, candles or the like; incandescent gas mantles and tubular knitted gas mantle fabric therefor, whether or not impregnated:  – Incandescent gas mantles, impregnated  – Other	Manufacture from tubular knitted gas mantle fabric  Manufacture in which all the materials used are classified within a heading other than that of the product
5909 to 5911	Textile articles of a kind suitable for industrial use: – Polishing discs or rings other than of felt of heading No 5911 – Woven fabrics, of a kind commonly used in paper-making or other technical uses, felted or not, whether or not impregnated or coated, tubular or endless with single or multiple warp and/or weft, or flat woven with multiple warp and/or weft of heading No 5911          – Other	Manufacture from yarn or waste fabrics or rags of heading No 6310 Manufacture from <sup>1</sup> : – coir yarn, – the following materials: – yarn of polytetrafluoroethylene <sup>2</sup> , – yarn, multiple, of polyamide, coated impregnated or covered with a phenolic resin, – yarn of synthetic textile fibres of aromatic polyamides, obtained by polycondensation of <i>m</i> -phenylenediamine and isophthalic acid, – monofil of polytetrafluoroethylene <sup>2</sup> – yarn of synthetic textile fibres of poly- <i>p</i> -phenylene terephthalamide, – glass fibre yarn, coated with phenol resin and gimped with acrylic yarn <sup>2</sup> – copolyester monofilaments of a polyester and a resin of terephthalic acid and 1,4 – cyclohexanediethanol and isophthalic acid, – natural fibres, – man-made staple fibres not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp  Manufacture from <sup>1</sup> : – coir yarn, – natural fibres, – man-made staple fibres not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp
Chapter 60	Knitted or crocheted fabrics	Manufacture from <sup>1</sup> : – natural fibres, – man-made staple fibres not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp
Chapter 61	Articles of apparel and clothing accessories, knitted or crocheted:  – Obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form  – Other	Manufacture from yarn <sup>1,2</sup>  Manufacture from <sup>1</sup> : – natural fibres, – man-made staple fibres not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp

<sup>1</sup> For special conditions relating to products made of mixture of textile materials, see Introductory Note 5.

<sup>2</sup> The use of this material is restricted to the manufacture of woven fabrics of a kind used in paper-making machinery

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
ex Chapter 62	Articles of apparel and clothing accessories, not knitted or crocheted; except for:	Manufacture from yarn <sup>1,2</sup>
ex 6202, ex 6204, ex 6206, ex 6209 and ex 6211	Women's, girls' and babies' clothing and clothing accessories for babies, embroidered	Manufacture from yarn <sup>1</sup> ou Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product <sup>1</sup>
ex 6210 and ex 6216	Fire-resistant equipment of fabric covered with foil of aluminized polyester	Manufacture from yarn <sup>1</sup> or Manufacture from uncoated fabric provided the value of the uncoated fabric used does not exceed 40% of the ex-works price of the product <sup>1</sup>
6213 and 6214	Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like:  – Embroidered	Manufacture from unbleached single yarn <sup>1,2</sup> or Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product <sup>1</sup>
	– Other	Manufacture from unbleached single yarn <sup>1,2</sup> or Making up followed by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted goods of heading Nos 6213 and 6214 used does not exceed 47.5% of the ex-works price of the product
6217	Other made up clothing accessories; parts of garments or of clothing accessories, other than those of heading No 6212:  – Embroidered	Manufacture from yarn <sup>1</sup> or Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product <sup>1</sup>
	– Fire-resistant equipment of fabric covered with foil of aluminized polyester	Manufacture from yarn <sup>1</sup> or Manufacture from uncoated fabric provided the value of the uncoated fabric used does not exceed 40% of the ex-works price of the product <sup>1</sup>
	– Interlinings for collars and cuffs, cut out	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product
	– Other	Manufacture from yarn <sup>1</sup>
ex Chapter 63	Other made-up textile articles; sets; worn clothing and worn textile articles; rags; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
6301 to 6304	Blankets, travelling rugs, bed linen etc.; curtains etc.; other furnishing articles:  – Of felt, of nonwovens	Manufacture from <sup>2</sup> : – natural fibres, or – chemical materials or textile pulp

<sup>1</sup> See Introductory Note 6.

<sup>2</sup> For special conditions relating to products made of mixture of textile materials, see Introductory Note 5.

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
	<ul style="list-style-type: none"> <li>- Other:</li> <li>- Embroidered</li> </ul>	<p>Manufacture from unbleached single yarn<sup>1, 3</sup> or Manufacture from unembroidered fabric (other than knitted or crocheted) provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product</p>
6305	<ul style="list-style-type: none"> <li>- Other</li> </ul> <p>Sacks and bags, of a kind used for the packing of goods</p>	<p>Manufacture from unbleached single yarn<sup>1, 3</sup></p> <p>Manufacture from<sup>1</sup> :</p> <ul style="list-style-type: none"> <li>- natural fibres,</li> <li>- man-made staple fibres not carded or combed or otherwise processed for spinning, or</li> <li>- chemical materials or textile pulp</li> </ul>
6306	<p>Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods:</p> <ul style="list-style-type: none"> <li>- Of nonwovens</li> </ul>	<p>Manufacture from<sup>1, 2</sup> :</p> <ul style="list-style-type: none"> <li>- natural fibres, or</li> <li>- chemical materials or textile pulp</li> </ul>
6307	<ul style="list-style-type: none"> <li>- Other</li> </ul> <p>Other made-up articles, including dress patterns</p>	<p>Manufacture from unbleached single yarn<sup>1, 2</sup></p> <p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
6308	<p>Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes, or similar textile articles, put up in packings for retail sale</p>	<p>Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated provided their total value does not exceed 15% of the ex-works price of the set</p>
ex Chapter 64	<p>Footwear, gaiters and the like; except for:</p>	<p>Manufacture from materials of any heading except for assemblies of uppers affixed to inner soles or to other sole components of heading No 6406</p>
6406	<p>Parts of footwear (including uppers whether or not attached to soles other than outer soles); removable in-soles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p>
ex Chapter 65	<p>Headgear and parts thereof, except for:</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p>
6503	<p>Felt hats and other felt headgear, made from the hat bodies, hoods or plateaux of heading No 6501, whether or not lined or trimmed</p>	<p>Manufacture from yarn or textile fibres<sup>1</sup></p>
6505	<p>Hats and other headgear, knitted or crocheted, or made up from lace, felt or other textile fabric, in the piece (but not in strips), whether or not lined or trimmed; hair-nets of any material, whether or not lined or trimmed</p>	<p>Manufacture from yarn or textile fibres<sup>1</sup></p>
ex Chapter 66	<p>Umbrellas, sun umbrellas, walking-sticks, seat-sticks, whips, riding-crops, and parts thereof; except for:</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p>
6601	<p>Umbrellas and sun umbrellas (including walking-stick umbrellas, garden umbrellas and similar umbrellas)</p>	<p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product</p>
Chapter 67	<p>Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p>

<sup>1</sup> For special conditions relating to products made of mixture of textile materials, see Introductory Note 5.

<sup>2</sup> See Introductory Note 6.

<sup>3</sup> For knitted or crocheted articles, not elastic or rubberized, obtained by sewing or assembly pieces of knitted or crocheted fabrics (cut out or knitted directly to shape), see Introductory Note 6.

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
ex Chapter 68	Articles of stone, plaster, cement, asbestos, mica or similar materials; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 6803	Articles of slate or of agglomerated slate	Manufacture from worked slate
ex 6812	Articles of asbestos; articles of mixtures with a basis of asbestos or of mixtures with a basis of asbestos and magnesium carbonate	Manufacture from materials of any heading
ex 6814	Articles of mica, including agglomerated or reconstituted mica, on a support of paper, paperboard or other materials	Manufacture from worked mica (including agglomerated or reconstituted mica)
Chapter 69	Ceramic products	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 70	Glass and glassware; except for :	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 7003 ex 7004 and ex 7005	Glass with a non-reflecting layer	Manufacture from materials of heading No. 7001
7006	Glass of heading No 7003, 7004 or 7005, bent, edgeworked, engraved, drilled, enamelled or otherwise worked, but not framed or fitted with other materials:  – glass plate substrate coated with dielectric thin film, semi-conductor grade, in accordance with SEMII standards <sup>1</sup>  – other	Manufacture from non-coated glass plate substrate of heading ) No 7006  Manufacture from materials of heading No 7001
7007	Safety glass, consisting of toughened (tempered) or laminated glass	Manufacture from materials of heading No 7001
7008	Multiple-walled insulating units of glass	Manufacture from materials of heading No 7001
7009	Glass mirrors, whether or not framed, including rear-view mirrors	Manufacture from materials of heading No 7001
7010	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass	Manufacture in which all the materials used are classified within a heading other than that of the product or Cutting of glassware, provided the value of the uncut glassware does not exceed 50% of the ex-works price of the product
7013	Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading No 7010 or 7018)	Manufacture in which all the materials used are classified within a heading other than that of the product or Cutting of glassware, provided the value of the uncut glassware does not exceed 50% of the ex-works price of the product or Hand-decoration (with the exception of silk-screen printing) of hand-blown glassware, provided the value of the hand-blown glass ware does not exceed 50% of the ex-works price of the product
ex 7019	Articles (other than yarn) of glass fibres	Manufacture from: – uncoloured slivers, rovings, yarn or chopped strands, or – glass wool
ex Chapter 71	Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 7101	Natural or cultured pearls, graded and temporarily strung for convenience of transport	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 7102, ex 7103 and ex 7104	Worked precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture from unworked precious or semi-precious stones

<sup>1</sup> SEMII-Semiconductor Equipment and Materials Institute Incorporated.

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
7106, 7108 and 7110	Precious metals: – Unwrought	Manufacture from materials not classified within heading No 7106, 7108 or 7110 or Electrolytic, thermal or chemical separation of precious metals of heading No 7106, 7108 or 7110 or Alloying of precious metals of heading No 7106, 7108 or 7110 with each other or with base metals
ex 7107, ex 7109 and ex 7111	– Semi-manufactured or in powder form	Manufacture from unwrought precious metals
7116	Metals clad with precious metals, semi-manufactured	Manufacture from metals clad with precious metals, unwrought
7117	Articles of natural or cultured pearls, precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex Chapter 72	Iron and steel; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
7207	Semi-finished products of iron or non-alloy steel	Manufacture from materials of heading No 7201, 7202, 7203, 7204 or 7205
7208 to 7216	Flat-rolled products, bars and rods, angles, shapes and sections of iron or non-alloy steel	Manufacture from ingots or other primary forms of heading No 7206
7217	Wire of iron or non-alloy steel	Manufacture from semi-finished materials of heading No 7207
ex 7218, 7219 to 7222	Semi-finished products, flat-rolled products, bars and rods, angles, shapes and sections of stainless steel	Manufacture from ingots or other primary forms of heading No 7218
7223	Wire of stainless steel	Manufacture from semi-finished materials of heading No 7218
ex 7224, 7225 to 7228	Semi-finished products, flat-rolled products, hot-rolled bars and rods, in irregularly wound coils; angles, shapes and sections, of other alloy steel; hollow drill bars and rods, of alloy or non-alloy steel	Manufacture from ingots or other primary forms of heading No 7206, 7218 or 7224
7229	Wire of other alloy steel	Manufacture from semi-finished materials of heading No 7224
ex Chapter 73	Articles of iron or steel; except for: heading other than that of the product	Manufacture in which all the materials used are classified within a
ex 7301		Sheet piling      Manufacture from materials of heading No 7206
7302	Railway or tramway track construction materials of iron or steel, the following: rails, checkrails and rackrails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialized for jointing or fixing rails	Manufacture from materials of heading No 7206
7304, 7305 and 7306	Tubes, pipes and hollow profiles, of iron (other than cast iron) or steel	Manufacture from materials of heading No 7206, 7207, 7218 or 7224
ex 7307	Tube or pipe fittings of stainless steel (ISO No X5CrNiMo 1712), consisting of several parts	Turning, drilling, reaming, threading, deburring and sandblasting of forged blanks the value of which does not exceed 35% of the ex-works price of the product

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
7308	Structures (excluding prefabricated buildings of heading No 9406) and parts of structures (for example, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frame-works, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Manufacture in which all the materials used are classified within a heading other than that of the product. However, welded angles, shapes and sections of heading No 7301 may not be used
ex 7315	Skid chain	Manufacture in which the value of all the materials of heading No 7315 used does not exceed 50% of the ex-works price of the product
ex Chapter 74	Copper and articles thereof; except for:	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 50% of the ex-works price of the product
7401	Copper mattes; cement copper (precipitated copper)	Manufacture in which all the materials used are classified within a heading other than that of the product
7402	Unrefined copper; copper anodes for electrolytic refining	Manufacture in which all the materials used are classified within a heading other than that of the product
7403	Refined copper and copper alloys, unwrought:  – Refined copper  – Copper alloys and refined copper containing other elements	Manufacture in which all the materials used are classified within a heading other than that of the product  Manufacture from refined copper, unwrought, or waste and scrap of copper
7404	Copper waste and scrap	Manufacture in which all the materials used are classified within a heading other than that of the product
7405	Master alloys of copper	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 75	Nickel and articles thereof; except for:	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 50% of the ex-works price of the product
7501 to 7503	Nickel mattes, nickel oxide sinters and other intermediate products of nickel metallurgy; unwrought nickel; nickel waste and scrap	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 76	Aluminium and articles thereof; except for:	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 50% of the ex-works price of the product
7601	Unwrought aluminium	Manufacture in which: – all the materials used are classified within a heading other than that of the product; and – the value of all the materials used does not exceed 50% of the ex-works price of the product or Manufacture by thermal or electrolytic treatment from unalloyed aluminium or waste and scrap of aluminium
7602	Aluminium waste or scrap	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 7616	Aluminium articles other than gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands) of aluminium wire, and expanded metal of aluminium	Manufacture in which: – all the materials used are classified within a heading other than that of the product. However, gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands) of aluminium wire, or expanded metal of aluminium may be used; – the value of all the materials used does not exceed 50% of the ex-works price of the product

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
Chapter 77	Reserved for possible future use in HS	
ex Chapter 78	Lead and articles thereof; except for:	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 50% of the ex-works price of the product
7801	Unwrought lead: – Refined lead – Other	Manufacture from “bullion” or “work” lead  Manufacture in which all the materials used are classified within a heading other than that of the product. However, waste and scrap of heading No 7802 may not be used
7802	Lead waste and scrap	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 79	Zinc and articles thereof; except for:	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 50% of the ex-works price of the product
7901	Unwrought zinc	Manufacture in which all the materials used are classified within a heading other than that of the product. However, waste and scrap of heading No 7902 may not be used
7902	Zinc waste and scrap	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 80	Tin and articles thereof; except for:	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 50% of the ex-works price of the product
8001	Unwrought tin	Manufacture in which all the materials used are classified within a heading other than that of the product. However, waste and scrap of heading No 8002 may not be used
8002 and 8007	Tin waste and scrap; other articles of tin	Manufacture in which all the materials used are classified within a heading other than that of the product
Chapter 81	Other base metals; cermets; articles thereof: – Other base metals, wrought; articles thereof  – Other	Manufacture in which the value of all the materials classified within the same heading as the product used does not exceed 50% of the ex-works price of the product  Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 82	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
8206	Tools of two or more of the heading Nos 8202 to 8205, put up in sets for retail sale	Manufacture in which all the materials used are classified within a heading other than heading Nos 8202 to 8205. However, tools of heading Nos 8202 to 8205 may be incorporated into the set provided their value does not exceed 15% of the ex-works price of the set
8207	Interchangeable tools for hand tools, whether or not power-operated, or for machine-tools (for example, for pressing, stamping, punching, tapping, threading, drilling, boring, broaching, milling, turning, or screw-driving), including dies for drawing or extruding metal, and rock drilling or earth boring tools	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
8208	Knives and cutting blades, for machines or for mechanical appliances	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 8211	Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading No 8208	Manufacture in which all the materials used are classified within a heading other than that of the product. However, knife blades and handles of base metal may be used
8214	Other articles of cutlery (for example, hair clippers, butchers' or kitchen cleavers, choppers and mincing knives, paper knives); manicure or pedicure sets and instruments (including nail files)	Manufacture in which all the materials used are classified within a heading other than that of the product. However, handles of base metal may be used
8215	Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter-knives, sugar tongs and similar kitchen or tableware	Manufacture in which all the materials used are classified within a heading other than that of the product. However, handles of base metal may be used
ex Chapter 83	Miscellaneous articles of base metal; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 8302	Other mountings, fittings and similar articles suitable for buildings, and automatic door closers	Manufacture in which all the materials used are classified within a heading other than that of the product. However, the other materials of heading No 8302 may be used provided their value does not exceed 20% of the ex-works price of the product
ex 8306	Statuettes and other ornaments, of base metal	Manufacture in which all the materials used are classified within a heading other than that of the product. However, the other materials of heading No 8306 may be used provided their value does not exceed 30% of the ex-works price of the product
ex Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof; except for:	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
ex 8401	Nuclear fuel elements	Manufacture in which all the materials used are classified within a heading other than that of the product <sup>1</sup> Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the final product
8402	Steam or other vapour generating boilers (other than central heating hot water boilers capable also of producing low pressure steam); super heated water boilers	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
8403 and ex 8404	Central heating boilers other than those of heading No 8402 and auxiliary plant for central heating boilers	Manufacture in which all the materials used are classified within a heading other than heading No 8403 or 8404 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8406	Steam turbines and other vapour turbines	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8407	Spark-ignition reciprocating or rotary internal combustion piston engines	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8409	Parts suitable for use solely or principally with the engines of heading No 8407 or 8408	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

<sup>1</sup> This rule shall apply until 31 December 2005.

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
8411	Turbo-jets, turbo propellers and other gas turbines	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
8412	Other engines and motors	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
ex 8413	Rotary positive displacement pumps	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
ex 8414	Industrial fans, blowers and the like	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading No 8415	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
ex 8419	Machines for wood, paper pulp and paperboard industries	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8420	Calendering or other rolling machines, other than for metals or glass, and cylinders therefor	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8423	Weighing machinery (excluding balances of a sensitivity of 5 cg or better), including weight operated counting or checking machines; weighing machine weights of all kinds	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
8425 to 8428	Lifting, handling, loading or unloading machinery	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>– in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>– where, within the above limit, the materials classified within heading No 8431 are only used up to a value of 10% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8429	<p>Self-propelled bulldozers, angledozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers:</p> <ul style="list-style-type: none"> <li>– Road rollers</li> <li>– Other</li> </ul>	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p> <p>Manufacture:</p> <ul style="list-style-type: none"> <li>– in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>– where, within the above limit, the materials classified within heading No 8431 are only used up to a value of 10% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery, for earth, minerals or ores; pile-drivers and pile-extractors; snow-ploughs and snow-blowers	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>– in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>– where, within the above limit, the value of the materials classified within heading No 8431 are only used up to a value of 10% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
ex 8431	Parts suitable for use solely or principally with road rollers	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8439E	Machinery for making pulp of fibrous cellulosic material or for making or finishing paper or paper-board	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>– in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>– where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8441	Other machinery for making up paper pulp, paper or paperboard, including cutting machines of all kinds	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>– in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>– where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8444 to 8447	Machines of these headings for use in the textile industry	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 8448	Auxiliary machinery for use with machines of headings Nos 8444 and 8445	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
8452	<p>Sewing machines, other than book-sewing machines of heading No 8440; furniture, bases and covers specially designed for sewing machines; sewing machine needles:</p> <p>Sewing machines (lock stitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg with motor</p> <p>– Other</p>	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>– in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>– where the value of all the non-originating materials used in assembling the head (without motor) does not exceed the value of the originating materials used;</li> <li>– the thread tension, crochet and zigzag mechanisms used are already originating</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
8456 to 8466	Machine-tools and machines and their parts and accessories of headings Nos 8456 to 8466	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8469 to 8472	Office machines (for example, typewriters, calculating machines, automatic data processing machines, duplicating machines, stapling machines)	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8480	Moulding boxes for metal foundry; mould bases; moulding patterns; moulds for metal (other than ingot moulds), metal carbides, glass, mineral materials, rubber or plastics	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
8482	Ball or roller bearings	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>– all the materials used are classified within a heading other than that of the product;</li> <li>– the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
8484	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal; sets or assortments of gaskets and similar joints, dissimilar in composition, put up in pouches, envelopes or similar packings; mechanical seals	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8485	Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features, not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles; except for:	<p>Manufacture in which</p> <ul style="list-style-type: none"> <li>– all the materials used are classified within a heading other than that of the product;</li> <li>– the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8501	Electric motors and generators (excluding generating sets)	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>– in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>– where, within the above limit, the materials classified within heading No 8503 are only used up to a value of 10% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
8502	Electric generating sets and rotary converters	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where, within the above limit, the materials classified within heading No 8501 or 8503, taken together, are only used up to a value of 10% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
ex 8504	Power supply units for automatic data-processing machines	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
ex 8518	Microphones and stands therefor; loudspeakers, whether or not mounted in their enclosures; audio-frequency electric amplifiers; electric sound amplifier sets	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
8519	Turntables (record-decks), record-players, cassette-players and other sound reproducing apparatus, not incorporating a sound recording device	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8520	Magnetic tape recorders and other sound recording apparatus, whether or not incorporating a sound reproducing device	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8521	Video recording or reproducing apparatus, whether or not incorporating a video tuner	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8522	Parts and accessories suitable for use solely or principally with the apparatus of heading Nos 8519 to 8521	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
8523	Prepared unrecorded media for sound recording or similar recording of other phenomena, other than products of Chapter 37	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
8524	<p>Records, tapes and other recorded media for sound or other similarly recorded phenomena, including matrices and masters for the production of records, but excluding products of Chapter 37:</p> <ul style="list-style-type: none"> <li>- Matrices and masters for the production of records</li> <li>- Other</li> </ul>	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p> <p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where, within the above limit, the materials classified within heading No 8523 are only used up to a value of 10% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
8525	Transmission apparatus for radio-telephony, radio-telegraphy, radio-broadcasting or television, whether recording or reproducing apparatus; television cameras; still image video cameras and other video camera recorders	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
8527	Reception apparatus for radio-telephony, radio-telegraphy or radio broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
8528	Reception apparatus for television, whether or not incorporating radio broadcast receivers or sound or video recording or reproducing apparatus; video monitors and video projectors	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
8529	Parts suitable for use solely or principally with the apparatus of heading Nos 8525 to 8528:	
	- Suitable for use solely or principally with video recording or reproducing apparatus	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
	- Other	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
8535 and 8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where, within the above limit, the materials classified within heading No 8538 are only used up to a value of 10% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8537	Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading No 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of Chapter 90, and numerical control apparatus, other than switching apparatus of heading No 8517	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where, within the above limit, the materials classified within heading No 8538 are only used up to a value of 10% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
ex 8541	Diodes, transistors and similar semi-conductor devices, except wafers not yet cut into chips	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
8542	Electronic integrated circuits and microassemblies	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product;</li> <li>- where, within the above limit, the materials classified within heading No 8541 or 8542, taken together, are only used up to a value of 10% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product</p>
8544	Insulated (including enamelled or anodised) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8546	Electrical insulators of any material	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating materials apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly other than insulators of heading No 8546; electrical conduit tubing and joints therefor, of base metal lined with insulating material	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8548	Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators; electrical parts of machinery or apparatus, not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 86	Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signaling equipment of all kinds; except for:	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8608	Railway or tramway track fixtures and fittings; mechanical (including electro-mechanical) signalling, safety or traffic control equipment for railways, tramways, roads, inland waterways, parking facilities, port installations or airfields; parts of the foregoing	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
ex Chapter 87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof; except for:	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas or airports for short distance transport of goods; tractors of the type used on railway station platforms; parts of the foregoing vehicles	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8710	Tanks and other armoured fighting vehicles, motorized, whether or not fitted with weapons, and parts of such vehicles	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>

Position SH n°	Désignation du produit	Ouvraison ou transformation appliquée à des matières non originaires conférant le caractère de produit originaire
(1)	(2)	(3) ou (4)
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars:  – With reciprocating internal combustion piston engine of a cylinder capacity:  – Not exceeding 50 cc    – Exceeding 50 cc    – Other	Manufacture: – in which the value of all the materials used does not exceed 40% of the ex- works price of the product; – where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 20% of the ex-works price of the product  Manufacture: – in which the value of all the materials used does not exceed 40% of the ex-works price of the product; – where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product  Manufacture: – in which the value of all the materials used does not exceed 40% of the ex-works price of the product; – where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
ex 8712	Bicycles without ball bearings	Manufacture from materials not classified in heading No 8714 Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8715	Baby carriages and parts thereof	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8716	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof	Manufacture in which: – all the materials used are classified within a heading other than that of the product – the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
ex Chapter 88	Aircraft, spacecraft, and parts thereof; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 8804	Rotochutes	Manufacture from materials of any heading including other materials of heading No 8804 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8805	Aircraft launching gear; deck-arrestor or similar gear; ground flying trainers; parts of the foregoing articles	Manufacture in which all the materials used are classified within a heading other than that of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
Chapter 89	Ships, boats and floating structures	Manufacture in which all the materials used are classified within a heading other than that of the product. However, hulls of heading No 8906 may not be used Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
ex Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof; except for:	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9001	Optical fibres and optical fibre bundles; optical fibre cables other than those of heading No 8544; sheets and plates of polarizing material; lenses (including contact lenses), prisms, mirrors and other optical elements, of any material, unmounted, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9002	Lenses, prisms, mirrors and other optical elements, of any material, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9004	Spectacles, goggles and the like, corrective, protective or other	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 9005	Binoculars, monoculars, other optical telescopes, and mountings therefor, except for astronomical refracting telescopes and mountings therefor	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product; – the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
ex 9006	Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flashbulbs other than electrically ignited flashbulbs	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product; – the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9007	Cinematographic cameras and projectors, whether or not incorporating sound recording or reproducing apparatus	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product; – the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9011	Compound optical microscopes, including those for photomicrography, cinephotomicrography or micro-projection	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product; – the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
ex 9014	Other navigational instruments and appliances	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9015	Surveying (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
9016	Balances of a sensitivity of 5 cg or better, with or without weights	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9017	Drawing, marking-out or mathematical calculating instruments (for example, drafting machines, pantographs, protractors, drawing sets, slide rules, disc calculators); instruments for measuring length, for use in the hand (for example, measuring rods and tapes, micrometers, callipers), not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9018	Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scintigraphic apparatus, other electro-medical apparatus and sight-testing instruments::  – Dentists' chairs incorporating dental appliances or dentists' spittoons  – Other	Manufacture from materials of any heading, including other materials of heading No 9018 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product  Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
9019	Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
9020	Other breathing appliances and gas masks, excluding protective masks having neither mechanical parts nor replaceable filters	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
9024	Machines and appliances for testing the hardness, strength, compressibility, elasticity or other mechanical properties of materials (for example, metals, wood, textiles, paper, plastics)	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9025	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9026	Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases (for example, flow meters, level gauges, manometers, heat meters), excluding instruments and apparatus of heading No 9014, 9015, 9028 or 9032	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9027	Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
9028	Gas, liquid or electricity supply or production meters, including calibrating meters therefor:  – Parts and accessories  – Other	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product  Manufacture: – in which the value of all the materials used does not exceed 40% of the ex-works price of the product; – where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9029	Revolution counters, production counters, taximeters, mileometers, pedometers and the like; speed indicators and tachometers, other than those of heading Nos 9014 or 9015; stroboscopes	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9030	Oscilloscopes, spectrum analysers and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading No 9028; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionizing radiations	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9031	Measuring or checking instruments, appliances and machines, not specified or included elsewhere in this Chapter; profile projectors	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9032	Automatic regulating or controlling instruments and apparatus	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9033	Parts and accessories (not specified or included elsewhere in this Chapter) for machines, appliances, instruments or apparatus of Chapter 90	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 91	Clocks and watches and parts thereof; except for:	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9105	Other clocks	Manufacture: – in which the value of all the materials used does not exceed 40% of the ex-works price of the product; – where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9109	Clock movements, complete and assembled	Manufacture: – in which the value of all the materials used does not exceed 40% of the ex-works price of the product; – where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9110	Complete watch or clock movements, unassembled or partly assembled (movement sets); incomplete watch or clock movements, assembled; rough watch or clock movements	Manufacture: – in which the value of all the materials used does not exceed 40% of the ex-works price of the product; – where, within the above limit, the materials classified within heading No 9114 are only used up to a value of 10% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9111	Watch cases and parts thereof	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
9112	Clock cases and cases of a similar type for other goods of this Chapter, and parts thereof	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9113	Watch straps, watch bands and watch bracelets, and parts thereof:  – Of base metal, whether or not gold- or silver-plated, or of metal clad with precious metal  – Other	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product  Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
Chapter 92	Musical instruments; parts and accessories of such articles	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
Chapter 93	Arms and ammunition; parts and accessories thereof	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex Chapter 94	Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like; prefabricated buildings; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex works price of the product
ex 9401 and ex 9403	Base metal furniture, incorporating unstuffed cotton cloth of a weight of 300 g/m2 or less	Manufacture in which all the materials used are classified in a heading other than that of the product or Manufacture from cotton cloth already made up in a form ready for use of heading No 9401 or 9403, provided: Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product – its value does not exceed 25% of the ex-works price of the product; – all the other materials used are already originating and are classified in a heading other than heading No 9401 or 9403
9405	Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
9406	Prefabricated buildings	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex Chapter 95	Toys, games and sports requisites; parts and accessories thereof; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
9503	Other toys; reduced-size ("scale") models and similar recreational models, working or not; puzzles of all kinds	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 9506	Golf clubs and parts thereof	Manufacture in which all the materials used are classified within a heading other than that of the product. However, roughly shaped blocks for making golf club heads may be used
ex Chapter 96	Miscellaneous manufactured articles; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 9601 and ex 9602	Articles of animal, vegetable or mineral carving materials	Manufacture from "worked" carving materials of the same heading

HS heading N°	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
ex 9603	Brooms and brushes (except for besoms and the like and brushes made from marten or squirrel hair), hand-operated mechanical floor sweepers, not motorized, paint pads and rollers, squeegees and mops	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
9605	Travel sets for personal toilet, sewing or shoe or clothes cleaning	Each item in the set must satisfy the rule, which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided their total value does not exceed 15% of the ex-works price of the set
9606	Buttons, press-fasteners, snap-fasteners and press-studs, button moulds and other parts of these articles; button blanks	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 50% of the ex-works price of the product
9608	Ball-points pens; felt-tipped and other porous-tipped pens and markers; fountain pens, stylograph pens and other pens; duplicating stylos; propelling or sliding pencils; penholders, pencil-holders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading No 9609	Manufacture in which all the materials used are classified within a heading other than that of the product. However, nibs or nib-points classified within the same heading may be used
9612	Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges; ink-pads, whether or not inked, with or without boxes	Manufacture in which: – all the materials used are classified within a heading other than that of the product; – the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 9613	Lighters with piezo-igniter	Manufacture in which the value of all the materials of heading No 9613 used does not exceed 30% of the ex-works price of the product
ex 9614	Smoking pipes and pipe bowls	Manufacture from roughly shaped blocks
Chapter 97	Works of art, collectors' pieces and antiques	Manufacture in which all the materials used are classified within a heading other than that of the product

# Annex III to Protocol 1

## Overseas Countries and Territories

Within the meaning of this Protocol "overseas countries and territories" shall mean the countries and territories referred to in Part Four of the Treaty establishing the European Community listed below:

(This list does not prejudice the status of these countries and territories, or future changes in their status.)

1. Country having special relations with the Kingdom of Denmark:

- Greenland.

2. Overseas territories of the French Republic:

- New Caledonia,
- French Polynesia,
- French Southern and Antarctic Territories,
- Wallis and Futuna Islands.

3. Territorial collectivities of the French Republic:

- Mayotte,
- Saint Pierre and Miquelon.

4. Overseas countries of the Kingdom of the Netherlands:

- Aruba,
- Netherlands Antilles:
- Bonaire,
- Curaçao,
- Saba,
- Sint Eustatius,
- Sint Maarten.

5. British overseas countries and territories :

- Anguilla,
- Cayman Islands,
- Falkland Islands,
- South Georgia and South Sandwich Islands,
- Montserrat,
- Pitcairn,
- Saint Helena, Ascension Island, Tristan da Cunha
- British Antarctic Territory,
- British Indian Ocean Territory,
- Turks and Caicos Islands,
- British Virgin Islands.

# Annex IV to Protocol 1

## Form for movement certificate

1. Movement certificates EUR.1 shall be made out on the form of which a specimen appears in this Annex. This form shall be printed in one or more of the languages in which the Agreement is drawn up. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State if they are handwritten, they shall be completed in ink and in capital letters.
2. Each certificate shall measure 210 x 297mm, a tolerance of up to plus 8mm or minus 5mm in the length may be allowed. The paper used must be white, sized for writing, not containing mechanical pulp and weighing not less than 25g/m<sup>2</sup>. It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.
3. The exporting States may reserve the right to print the certificates themselves or may have them printed by approved printers. In the latter case each certificate must include a reference to such approval. Each certificate must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.

**MOVEMENT CERTIFICATE**

1. Exporter (name, full address, country)	<b>EUR. No A 000.000</b>	
	See notes overleaf before completing this form	
3. Consignee (name, full address, country) (Optional)	2. Certificate used in preferential trade between	
	and	
6. Transport details (Optional)	(insert appropriate countries, groups of countries or territories)	
	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination
7. Remarks		
8. Item number; Marks and numbers; Number and kind of package ( ); Description of goods		9. Gross mass (kg) or other measure (litres, m <sup>3</sup> , etc.)
		10. Invoices (Optional)
11. CUSTOMS ENDORSEMENT Declaration certified Export document (2) Form ..... No..... Customs office..... Issuing country or territory..... Date..... ..... (Signature)		12. DECLARATION BY THE EXPORTER I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.  Place and date..... ..... (Signature)
		Stamp

(1) If goods are not packed, indicate number of articles or state "In bulk" as appropriate  
 (2) Complete only where the regulations of the exporting country or territory require

<p><b>13. Request for verification, to:</b></p>	<p><b>14. Result of verification</b></p> <p>Verification carried out shows that this certificate (*)</p> <p><input type="checkbox"/></p> <p>was issued by the customs office indicated and that the information contained therein is accurate.</p> <p>does not meet the requirements as to authenticity and accuracy (see remarks appended).</p>
<p>Verification of the authenticity and accuracy of this certificate is requested</p> <p>.....</p> <p style="text-align: center;"><i>(Place and date)</i></p> <p>.....</p> <p style="text-align: right;">Stamp</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>..... <i>(Signature)</i></p>	<p>.....</p> <p style="text-align: center;"><i>(Place and date)</i></p> <p>.....</p> <p style="text-align: right;">Stamp</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>..... <i>(Signature)</i></p> <p>.....</p> <p>(*) Insert X in the appropriate box.</p>

### NOTES

1. Certificates must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialed by the person who completed the certificate and endorsed by the customs authorities of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

**APPLICATION FOR A MOVEMENT CERTIFICATE**

<b>1. Exporter</b> <i>(name, full address, country) (Optional)</i>	<b>EUR. No A 000.000</b> See notes overleaf before completing this form	
	<b>2. Application for a certificate to be used in preferential trade between</b>  <p align="center">and</p> <p align="center"><i>(insert appropriate countries or groups of countries or territories)</i></p>	
<b>3. Consignee</b> <i>(name, full address, country) (Optional)</i>	<b>4. Country, group of countries or territory in which the products are considered as originating</b>	<b>5. Country, group of countries or territory of destination</b>
	<b>6. Transport details</b> <i>(Optional)</i>	
<b>7. Remarks</b>		<b>8. Item number; Marks and numbers; Number and kind of packages (°); Description of goods</b>
<b>9. Gross mass (kg) or other measure (litres,m<sup>3</sup>,etc.)</b>		<b>10. Invoices</b> <i>(Optional)</i>

(1) If goods are not packed, indicate number of articles or state "In bulk" as appropriate

## DECLARATION BY THE EXPORTER

I, the undersigned, exporter of the goods described overleaf,

DECLARE that the goods meet the conditions required for the issue of the attached certificate;

SPECIFY as follows the circumstances which have enabled these goods to meet the above conditions:

.....  
.....  
.....  
.....

SUBMIT the following supporting documents (1)

.....  
.....  
.....

UNDERTAKE to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

REQUEST the issue of the attached certificate for these goods.

.....

*(Place and date)*

.....

*(Signature)*

1. For example, import documents, movement certificates, manufacturer's declarations, etc. referring to the products used in manufacture or to the goods re-exported in the same state.

# Annex V to Protocol 1

## Invoice declaration

The invoice declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

### English version

The exporter of the products covered by this document (customs authorization No ... <sup>(1)</sup>) declares that, except where otherwise clearly indicated, these products are of ... preferential origin <sup>(2)</sup>.

### Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera n° ... <sup>(1)</sup>) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ... <sup>(2)</sup>.

### Danish version

Eksporthøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ... <sup>(1)</sup>), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ... <sup>(2)</sup>.

### **German version**

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ... (1)), der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte ... Ursprungswaren sind (2)

### **Greek version**

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου υπ' αριθ. .... (1)) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής .... (2).

### **French version**

L'exportateur des produits couverts par le présent document (autorisation douanière n° ... (1)), déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ... (2).

### **Italian version**

L'esportatore delle merci contemplate nel presente documento (autorizzazione doganale n. ... (1)) dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ... (2).

### **Dutch version**

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ... (2)) verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn (2).

### **Portuguese version**

O abaixo assinado, exportador dos produtos cobertos pelo presente documento (autorização aduaneira n° ... (1)), declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ... (2).

### **Finnish version**

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupan:o ... (1)) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperätuotteita (2).

(1) When the invoice declaration is made out by an approved exporter within the meaning of Article 20 of the Protocol, the authorization number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

(2) Origin of products to be indicated. When the invoice declaration relates in whole or in part, to products originating in Ceuta and Melilla within the meaning of Article 39 of the Protocol, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM"

## Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ... <sup>(1)</sup>) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung <sup>(2)</sup>.

.....<sup>(3)</sup>  
(Place and date)

.....<sup>(4)</sup>  
(Signature of the exporter; in addition the name of the person signing the declaration has to be indicated in clear script)

<sup>(3)</sup> These indications may be omitted if the information is contained on the document itself.

<sup>(4)</sup> See Article 19(5) of the Protocol. In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.

# Annex VI A to Protocol 1

## Supplier declaration for products having preferential origin status

I, the undersigned, declare that the goods listed on this invoice

.....<sup>(1)</sup>

were produced in .....<sup>(2)</sup> and satisfy the rules of origin governing preferential trade between the ACP States and the European Community..

I undertake to make available to the customs authorities, if required, evidence in support of this declaration.

.....<sup>(3)</sup>

.....<sup>(4)</sup>

.....<sup>(5)</sup>

### Note

The abovementioned text, suitably completed in conformity with the footnotes below, constitutes a supplier's declaration. The footnotes do not have to be reproduced.

(1) – If only some of the goods listed on the invoice are concerned they should be clearly indicated or marked and this marking entered on the declaration as follows:"

".....

listed on this invoice and marked.....

were produced.....".

– If a document other than an invoice or an annex to the invoice is used (see Article 26(3)), the name of the document concerned shall be mentioned instead of the word "invoice"

(2) The Community, Member State, ACP State or OCT. Where an ACP State or an OCT is given, a reference must also be made to the Community customs office holding any EUR.1 (s) concerned, giving the No of the certificate(s) concerned and, if possible, the relevant customs entry No involved.

(3) Place and date

(4) Name and function in company

(5) Signature

# Annex VI B to Protocol 1

## Supplier declaration for products not having preferential original status

I, the undersigned, declare that the goods listed on this invoice

..... (1) were produced in .....(2) and incorporate the following components or materials which do not have ACP, OCT or Community origin for preferential trade:

.....(3) .....(4)

.....(5)

.....

.....

.....

.....(6)

I undertake to make available to the customs authorities, if required, evidence in support of this declaration.

.....(7) .....(8)

.....(9)

### Note

The abovementioned text, suitably completed in conformity with the footnotes below, constitutes a supplier's declaration. The footnotes do not have to be reproduced.

(1) – If only some of the goods listed on the invoice are concerned they should be clearly indicated or marked and this marking entered on the declaration as follows: "..... listed on this invoice and marked .....were produced.....".

If a document other than an invoice or an annex to the invoice is used (see Article 26(3)), the name of the document concerned shall be mentioned instead of the word "invoice"

(2) The Community, Member State, ACP State, OCT or South Africa.

(3) Description is to be given in all cases. The description must be adequate and should be sufficiently detailed to allow the tariff classification of the goods concerned to be determined.

(4) Customs values to be given only if required

(5) Country of origin to be given only if required. The origin to be given must be a preferential origin, all other origins to be given as "third country".

(6) 'and have undergone the following processing in [the Community] [Member State] [ACP State] [OCT] [South Africa] ....., to be added with a description of the processing carried out if this information is required.

(7) Place and date

(8) Name and function in company.

(9) Signature

# Annex VII to Protocol 1

## Information Certificate

1. The form of information certificate given in this Annex shall be used and be printed in one or more of the official languages in which the Agreement is drawn up and in accordance with the provisions of the domestic law of the exporting State. Information certificates shall be completed in one of those languages; if they are hand-written, they shall be completed in ink in capital letters. They shall bear a serial number, whether or not printed, by which they can be identified.
2. The information certificate shall measure 210 x 297mm, a tolerance of up to plus 8mm or minus 5mm in the length may be allowed. The paper must be white, sized for writing, not containing mechanical pulp and weighing not less than 25g/m<sup>2</sup>.
3. The national administrators may reserve the right to print the forms themselves or may have them printed by printers approved by them. In the latter case, each form must include a reference to such approval. The forms shall bear the name and address of the printer or a mark by which the printer can be identified.

## European Communities

1. Supplier(,)		<b>INFORMATION CERTIFICATE</b> to facilitate the issue of a <b>MOVEMENT CERTIFICATE</b> for preferential trade between the <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <b>EUROPEAN COMMUNITY and THE ACP STATES</b> </div>		
2. Consignee <sup>(1)</sup>				
3. Processor <sup>(1)</sup>		4. State in which the working or processing has been carried out		
6. Customs office of importation <sup>(1)</sup>		5. For official use		
7. Import document <sup>(2)</sup> Form ..... No ..... Series ..... Date <input type="text"/> <input type="text"/> <input type="text"/>				
<b>GOODS SENT TO THE MEMBER STATES OF DESTINATION</b>				
8. Marks, numbers, quantity and kind of package		9. Harmonised Commodity Description and Coding System heading/subheading number (HS code)		10. Quantity <sup>(1)</sup>
				11. Value <sup>(4)</sup>
<b>IMPORTED GOODS USED</b>				
12. Harmonised Commodity Description and Coding System heading/subheading number (HS code)		13. Country of origin	14. Quantity <sup>(3)</sup>	15. Value <sup>(2)(5)</sup>
16. Nature of the working or processing carried out				
17. Remarks				
<b>18. CUSTOMS ENDORSEMENT</b> Declaration certified:  Document ..... Form ..... No ..... Customs office ..... Date: <input type="text"/> <input type="text"/> <input type="text"/>		<b>19. DECLARATION BY THE SUPPLIER</b> I, the undersigned, declare that the information on this certificate is accurate.  ..... <input type="text"/> <input type="text"/> <input type="text"/> (Place) (Date)		
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <b>Official Stamp</b> </div>		..... (Signature)		

(1)(2)(3)(4)(5) See footnotes on verso

<p><b>REQUEST FOR VERIFICATION</b> The undersigned customs official requests verification of the authenticity and accuracy of this information certificate.</p> <p>-----</p> <p style="text-align: center;">(Place and date)</p> <p>-----</p> <div style="border: 1px solid black; width: 60px; height: 40px; margin-left: 10px; display: flex; align-items: center; justify-content: center;"> <p>Official stamp</p> </div> <p>-----</p> <p style="text-align: center;">(Official's signature)</p>	<p><b>RESULT OF VERIFICATION</b> Verification carried out by the undersigned customs official shows that this information certificate:</p> <p>a) was issued by the customs office indicated and that the information contained therein is accurate (*)</p> <p>b) does not meet the requirements as to authenticity and accuracy (see notes appended) (*)</p> <p>-----</p> <p style="text-align: center;">(Place and date)</p> <p>-----</p> <div style="border: 1px solid black; width: 60px; height: 40px; margin-left: 10px; display: flex; align-items: center; justify-content: center;"> <p>Official stamp</p> </div> <p>-----</p> <p style="text-align: center;">(Official's signature)</p> <p>(*) Delete where not applicable</p>
---	---

**CROSS REFERENCES**

- (1) Name of individual or business and full address.
- (2) Optional information.
- (3) Kg, hl, m<sup>3</sup> or other measure.
- (4) Packaging shall be considered as forming a whole with the goods contained therein. However, this provision shall not apply to packaging which is not of the normal type for the article packed, and which has a lasting utility value of its own, apart from its function as packaging.
- (5) The value must be indicated in accordance with the provisions on rules of origin.

# Annex VIII to Protocol 1

Form for application for a derogation

<p>1. Commercial description of the finished product 1.1 Customs classification (H.S. code)</p>	<p>2. Anticipated annual quantity of exports to the Community (weight, No of pieces, meters or other unit)</p>
<p>3. Commercial description of third country materials Customs classification (H. S. code)</p>	<p>4. Anticipated annual quantity of third country materials to be used</p>
	<p>5. Value of third country materials</p>
	<p>6. Value of finished products</p>
<p>7. Origin of third country materials</p>	<p>8. Reasons why the rule of origin for the finished product cannot be fulfilled</p>
<p>9. Commercial description of materials originating in the ACP States, EC or OCT to be used</p>	<p>10. Anticipated annual quantity of ACP, EC or OCT materials to be used</p>
<p>11. Value of ACP, EC or OCT materials 12. Working or processing carried out in the EC or OCT on third country materials without obtaining origin</p>	<p>13. Duration requested for derogation- from ..... to..... 14. Detailed description of working and processing in the ACP States: 15. Capital structure of the firm concerned</p>
<p>16. Amount of investments made/foreseen 17. Staff employed/expected 18. Value added by the working or processing in the ACP States: 18.1 Labour: 18.2 Overheads: 18.3 Others: 20. Possible developments to overcome the need for a derogation</p>	<p>19. Other possible sources of supply for materials 21. Observations</p>

## NOTES

1. If the boxes in the form are not sufficient to contain all relevant information, additional pages may be attached to the form. In this case, the mention "see annex" shall be entered in the box concerned.
2. If possible, samples or other illustrative material (pictures, designs, catalogues, etc) of the final product and of the materials should accompany the form.
3. A form shall be completed for each product covered by the request.

Cases 3, 4, 5, 7: "third country" means any country which is not an ACP or Community State or OCT.

Case 12: If third country materials have been worked or processed in the Community or in the OCT without obtaining origin, before being further processed in the ACP State requesting the derogation, indicate the working or processing carried out in the Community or OCT.

Case 13: The dates to be indicated are the initial and final one for the period in which EUR 1 certificates may be issued under the derogation.

Case 18: Indicate either the percentage of added value in respect of the ex-works price of the product or the monetary amount of added-value for unit of product.

Case 19: If alternative sources of material exist, indicate here what they are and, if possible, the reasons of cost or other reasons why they are not used.

Case 20: Indicate possible further investments or suppliers' differentiation which make the derogation necessary for only a limited period of time.

## Annex IX to Protocol 1

**List of working or processing conferring the character of ACP origin on a product obtained when working or processing is carried out on textile materials originating in developing countries referred to in Article 6(11) of this Protocol**

### Textiles and textile articles falling within Section XI

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
ex 5101	Wool, not carded or combed – degreased, not carbonized  – carbonized	Manufacture from greasy, including piece-wasted wool, the value of which does not exceed 50% of the ex-works price of the product  Manufacture from degreased wool, not carbonized the value of which does not exceed 50% of the ex-works price of the product
ex 5103	Waste of wool or of fine or coarse animal hair, carbonized	Manufacture from non-carbonized waste, the value of which does not exceed 50% of the ex-works price of the product
ex 5201	Cotton, not carded or combed, bleached	Manufacture from raw cotton, the value of which does not exceed 50% of the ex-works price of the product
5501 to 5507	Man-made staple fibres  – not carded or combed or otherwise processed for spinning  – carded or combed or other	Manufacture from chemical materials or textile pulp  Manufacture from chemical materials or textile pulp or waste falling within CN code 5505
ex Chapter 50 to Chapter 55	Yarn, monofilament and thread, other than paper yarn:  – printed or dyed          – other   Woven fabrics, other than fabrics of paper yarn:  – printed or dyed	Manufacture from: – natural fibres not carded or combed or otherwise processed for spinning, – chemical materials or textile pulp, or – paper making materials  Manufacture from: – natural fibres not carded or combed or otherwise processed for spinning, – grege silk or silk waste – chemical materials or textile pulp, or man-made staple fibres, filament tow or waste of fibres, not carded or combed or otherwise prepared for spinning or Printing or dyeing of yarn or monofilaments, unbleached or prebleached (1), accompanied by preparatory or finishing operations, twisting or texturizing not being considered as such, the value of the non-originating material (including yarn), not exceeding 48% of the ex-works price of the product Manufacture from: – natural fibres not carded or combed or otherwise processed for spinning, – grege silk or silk waste – chemical materials or textile pulp, or man-made staple fibres, filament tow or waste of fibres, not carded or combed or otherwise prepared for spinning  Manufacture from yarn or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2)

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
	– aother	Manufacture from yarn
5601	Wadding of textile materials and articles thereof; textile fibres not exceeding 5 mm in length (flock), textile dust and mill neps	Manufacture from fibres
5602	Felt, whether or not impregnated, coated, covered or laminated:	
	– printed or dyed	Manufacture from fibres or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2)
	– impregnated, coated, covered or laminated	Impregnation, coating, covering or laminating of non-wovens, unbleached (3)
	– other	Manufacture from fibres
5603	Non- wovens, whether or not impregnated, coated, covered or laminated	
	– Printed or dyed	Manufacture from fibres ou Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2)
	– impregnated, coated, covered or laminated	Impregnation, coating, covering or laminating of non-wovens, unbleached (3)
	– other	Manufacture from fibres
5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading No 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics:	
	– FRubber thread and cord, textile covered	Manufacture from rubber thread or cord, not textile covered
	– other	Impregnation, coating, covering or sheathing of textile yarn and strip and the like, unbleached
5607	Twine cordage, rope and cables, whether or not plaited or braided and whether or not impregnated, coated, covered or sheathed with rubber or plastics	Manufacture from fibres, coir yarn, synthetic or artificial filament yarn or monofilament
5609	Articles of yarn, strip or the like falling with CN codes 5404 or 5405, twine, cordage, rope or cables, not elsewhere specified or included	Manufacture from fibres, coir yarn, synthetic or artificial filament yarn or monofilament
5704	Carpets and other textile floor coverings:	Manufacture from fibres
ex Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery;	
	– embroidery in the piece, in strips or in motifs (CN code 5810)	Manufacture in which the value of the materials used does not exceed 50% of the ex-works price of the product
	– printed or dyed	Manufacture from yarn or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2)
	– impregnated, coated or covered	Manufacture from unbleached fabrics, felt or non-woven
	– other	Manufacture from yarn

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations	Manufacture from unbleached fabrics
5902	Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon:	Manufacture from yarn
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those falling within CN code 5902	Manufacture from unbleached fabrics or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2)
5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape	Manufacture from unbleached fabrics, felt or non-wovens
5905	Textile wall coverings	Manufacture from unbleached fabrics or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2)
5906	Rubberized textile fabrics, other than those of heading No 5902:	Manufacture from bleached knitted or crocheted fabrics, or from other unbleached fabrics
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas, being theatrical scenery, studio backcloths or the like	Manufacture from unbleached fabrics or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2)
5908	Textile wicks, woven, plaited or knitted, for lamps, stoves, lighters, candles and the like; incandescent gas mantles and tubular knitted gas mantle fabric therefor, whether or not, impregnated	Manufacture from yarn
5909	Textile hosepiping and similar textile tubing with or without lining, amour or accessories or other materials	Manufacture from yarn or fibres
5910	Transmission or conveyor belts or belting, of textile material, whether or not reinforced with metal or other materials	Manufacture from yarn or fibres
5911	Textile products and articles, for technical uses, specified in Note 7 to Chapter 59 of the combined nomenclature:  – polishing discs or rings other than of felt  – other	Manufacture from yarn, waste fabrics or rags falling within CN code 6310  Manufacture from yarn or fibres
*Chapter 60	Knitted or crocheted fabrics  – printed or dyed  – other	Manufacture from yarn or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2) Manufacture from yarn
Chapter 61	Articles of apparel and clothing accessories, knitted or crocheted:  – obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form	Complete making up (4)

\* see also the products excluded from the derogation procedure listed in ANNEX X

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
	- Other	Manufacture from yarn
*ex Chapter 62	Articles of apparel and clothing accessories, not knitted or crocheted; except those falling within CN codes 6213 and 6214 for which the rules are set out below:	Manufacture from yarn**
	- finished or complete	Complete making up (4)
	- unfinished or incomplete	Manufacture from yarn
6213 and 6214	Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like	
	- embroidered	Manufacture from yarn or Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product*
	- Other	Manufacture from yarn
6301 to ex 6306	Blankets and travelling rugs, bed linen, table linen, toilet linen and kitchen linen; curtains (including drapes) and interior blinds; curtain and bed valances; other furnishing articles (excluding those falling within CN code 9494); sacks and bags of a kind used for the packing of goods; tarpaulins, awnings, and camping goods;	
	- Of felt, of non-wovens: not impregnated, coated, covered or laminated	Manufacture from fibres
	impregnated, coated, covered or laminated	Impregnation, coating, covering or laminating of felt or non-wovens, unbleached (3)
	- other	
	- knitted or crocheted	
	- unembroidered	Complete making up (4)
	- embroidered	Complete making up (4) or Manufacture from unembroidered knitted or crocheted fabric provided the value of the unembroidered knitted or crocheted fabric used does not exceed 40% of the ex-works price of the product
	- not knitted or crocheted	
	- unembroidered	Manufacture from yarn
	- embroidered	Manufacture from yarn or Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product
6307	Other made-up textile articles, (including dress patterns), except for fans and hand screens, nonmechanical, frames and handles therefor and parts of such frames and handles	
	- floor cloths, dish cloths, dusters and the like	Manufacture from yarn
	- other	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes or similar textile articles, put up in packings for retail sale	Incorporation in a set in which the total value of all the non-originating articles incorporated does not exceed 25% of the ex-works price of the set.

\* see also the products excluded from the derogation procedure listed in ANNEX X

- (1) The term "prebleached", used in the list in Annex IX to characterize the level of manufacture required when certain non-originating materials are used, applies to certain yarns, woven fabrics and knitted or crocheted fabrics which have only been washed after the spinning or weaving operation.
- (2) However, to be regarded as a working or processing conferring origin, thermoprinting has to be accompanied by printing of the transfer paper.
- (3) The term "Impregnation, coating, covering or laminating" does not cover those operations designed to bind fabrics together.
- (4) The term "complete making-up" used in the list in Annex IX means that all the operations following cutting of the fabric or knitting or crocheting of the fabric directly to shape have to be performed.

However, making-up shall not necessarily be considered as incomplete where one or more finishing operations have not been carried out.

The following is a list of examples of finishing operations:

- fitting of buttons and/or other types of fastenings,
- making of button-holes,
- finishing off the ends of trouser legs and sleeves or the bottom hemming of skirts and dresses,
- fitting of trimmings and accessories such as pockets, labels, badges, etc,
- ironing and other preparations of garments for sale "ready made".

Remarks concerning finishing operations – Special cases

It is possible that in particular manufacturing operations, the accomplishment of finishing operations, especially in the case of a combination of operations, is of such importance that these operations must be considered as going beyond simple finishing. In these particular cases, the non-accomplishing of finishing operations will deprive the making-up of its complete nature.

# Annex X to Protocol 1

## Textile products excluded from the cumulation procedure with certain developing countries referred to in Article 6(11) of this Protocol

6101 10 90 6101 20 90 6101 30 90  6102 10 90 6102 20 90 6102 30 90  6110 10 10 6110 10 31 6110 10 35 6110 10 38 6110 10 91 6110 10 95 6110 10 98 6110 20 91 6110 20 99 6110 30 91 6110 30 99	Jerseys, pullovers, slip-overs, waistcoats, twinsets, cardigans, bed-jackets and jumpers (other than jackets and blazers), anoraks, windcheaters, waister jackets and the like, knitted or crocheted
6203 41 10 6203 41 90 6203 42 31 6203 42 33 6203 42 35 6203 42 90 6203 43 19 6203 43 90 6203 49 19 6203 49 50  6204 61 10 6204 62 31 6204 62 33 6204 62 39 6204 63 18 6204 69 18  6211 32 42 6211 33 42 6211 42 42 6211 43 42	Men's or boys' woven breeches, shorts other than swimwear and trousers (including slacks); women's or girls' woven trousers and slacks, of wool, of cotton or of man-made fibres, lower parts of tracksuits with lining, other than category 16 or 29, of cotton or of man-made fibres

# Annex XI to Protocol 1

Products for which the cumulation provisions with South Africa referred to in Article 6(3) apply after 3 years from the provisional application of the Agreement on Trade, Development and Cooperation between the European Community and the Republic of South Africa

<b>Industrial Products</b>		
<b>CN code 96</b>	28352910	29034535
<b>Salt (including table salt and denatured salt)</b>	28352990	29034540
	28353100	29034545
	28353910	29034550
25010051	28353930	29034555
25010091	28353970	29034590
25010099		29034610
		29034620
<b>Alkali or alkaline-earth metals; rare-earth metals</b>	<b>Carbonates; peroxocarbonates (percarbonates);</b>	29034690
	28362000	29034700
28051100	28364000	29034910
28051900	28366000	29034920
28052100		29034990
28052200	<b>Salts of oxometallic or peroxometallic acids :</b>	29035190
28053010	28416100	29035910
28053090		29035930
28054010	<b>Radioactive chemical elements</b>	29035990
	28443011	29036100
<b>Ammonia, anhydrous or in aqueous solution:</b>	28443019	29036200
28141000	28443051	29036910
28142000		29036990
	<b>Isotopes other than those of heading No 2844;</b>	
<b>Sodium hydroxide (caustic soda);</b>	28451000	<b>Acyclic alcohols and their halogenated, sulphonated derivatives</b>
28151100	28459010	29051100
28151200		29051200
	<b>Carbides, whether or not chemically defined :</b>	29051300
<b>Zinc oxide; zinc peroxide.</b>	28492000	29051410
28170000	28499030	29051490
		29051500
<b>Artificial corundum,</b>		29051610
28181000		29051690
28182000	<b>Hydrides, nitrides, azides, silicides and borides,</b>	29051700
28183000	28500070	29051910
		29051990
<b>Chromium oxides and hydroxides :</b>	<b>Cyclic hydrocarbons :</b>	29052210
28191000	29025000	29052290
28199000		29052910
	<b>Halogenated derivatives of hydrocarbons :</b>	29052990
<b>Manganese oxides :</b>	29031100	29053100
28201000	29031200	29053200
28209000	29031300	29053910
	29031400	29053990
<b>Titanium oxides.</b>	29031500	29054100
28230000	29031600	29054200
	29031910	29054910
<b>Hydrazine and hydroxylamine</b>	29031990	29054951
28258000	29032100	29054959
	29032300	29054990
<b>Chlorides, chloride oxides and chloride hydroxides</b>	29032900	29055010
	29033010	29055030
28271000	29033031	29055099
	29033033	
<b>Sulphides; polysulphides :</b>	29033038	<b>Phenols; phenol-alcohols :</b>
28301000	29033090	29071100
	290334100	29071500
<b>Phosphinates (hypophosphites), phosphonates</b>	29034200	29072210
	29034300	
28351000	29034410	<b>Ethers, ether-alcohols, ether-phenols,</b>
28352200	29034490	29091100
28352300	29034510	29091900
28352400	29034515	29092000
28352510	29034520	29093031
28352590	29034525	29093039
28352610	29034530	29093090
28352690		

29094100	29211200	31029000
29094200	29211910	
29094300	29211930	<b>Mineral or chemical fertilizers, phosphatic :</b>
29094400	29211990	31031010
29094910	29212100	31031090
29094990	29212200	
29095010	29212900	<b>Mineral or chemical fertilizers</b>
29095090	29213010	31051000
29096000	29213090	31052010
	29214100	31052090
<b>Epoxides, epoxyalcohols, epoxyphenols and epoxyethols:</b>	29214210	31053010
29102000	29214290	31053090
	29214310	31054010
<b>Aldehydes, whether or not with other oxygen functions</b>	29214390	31054090
29124100	29214400	31055100
29126000	29214500	31055900
	29214910	31056010
<b>Ketones and quinones, whether or not with other oxygen functions</b>	29214990	31056090
29141100	29215110	31059091
29142100	29215190	31059099
	29215900	
<b>Saturated acyclic monocarboxylic acids</b>	<b>Oxygen-function amino-compounds</b>	<b>Tanning extracts of vegetable origin;</b>
29151100	29221100	32012000
29151200	29221200	32019020
29151300	29221300	
29152100	29221900	<b>Other colouring matter;</b>
29152200	29222100	32061100
29152300	29222200	32061900
29152400	29222900	32062000
29152900	29223000	32063000
29153100	29224210	32064100
29153200	29224300	32064200
29153300	29224980	32064300
29153400	29225000	32064990
29153500		32065000
29153910	<b>Carboxyamide-function compounds;</b>	<b>Activated carbon; activated natural mineral products</b>
29153930	29242110	38021000
29153950	29242190	38029000
29153990	29242930	
29154000	<b>Nitrile-function compounds :</b>	<b>Insecticides, rodenticides, fungicides, herbicides</b>
29155000	29261000	38081020
29156010	29269090	38081030
29156090		38083011
29157015	<b>Organo-sulphur compounds :</b>	38083013
29157020	29302000	38083015
29157025	29309012	38083017
29157030	29309014	38083021
29157080	29309016	38083023
29159010		38083027
29159020	<b>Other organo-inorganic compounds :</b>	38083030
29159080	29310040	38083090
	<b>Heterocyclic compounds with oxygen hetero-atom(s)</b>	<b>Prepared rubber accelerators; compound plasticiser</b>
<b>Unsaturated acyclic monocarboxylic acids,</b>	29321200	38123020
29161210	29321300	
29161220	29322100	<b>Organic composite solvents and thinners,</b>
29161290		38140090
29161410	<b>Heterocyclic compounds with nitrogen hetero-atom(s)</b>	<b>Mixed alkylbenzenes and mixed alkylnaphthalenes,</b>
29161490	29336100	38171010
		38171050
<b>Polycarboxylic acids, their anhydrides, halides</b>	<b>Sulphonamides.</b>	38171080
29171100	29350000	38172000
29171400		
29173500	<b>Mineral or chemical fertilizers, nitrogenous :</b>	<b>Prepared binders for foundry moulds or cores;</b>
29173600	31021010	38249090
29173700	31021090	
	31022100	<b>Polymers of ethylene, in primary forms :</b>
<b>Carboxylic acids with additional oxygen function</b>	31022900	39011010
29181400	31023010	39011090
29181500	31023090	39012000
29182200	31024010	39013000
29189000	31024090	39019000
	31025090	
<b>Amine-function compounds</b>	31026000	
29211110	31027090	
29211190	31028000	

<b>Polymers of propylene or of other olefins,</b> 39021000 39022000 39023000 39029000	<b>Other plates, sheets, film, foil and strip,</b> 39219019	44112100 44112900 44113100 44113900 44119100 44119900
<b>Polymers of styrene, in primary forms :</b> 39031100 39031900 39032000 39033000 39039000	<b>Articles for the conveyance or packing of goods,</b> 39232100	
<b>Polymers of vinyl chloride</b> 39041000 39042100 39042200 39043000 39044000 39045000 39046190 39046900 39049000	<b>Retreaded or used pneumatic tyres of rubber;</b> 40121030 40121050 40121080 40122090 40129010 40129090	<b>Plywood, veneered panels and similar laminated wood</b> 44121311 44121319 44121390 44121400 44121900 44122210 44122291 44122299 44122300 44122920 44122980 44129210 44129291 44129299 44129300 44129920 44129980
<b>Polymers of vinyl acetate</b> 39051200	<b>Inner tubes, of rubber :</b> 40131010 40131090 40132000 40139010 40139090	
<b>Polyacetals, other polyethers and epoxide resins,</b> 39072019 39072090 39076090 39079110 39079190 39079910 39079990	<b>Leather of bovine or equine animals, without hair</b> 41041091 41041095 41041099 41042100 41042290 41042900 41043111 41043119 41043130 41043190 41043910 41043990	<b>Builders' joinery and carpentry of wood,</b> 44181010 44181050 44181090 44182010 44182050 44182080 44183010 44189010
<b>Other plates, sheets, film, foil and strip,</b> 39201022 39201028 39201040 39201080 39202021 39202029 39202071 39202079 39202090 39203000 39204111 39204119 39204191 39204199 39204211 39204219 39204291 39204299 39205100 39205900 39206100 39206210 39206290 39206300 39206900 39207111 39207119 39207190 39207200 39207310 39207350 39207390 39207900 39209100 39209200 39209300 39209400 39209911 39209919 39209950 39209990	<b>Leather of other animals, without hair on,</b> 41071010 41072910 41079010 41079090	<b>Wood marquetry and inlaid wood; caskets and cases</b> 44209011 44209019
	<b>Chamois (including combination chamois) leather :</b> 41080010 41080090	<b>Articles of natural cork :</b> 45031010 45031090 45039000
	<b>Patent leather and patent laminated leather;</b> 41090000	<b>Plaits and similar products of plaiting materials</b> 46019910
	<b>Composition leather with a basis of leather or leather</b> 41110000	<b>Basketwork, wickerwork and other articles,</b> 46029010
	<b>Articles of apparel and clothing accessories,</b> 42031000 42032100 42032910 42032991 42032999 42033000 42034000	<b>Registers, account books, note books, order books</b> 48201030
	<b>Particle board and similar board of wood</b> 44101100 44101910 44101930 44101950 44101990 44109000	<b>Children's picture, drawing or colouring books.</b> 49030000
	<b>Fibreboard of wood or other ligneous materials,</b> 44111100 44111900	<b>Maps and hydrographic or similar charts of all kinds</b> 49051000
		<b>Transfers (decalcomanias):</b> 49081000 49089000
		<b>Printed or illustrated postcards; printed cards</b> 49090010 49090090
		<b>Calendars of any kind, printed, including calendars</b> 49100000

<b>Other printed matter, including printed pictures</b>	51111119	52062100
49111010	51111191	52062200
49111090	51111199	52062300
49119180	51111911	52062400
49119900	51111919	52062510
	51111931	52062590
	51111939	52063100
<b>Silk yarn (other than yarn spun from silk waste)</b>	51111991	52063200
50040010	51111999	52063300
50040090	51112000	52063400
	51113010	52063510
<b>Yarn spun from silk waste, not put up for retail sale</b>	51113030	52063590
50050010	51113090	52064100
50050090	51119010	52064200
	51119091	52064300
	51119093	52064400
	51119099	52064510
		52064590
<b>Silk yarn and yarn spun from silk waste, put up for retail sale :</b>	<b>Woven fabrics of combed wool or of combed fine animal hair</b>	<b>Cotton yarn (other than sewing thread) put up for retail sale</b>
50060010	51121110	52071000
50060090	51121190	52079000
	51121911	
<b>Woven fabrics of silk or of silk waste :</b>	51121919	
50071000	51121991	<b>Flax yarn :</b>
50072011	51121999	53061011
50072019	51122000	530610191
50072021	51123010	53061031
50072031	51123030	53061039
50072039	51123090	53061050
50072041	51129010	53061090
50072051	51129091	53062011
50072059	51129093	53062019
50072061	51129099	53062090
50072069		
50072071	<b>Woven fabrics of coarse animal hair or of horsehair</b>	<b>Yarn of other vegetable textile fibres; paper yarn</b>
50079010	51130000	53082010
50079030		53082090
50079050	<b>Cotton sewing thread, whether or not put up for retail sale</b>	53083000
50079090	52041100	53089011
	52041900	53089013
<b>Yarn of carded wool, not put up for retail sale :</b>	52042000	53089019
51061010		53089090
51061090	<b>Cotton yarn (other than sewing thread),</b>	<b>Woven fabrics of flax :</b>
51062011	52051100	53091111
51062019	52051200	53091119
51062091	52051300	53091190
51062099	52051400	53091910
	52051510	53091990
<b>Yarn of combed wool, not put up for retail sale :</b>	52051590	53092110
51071010	52052100	53092190
51071090	52052200	53092910
51072010	52052300	53092990
51072030	52052400	
51072051	52052600	<b>Woven fabrics of jute or of other textile bast fibres</b>
51072059	52052700	53101010
51072091	52052800	53101090
51072099	52053100	53109000
	52053200	
<b>Yarn of fine animal hair (carded or combed), not put up for retail sale :</b>	52053300	<b>Woven fabrics of other vegetable textile fibres;</b>
51081010	52053400	53110010
51081090	52053510	53110090
51082010	52053590	
51082090	52054100	<b>Sewing thread of man-made filaments,</b>
	52054200	54011011
<b>Yarn of wool or of fine animal hair, put up for retail sale :</b>	52054300	54011019
51091010	52054400	54011090
51091090	52054600	54012010
51099010	52054700	54012090
51099090	52054800	
	<b>Cotton yarn (other than sewing thread),</b>	<b>Synthetic filament yarn (other than sewing thread)</b>
<b>Yarn of coarse animal hair or of horsehair</b>	52061100	54021010
51100000	52061200	54021090
	52061300	54022000
<b>Woven fabrics of carded wool or of carded fine animal hair</b>	52061400	54023110
51111111	52061510	
	52061590	

54023130	54076990	<b>Yarn (other than sewing thread) of synthetic staple fibres</b>
54023190	54077100	
54023200	54077200	
54023310	54077300	
54023390	54077400	
54023910	54078100	
54023990	54078200	
54024110	54078300	
54024130	54078400	
54024190	54079100	
54024200	54079200	
54024310	54079300	
54024390	54079400	
54024910		
54024991		
54024999		
54025110		
54025130		
54025190		
54025210		
54025290		
54025910		
54025990		
54026110		
54026130		
54026190		
54026210		
54026290		
54026910		
54026990		
	<b>Woven fabrics of artificial filament yarn,</b>	
	54081000	
	54082100	
	54082210	
	54082290	
	54082310	
	54082390	
	54082400	
	54083100	
	54083200	
	54083300	
	54083400	
	<b>Synthetic filament tow :</b>	
	55011000	
	55012000	
	55013000	
	55019000	
	<b>Artificial filament tow :</b>	
	55020010	
	55020090	
	<b>Synthetic staple fibres, not carded, combed or otherwise</b>	
	55031011	
	55031019	
	55031090	
	55032000	
	55033000	
	55034000	
	55039010	
	55039090	
	<b>Artificial staple fibres, not carded, combed or otherwise</b>	
	55041000	
	55049000	
	<b>Waste (including noils, yarn waste)</b>	
	55051010	
	55051030	
	55051050	
	55051070	
	55051090	
	55052000	
	<b>Synthetic staple fibres, carded, combed or otherwise</b>	
	55061000	
	55062000	
	55063000	
	55069010	
	55069091	
	55069099	
	<b>Artificial staple fibres, carded, combed or otherwise</b>	
	55070000	
	<b>Sewing thread of man-made staple fibres,</b>	
	55081011	
	55081019	
	55081090	
	55082010	
	55082090	
<b>Artificial filament yarn (other than sewing thread)</b>		
54031000		
54032010		
54032090		
54033100		
54033200		
54033310		
54033390		
54033900		
54034100		
54034200		
54034900		
<b>Synthetic monofilament of 67 decitex or more</b>		
54041010		
54041090		
54049011		
54049019		
54049090		
<b>Artificial monofilament of 67 decitex or more</b>		
54050000		
<b>Man-made filament yarn (other than sewing thread),</b>		
54061000		
54062000		
<b>Woven fabrics of synthetic filament yarn,</b>		
54071000		
54072011		
54072019		
54072090		
54073000		
54074100		
54074200		
54074300		
54074400		
54075100		
54075200		
54075300		
54075400		
54076110		
54076130		
54076150		
54076190		
54076910		
		<b>Yarn (other than sewing thread) of synthetic staple fibres</b>
		55091100
		55091200
		55092110
		55092190
		55092210
		55092290
		55093110
		55093190
		55093210
		55093290
		55094110
		55094190
		55094210
		55094290
		55095100
		55095210
		55095290
		55095300
		55095900
		55096110
		55096190
		55096200
		55096900
		55099110
		55099190
		55099200
		55099900
		<b>Yarn (other than sewing thread) of artificial staple fibres</b>
		55101100
		55101200
		55102000
		55103000
		55109000
		<b>Yarn (other than sewing thread) of man-made staple fibres</b>
		55111000
		55112000
		55113000
		<b>Wadding of textile materials and articles thereof,</b>
		56011010
		56011090
		56012110
		56012190
		56012210
		56012291
		56012299
		56012900
		56013000
		<b>Felt, whether or not impregnated,</b>
		56021011
		56021019
		56021031
		56021035
		56021039
		56021090
		56022100
		56022910
		56022990
		56029000
		<b>Nonwovens, whether or not impregnated,</b>
		56031110
		56031190
		56031210
		56031290
		56031310
		56031390
		56031410
		56031490
		56039110
		56039190

56039210	58063190	Textile fabrics otherwise impregnated, coated or covered
56039290	58063210	59070010
56039310	58063290	59070090
56039390	58063900	
56039410	58064000	
56039490		
<b>Rubber thread and cord, textile covered;</b>	<b>Labels, badges and similar articles of textile matter</b>	<b>Textile wicks, woven, plaited or knitted,</b>
56041000	58071010	59080000
56042000	58071090	
56049000	58079010	
	58079090	
<b>Metallised yarn, whether or not gimped,</b>	<b>Braids in the piece; ornamental trimmings</b>	<b>Textile hosepiping and similar textile tubing,</b>
56050000	58081000	59090010
	58089000	59090090
<b>Gimped yarn, and strip</b>	<b>Woven fabrics of metal thread and woven fabrics</b>	<b>Transmission or conveyor belts or belting,</b>
56060010	58090000	59100000
56060091		
56060099		
<b>Articles of yarn, strip</b>	<b>Embroidery in the piece, in strips or in motifs</b>	<b>Textile products and articles, for technical uses,</b>
56090000	58101010	59111000
	58101090	59112000
<b>Carpets and other textile floor coverings,</b>	58109110	59113111
57011010	58109190	59113119
57011091	58109210	59113190
57011093	58109290	59113210
57011099	58109910	59113290
57019010	58109990	59114000
57019090		59119010
		59119090
<b>Woven pile fabrics and chenille fabrics,</b>	<b>Quilted textile products in the piece,</b>	<b>Pile fabrics, including "long pile" fabrics</b>
58011000	58110000	60011000
58012100		60012100
58012200		60012200
58012300		60012910
58012400		60012990
58012500		60019110
58012600		60019130
58013100		60019150
58013200		60019190
58013300		60019210
58013400		60019230
58013500		60019250
58013600		60019290
58019010		60019910
58019090		60019990
<b>Terry towelling and similar woven terry fabrics,</b>	<b>Textile fabrics coated with gum</b>	<b>Men's or boys' overcoats, car-coats, capes, cloaks</b>
58021100	59011000	61011010
58021900	59019000	61011090
58022000		61012010
58023000		61012090
		61013010
		61013090
		61019010
		61019090
<b>Gauze, other than narrow fabrics</b>	<b>Tyre cord fabric of high tenacity yarn of nylon</b>	
58031000	59021010	
58039010	59021090	
58039030	59022010	
58039050	59022090	
58039090	59029010	
	59029090	
<b>Tulles and other net fabrics, not including woven,</b>	<b>Textile fabrics impregnated, coated, covered</b>	<b>Women's or girls' overcoats, car-coats, capes, cloaks</b>
58041011	59031010	61021010
58041019	59031090	61021090
58041090	59032010	61022010
58042110	59032090	61022090
58042190	59039010	61023010
58042910	59039091	61023090
58042990	59039099	61029010
58043000		61029090
<b>Hand-woven tapestries of the type Gobelins,</b>	<b>Linoleum, whether or not cut to shape;</b>	<b>Men's or boys' suits, ensembles, jackets, blazers,</b>
58050000	59041000	61034110
	59049110	61034190
	59049190	61034210
	59049200	61034290
		61034310
		61034390
		61034910
		61034991
		61034999
<b>Narrow woven fabrics,</b>	<b>Textile wall coverings :</b>	
58061000	59050010	
58062000	59050031	
58063110	59050039	
	59050050	
	59050070	
	59050090	
	<b>Rubberized textile fabrics,</b>	
	59061010	
	59061090	
	59069100	
	59069910	
	59069990	

<b>Women's or girls' suits, ensembles, jackets, blazers</b>	61149000	62034919
61045100	<b>Panty hose, tights, stockings, socks and other hosiery</b>	62034931
61045200	61151100	62034939
61045300	61151200	62034950
61045900	61151910	62034990
61046110	61151990	<b>Women's or girls' suits, ensembles, jackets, blazers</b>
61046190	61152011	62045100
61046210	61152019	62045200
61046290	61152090	62045300
61046310	61159100	62045910
61046390	61159200	62045990
61046910	61159310	62046110
61046991	61159330	62046180
61046999	61159391	62046190
<b>Men's or boys' underpants, briefs, nightshirts, pyjamas</b>	61159399	62046211
61071100	61159900	62046231
61071200	<b>Gloves, mittens and mitts, knitted or crocheted :</b>	62046233
61071900	61161020	62046239
61072100	61161080	62046251
61072200	61169100	62046259
61072900	61169200	62046290
61079110	61169300	62046311
61079190	61169900	62046318
61079200	<b>Other made up clothing accessories, knitted or crocheted</b>	62046331
61079900	61171000	62046339
<b>Women's or girls' slippers, petticoats, briefs, panties</b>	61172000	62046390
61081110	61178010	62046911
61081190	61178090	62046918
61081910	61179000	62046931
61081990	<b>Men's or boys' overcoats, car-coats, capes, cloaks</b>	62046939
61082100	62011100	62046950
61082200	62011210	62046990
61082900	62011290	<b>Men's or boys' shirts :</b>
61083110	62011310	62051000
61083190	62011390	62052000
61083211	62011900	62053000
61083219	62019100	62059010
61083290	62019200	62059090
61083900	62019300	<b>Men's or boys' singlets and other vests, underpants</b>
61089110	62019900	62071100
61089190	<b>Women's or girls' overcoats, car-coats, capes, cloaks</b>	62071900
61089200	62021100	62072100
61089910	62021210	62072200
61089990	62021290	62072900
<b>T-shirts, singlets and other vests, knitted or crocheted</b>	62021310	62079110
61091000	62021390	62079190
61099010	62021900	62079200
61099030	62029100	62079900
<b>Track suits, ski suits and swimwear, knitted or crocheted</b>	62029200	<b>Women's or girls' singlets and other vests, slippers,</b>
61121100	62029300	62081100
61121200	62029900	62081910
61121900	<b>Men's or boys' suits, ensembles, jackets, blazers,</b>	62081990
61122000	62034110	62082100
61123110	62034130	62082200
61123190	62034190	62082900
61123910	62034211	62089111
61123990	62034231	62089119
61124110	62034233	62089190
61124190	62034235	62089210
61124910	62034251	62089290
61124990	62034259	62089900
<b>Garments, made up of knitted or crocheted fabrics</b>	62034290	<b>Brassières, girdles, corsets, braces, suspenders,</b>
61130010	62034311	62121000
61130090	62034319	62122000
<b>Other garments, knitted or crocheted :</b>	62034331	62123000
61141000	62034339	62129000
61142000	62034390	<b>Handkerchiefs :</b>
61143000	62034911	62131000
		62132000
		62139000

<b>Shawls, scarves, mufflers, mantillas, veils</b>	64019110	<b>Parts of footwear (including uppers)</b>
62141000	64019190	64061011
62142000	64019210	64061019
62143000	64019290	64061090
62144000	64019910	64062010
62149010	64019990	64062090
62149090		64069100
	<b>Other footwear with outer soles and uppers of rubber</b>	64069910
<b>Ties, bow ties and cravats :</b>	64021210	64069930
62151000	64021290	64069950
62152000	64021900	64069960
62159000	64022000	64069980
	64023000	
<b>Gloves, mittens and mitts.</b>	64029100	
62160000	64029910	<b>Unglazed ceramic flags and paving, hearth or wall tiles</b>
	64029931	69071000
<b>Other made up clothing accessories;</b>	64029939	69079010
62171000	64029950	69079091
62179000	64029991	69079093
	64029993	69079099
<b>Blankets and travelling rugs :</b>	64029996	
63011000	64029998	<b>Glazed ceramic flags and paving, hearth or wall tiles</b>
63012010		69081010
63012091	<b>Footwear with outer soles of rubber, plastics, leather</b>	69081090
63012099	64031200	69089011
63013010	64031900	69089021
63013090	64032000	69089029
63014010	64033000	69089031
63014090	64034000	69089051
63019010	64035111	69089091
63019090	64035115	69089093
	64035119	69089099
<b>Sacks and bags,</b>	64035191	
63051010	64035195	<b>Tableware, kitchenware, other household articles</b>
63051090	64035199	69111000
63052000	64035911	69119000
63053211	64035931	
63053281	64035935	<b>Ceramic tableware, kitchenware, other household articles</b>
63053289	64035939	69120010
63053290	64035950	69120030
63053310	64035991	69120050
63053391	64035995	69120090
63053399	64035999	
63053900	64039111	<b>Statuettes and other ornamental ceramic articles :</b>
63059000	64039113	69131000
	64039116	69139010
<b>Tarpaulins, awnings and sunblinds; tents; sails</b>	64039118	69139091
63061100	64039191	69139093
63061200	64039196	69139099
63061900	64039198	
63062100	64039911	<b>Glassware of a kind used for table, kitchen,</b>
63062200	64039931	70131000
63062900	64039933	70132111
63063100	64039936	70132119
63063900	64039938	70132191
63064100	64039950	70132199
63064900	64039991	70132910
63069100	64039993	70132951
63069900	64039996	70132959
	64039998	70132991
<b>Other made up articles, including dress patterns :</b>	<b>Footwear with outer soles of rubber, plastics, leather</b>	70132999
63071010	64041100	70133110
63071030	64041910	70133190
63071090	64041990	70133200
63072000	64042010	70133910
63079010	64042090	70133991
63079091		70133999
63079099	<b>Other footwear :</b>	70139110
	64051010	70139190
<b>Sets consisting of woven fabric and yarn,</b>	64051090	70139910
63080000	64052010	70139990
	64052091	
<b>Worn clothing and other worn articles.</b>	64052099	<b>Glass fibres (including glass wool)</b>
63090000	64059010	70191100
	64059090	70191200
<b>Waterproof footwear with outer soles and uppers of rubber</b>		70191910
64011010		70191990
64011090		

70193100	<b>Cloth (including endless bands), grill and netting</b> 74142000 74149000	<b>Aluminium reservoirs, tanks, vats</b> 76110000	
70193200			
70193910			
70193990			
70194000			
70195110		<b>Nails, tacks, drawing pins, staples</b> 74151000 74152100 74152900 74153100 74153200 74153900	<b>Aluminium casks, drums, cans, boxes</b> 76121000 76129010 76129020 76129091 76129098
70195190			
70195200			
70195910			
70195990			
70199010			
70199030			
70199091			
70199099			
<b>Other articles of precious metal</b> 71159010 71159090		<b>Copper springs.</b> 74160000	<b>Aluminium containers for compressed or liquefied</b> 76130000
<b>Ferro-alloys :</b> 72025000 72027000 72029100 72029200 72029930 72029980		<b>Cooking or heating apparatus</b> 74170000	<b>Stranded wire, cables, plaited bands and the like,</b> 76141000 76149000
<b>Copper bars, rods and profiles :</b> 74071000 74072110 74072190 74072210 74072290 74072900		<b>Table, kitchen or other household articles</b> 74181100 74181900 74182000	<b>Table, kitchen or other household articles</b> 76151100 76151910 76151990 76152000
<b>Copper wire :</b> 74081100 74081910 74081990 74082100 74082200 74082900		<b>Other articles of copper :</b> 74191000 74199100 74199900	<b>Other articles of aluminium :</b> 76161000 76169100 76169910 76169990
<b>Copper plates, sheets and strip,</b> 74091100 74091900 74092100 74092900 74093100 74093900 74094010 74094090 74099010 74099090		<b>Aluminium bars, rods and profiles :</b> 76041010 76041090 76042100 76042910 76042990	<b>Unwrought lead :</b> 78011000 78019100 78019991 78019999
<b>Copper foil (whether or not printed or backed with)</b> 74101100 74101200 74102100 74102200		<b>Aluminium wire :</b> 76051100 76051900 76052100 76052900	<b>Tungsten (wolfram) and articles thereof, including waste</b> 81011000 81019110
<b>Copper tubes and pipes :</b> 74111011 74111019 74111090 74112110 74112190 74112200 74112910 74112990	<b>Aluminium plates, sheets and strip,</b> 76061110 76061191 76061193 76061199 76061210 76061250 76061291 76061293 76061299 76069100 76069200	<b>Molybdenum and articles thereof, including waste</b> 81021000 81029110 81029300	
<b>Copper tube or pipe fittings</b> 74121000 74122000	<b>Aluminium foil</b> 76071110 76071190 76071910 76071991 76071999 76072010 76072091 76072099	<b>Magnesium and articles thereof, including waste</b> 81041100 81041900	
<b>Stranded wire, cables, plaited bands and the like,</b> 74130091 74130099	<b>Aluminium tubes and pipes :</b> 76081090 76082030 76082091 76082099	<b>Cadmium and articles thereof, including waste</b> 81071010	
	<b>Aluminium tube or pipe fittings</b> 76090000	<b>Titanium and articles thereof, including waste</b> 81081010 81081090 81089030 81089050 81089070 81089090	
	<b>Aluminium structures</b> 76101000 76109010 76109090	<b>Zirconium and articles thereof, including waste</b> 81091010 81099000	
		<b>Antimony and articles thereof, including waste</b> 81100011 81100019	
		<b>Beryllium, chromium, germanium, vanadium, gallium,</b> 81122031 81123020	

81123090	84522100	85245200
81129110	84522900	85245300
81129131	84523010	85246000
81129930	84523090	85249900
<b>Cermets and articles thereof, including waste</b>	84524000	<b>Reception apparatus for radio-telephony,</b>
81130020	84529000	85271210
81130040	<b>Electro-mechanical domestic appliances,</b>	85271290
<b>Nuclear reactors; fuel elements (cartridges),</b>	85091010	85271310
84011000	85091090	85271391
84012000	85092000	85271399
84013000	85093000	85272120
84014010	85094000	85272152
84014090	85098000	85272159
<b>Hydraulic turbines, water wheels, and regulators</b>	85099010	85272170
84101100	85099090	85272192
84101200	<b>Electric instantaneous or storage water heaters</b>	85272198
84101300	85162991	85272900
84109010	85163110	85273111
84109090	85163190	85273119
<b>Turbo-jets, turbo-propellers and other gas turbines</b>	85164010	85273191
84111190	85164090	85273193
84111290	85165000	85273198
84112190	85166070	85273290
84112290	85167100	85273910
84118190	85167100	85273991
84118291	85167200	85273999
84118293	85167980	85279091
84118299	<b>Turntables (record-decks), record-players, cassette-players</b>	85279099
84119190	85191000	<b>Reception apparatus for television,</b>
84119990	85192100	85281214
<b>Air or vacuum pumps, air or other gas compressors</b>	85192900	85281216
84141030	85193100	85281218
84141050	85193900	85281222
84141090	85194000	85281228
84142091	85199331	85281252
84142099	85199339	85281254
84143030	85199381	85281256
84143091	85199389	85281258
84143099	85199912	85281262
84144010	85199918	85281266
84144090	85199990	85281272
84145190	<b>Magnetic tape recorders and other sound recording</b>	85281276
84145930	85201000	85281281
84145950	85203219	85281289
84145990	85203250	85281291
84146000	85203291	85281298
84148021	85203299	85281300
84148029	85203319	85282114
84148031	85203390	85282116
84148039	85203910	85282118
84148041	85203990	85282190
84148049	85209090	85282200
84148060	<b>Video recording or reproducing apparatus,</b>	85283010
84148071	85211030	85283090
84148079	85211080	<b>Parts suitable for use solely or principally with</b>
84148090	85219000	85291020
84149090	<b>Parts and accessories</b>	85291031
<b>Fork-lift trucks; other works trucks</b>	85221000	85291039
84271010	852229030	85291040
84271090	85229091	85291050
84272011	85229098	85291070
84272019	<b>Prepared unrecorded media for sound recording</b>	85291090
84272090	85233000	85299051
84279000	<b>Records, tapes and other recorded media</b>	85299059
<b>Sewing machines, other than book-sewing machines</b>	85241000	85299070
84521011	85243200	85299081
84521019	85243900	85299089
84521090	85245100	<b>Electric sound or visual signalling apparatus</b>
		85311020
		85311030
		85311080
		85318090
		85319090

<b>Thermionic, cold cathode or photocathode valves</b>	<b>Works trucks, self-propelled, not fitted with lift</b>	<b>Pianos, including automatic pianos; harpsichords</b>
85401111	87091110	92011010
85401113	87091190	92011090
85401115	87091910	92012000
85401119	87091990	92019000
85401191	87099010	
85401199	87099090	<b>Revolvers and pistols,</b>
85401200		93020010
85402010	<b>Motor-cycles (including mopeds)</b>	93020090
85402030	87111000	
85402090	87112010	<b>Other firearms and similar devices</b>
85404000	87112091	93031000
85405000	87112093	93032030
85406000	87112098	93032080
85407100	87113010	93033000
85407200	87113090	93039000
85407900	87114000	
85408100	87115000	<b>Other arms (for example, spring, air or gas guns</b>
85408911	87119000	93040000
85408919		
85408990	<b>Bicycles and other cycles</b>	
85409100	87120010	<b>Parts and accessories of articles of heading Nos 9...</b>
85409900	87120030	93051000
	87120080	93052100
<b>Electronic integrated circuits and microassemblies</b>		93052910
85421425	<b>Photocopying apparatus</b>	93052930
	90091100	93052980
<b>Insulated (including enamelled or anodised) wire,</b>	90091200	93059090
85441110	90092100	
85441190	90092210	<b>Bombs, grenades, torpedoes, mines, missiles</b>
85441910	90092290	93061000
85441990	90093000	93062100
85442000	90099010	93062940
85443090	90099090	93062970
85444110		93063010
85444190	<b>Liquid crystal devices</b>	93063091
85444920	90131000	93063093
85444980	90132000	93063098
85445100	90138011	93069090
85445910	90138019	
85445920	90138030	<b>Seats (other than those of heading No 9402),</b>
85445980	90138090	94012000
85446010	90139010	94019010
85446090	90139090	94019030
85447000		94019080
<b>Motor vehicles for the transport of ten or more persons</b>	<b>Wrist-watches, pocket-watches and other watches,</b>	<b>Other furniture and parts thereof :</b>
87021091	91011100	94034010
87021099	91011200	94034090
87029031	91011900	94039010
87029039	91012100	94039030
87029090	91012900	94039090
	91019100	
	91019900	<b>Mattress supports; articles of bedding</b>
<b>Motor vehicles for the transport of goods :</b>	<b>Wrist-watches, pocket-watches and other watches,</b>	94041000
87041011	91021100	94042110
87041019	91021200	94042190
87041090	91021900	94042910
87042110	91022100	94042990
87042191	91022900	94043010
87042199	91029100	94043090
87042210	91029900	94049010
87042310		94049090
87043110	<b>Clocks with watch movements,</b>	
87043191	91031000	<b>Lamps and lighting fittings including searchlights</b>
87043199	91039000	94051021
87043210		94051029
87049000	<b>Other clocks :</b>	94051030
<b>Special purpose motor vehicles,</b>	91051100	94051050
87051000	91051900	94051091
87052000	91052100	94051099
87053000	91052900	94052011
87054000	91059100	94052019
87059010	91059910	94052030
87059030	91059990	94052050
87059090		94052091

94052099	02068091	Vegetables (uncooked or cooked by steaming or boiling)
94053000	02069091	07108059
94054010		<b>Vegetables provisionally preserved</b>
94054031	<b>Meat and edible offal,</b>	07119010
94054035	02071391	
94054039	02071491	<b>Dried vegetables, whole, cut, sliced, broken</b>
94054091	02072691	07129005
94054095	02072791	
94054099	02073591	<b>Other nuts, fresh or dried, whether or not shelled</b>
94055000	02073689	08021290
94056091		<b>Dates, figs, pineapples, avocados, guavas, mangoes</b>
94056099	<b>Other meat and edible meat offal, fresh, chilled</b>	08041000
94059111	02081011	
94059119	02081019	<b>Citrus fruit, fresh or dried :</b>
94059190	02089010	08054095
94059290	02089050	
94059990	02089060	<b>Grapes, fresh or dried :</b>
	02089080	08062091
<b>Prefabricated buildings :</b>		08062092
94060010		08062098
94060031	<b>Meat and edible meat offal, salted, in brine, drie</b>	
94060039	02109010	<b>Apricots, cherries, peaches (including nectarines)</b>
94060090	02109060	08094010 (12)
	02109079	08094090
	02109080	
<b>Other toys; reduced-size ("scale") models</b>		<b>Other fruit, fresh :</b>
95031010		08104050
95031090	<b>Birds' eggs, in shell, fresh, preserved or cooked</b>	
95032010	04070090	<b>Fruit and nuts, uncooked or cooked by steaming</b>
95032090		08112019
95033010	<b>Edible products of animal origin, not elsewhere sp</b>	08112051
95033030	04100000	08112090
95033090		08119031
95034100	<b>Bulbs, tubers, tuberous roots, corms, crowns</b>	08119050
95034910	06012030	08119085
95034930	06012090	
95034990		<b>Fruit and nuts, provisionally preserved</b>
95035000	<b>Other live plants (including their roots), cutting</b>	08129040
95036010	06022090	
95036090	06023000	<b>Fruit, dried,</b>
95037000	06024010	08131000
95038010	06024090	08133000
95038090	06029010	08134030
95039010	06029030	08134095
95039032	06029041	
95039034	06029045	<b>Coffee, whether or not roasted or decaffeinated;</b>
95039035	06029049	09011200
95039037	06029051	09012100
95039051	06029059	09012200
95039055	06029070	09019090
95039099	06029091	
	06029099	<b>Cloves (whole fruit, cloves and stems).</b>
<b>Brooms, brushes</b>		09070000
96031000	<b>Foliage, branches and other parts of plants,</b>	
96032100	06049121	<b>Ginger, saffron, turmeric (curcuma), thyme, bay leaf</b>
96032910	06049129	09104013
96032930	06049149	09104019
96032990	06049990	09104090
96033010		09109190
96033090	<b>Potatoes, fresh or chilled :</b>	09109999
96034010	07019059	
96034090	07019090	<b>Seeds, fruit and spores, of a kind used for sowing</b>
96035000		12091100
96039010	<b>Onions, shallots, garlic, leeks</b>	12091900
96039091	07032000	
96039099		<b>Locust beans, seaweeds and other algae, sugar beet</b>
	<b>Other vegetables, fresh or chilled :</b>	12129200
<b>Agricultural Products</b>	07091040	
<b>Live horses, asses, mules and hinnies :</b>	07095130	
01011990	07095200	
01012090	07096099	
	07099031	
<b>Other live animals :</b>	07099071	
01060020	07099073	
<b>Edible offal of bovine animals, swine, sheep, goat</b>		
02063021		
02064191		

<b>Pig fat (including lard) and poultry fat,</b> 15010090	<b>Cocoa powder, not containing added sugar or other</b> 18050000	<b>Other fermented beverages (for example, cider)</b> 22060031 22060039 22060051 22060059 22060081 22060089
<b>Lard stearin, lard oil, oleostearin, oleo-oil</b> 15030090	<b>Vegetables, fruit, nuts and other edible parts</b> 20019060 20019070 20019075 20019085 20019091	<b>Undenatured ethyl alcohol of an alcoholic strength</b> 22085011 22085019 22085091 22085099 22086011 22086091 22086099 22087010 22087090 22089011 22089019 22089057 22089069 22089074 22089078
<b>Ground-nut oil and its fractions, whether or not refined</b> 15081090 15089090	<b>Other vegetables prepared or preserved otherwise</b> 20049030	<b>Preparations of a kind used in animal feeding :</b> 23091090 23099091 23099093 23099098
<b>Palm oil and its fractions, whether or not refined</b> 15119011 15119019 15119099	<b>Other vegetables prepared or preserved otherwise</b> 20057010 20057090 20059010 20059030 20059050 20059060 20059070 20059075 20059080	<b>Unmanufactured tobacco; tobacco refuse :</b> 24011030 24011050 24011070 24011080 24011090 24012030 24012049 24012050 24012080 24012090 24013000
<b>Coconut (copra), palm kernel or babassu oil</b> 15131191 15131199 15131911 15131919 15131991 15131999 15132130 15132190 15132911 15132919 15132950 15132991 15132999	<b>Vegetables, fruit, nuts, fruit-peel and other parts</b> 20060091	<b>Cigars, cheroots, cigarillos and cigarettes,</b> 24021000 24022010 24022090 24029000
<b>Other fixed vegetable fats and oils</b> 15151990 15152190 15152990 15155019 15155099 15159029 15159039 15159051 15159059 15159091 15159099	<b>Fruit, nuts and other edible parts of plants,</b> 20081110 20081192 20081196 20081911 20081913 20081951 20081993 20083071 20089100 20089212 20089214 20089232 20089234 20089236 20089238 20089911 20089919 20089938 20089940 20089947	<b>Other manufactured tobacco and manufactured tobacco</b> 24031010 24031090 24039100 24039910 24039990
<b>Animal or vegetable fats and oils</b> 15161010 15161090 15162091 15162096 15162098	<b>Fruit juices (including grape must)</b> 20098036 20098038 20098088 20098089 20098095 20098096	<b>Casein, caseinates and other casein derivatives;</b> 35011090 35019010 35019090
<b>Margarine; edible mixtures</b> 15171090 15179091 15179099	<b>Yeasts (active or inactive);</b> 21023000	<b>Albumins</b> 35029070
<b>Animal or vegetable fats and oils</b> 15180010 15180091 15180099	<b>Sauces and preparations therefor;</b> 21031000 21033090 21039090	<b>Industrial monocarboxylic fatty acids; acid oils</b> 38231200 38237000
<b>Sausages and similar products, of meat, meat offal</b> 16010010	<b>Soups and broths and preparations therefor;</b> 21041010 21041090 21042000	
<b>Extracts and juices of meat, fish or crustaceans,</b> 16030010	<b>Food preparations not elsewhere specified</b> 21069092	
<b>Molasses</b> 17031000 17039000	<b>Waters, including mineral waters and aerated water</b> 22021000 22029010	
<b>Cocoa paste, whether or not defatted :</b> 18031000 18032000		
<b>Cocoa butter, fat and oil.</b> 18040000		

# Annex XII to Protocol 1

Products for which the cumulation provisions with South Africa referred to in Article 6(3) apply after 6 years from the provisional application of the Agreement on Trade, Development and Co-operation between the European Community and the Republic of South Africa

Industrial Products (1)	52095100 52095200 52095900	Woven fabrics of synthetic staple fibres
<b>CN code 96</b>		55121100 55121910 55121990 55122100 55122910 55122990 55129100 55129910 55129990
<b>Woven fabrics of cotton, containing 85 % or more</b>	<b>Woven fabrics of cotton, containing less than 85 %</b>	
52081110	52101110	
52081190	52101190	
52081211	52101200	
52081213	52101900	
52081215	52102110	
52081219	52102190	
52081291	52102200	
52081293	52102900	
52081295	52103110	
52081299	52103190	
52081300	52103200	
52081900	52103900	
52082110	52104100	
52082190	52104200	
52082211	52104900	
52082213	52105100	
52082215	52105200	
52082219	52105900	
52082291		
52082293		
52082295	<b>Woven fabrics of cotton, containing less than 85 %</b>	
52082299	52111100	
52082300	52111200	
52082900	52111900	
52083100	52112100	
52083211	52112200	
52083213	52112900	
52083215	52113100	
52083219	52113200	
52083291	52113900	
52083293	52114100	
52083295	52114200	
52083299	52114300	
52083300	52114910	
52083900	52114990	
52084100	52115100	
52084200	52115200	
52084300	52115900	
52084900		
52085100	<b>Other woven fabrics of cotton :</b>	
52085210	52121110	
52085290	52121190	
52085300	52121210	
52085900	52121290	
	52121310	
	52121390	
	52121410	
	52121490	
	52121510	
	52121590	
	52122110	
	52122190	
	52122210	
	52122290	
	52122310	
	52122390	
	52122410	
	52122490	
	52122510	
	52122590	
<b>Woven fabrics of cotton, containing 85 % or more</b>		
52091100		
52091200		
52091900		
52092100		
52092200		
52092900		
52093100		
52093200		
52093900		
52094100		
52094200		
52094300		
52094910		
52094990		
		<b>Woven fabrics of synthetic staple fibres</b>
		55131110 55131130 55131190 55131200 55131300 55131900 55132110 55132130 55132190 55132200 55132300 55132900 55133100 55133200 55133300 55133900 55134100 55134200 55134300 55134900
		<b>Woven fabrics of synthetic staple fibres</b>
		55141100 55141200 55141300 55141900 55142100 55142200 55142300 55142900 55143100 55143200 55143300 55143900 55144100 55144200 55144300 55144900
		<b>Other woven fabrics of synthetic staple fibres</b>
		55151110 55151130 55151190 55151210 55151230 55151290 55151311 55151319 55151391 55151399 55151910 55151930 55151990 55152110

55152130	57023290	60029333
55152190	57023910	60029335
55152211	57023990	60029339
55152219	57024110	60029391
55152291	57024190	60029399
55152299	57024210	60029900
55152910	57024290	
55152930	57024910	<b>Men's or boys' suits, ensembles, jackets, blazers</b>
55152990	57024990	61031100
55159110	57025100	61031200
55159130	57025200	61031900
55159190	57025900	61032100
55159211	57029100	61032200
55159219	57029200	61032300
55159291	57029900	61032900
55159299		61033100
55159910	<b>Carpets and other textile floor coverings, tufted</b>	61033200
55159930	57031010	61033300
55159990	57031090	61033900
	570320111	
<b>Woven fabrics of artificial staple fibres</b>	57032019	<b>Women's or girls' suits, ensembles, jackets, blazers</b>
55161100	57032091	61041100
55161200	57032099	61041200
55161300	57033011	61041300
55161400	57033019	61041900
55162100	57033051	61042100
55162200	57033059	61042200
55162310	57033091	61042300
55162390	57033099	61042900
55162400	57039010	61043100
55163100	57039090	61043200
55163200		61043300
55163300	<b>Carpets and other textile floor coverings, of felt</b>	61043900
55163400	57041000	61044100
55164100	57049000	61044200
55164200		61044300
55164300	<b>Other carpets and other textile floor coverings,</b>	61044400
55164400	57050010	61044900
55169100	57050031	
55169200	57050039	<b>Men's or boys' shirts, knitted or crocheted</b>
55169300	57050090	61051000
55169400		61052010
	<b>Other knitted or crocheted fabrics</b>	61052090
<b>Twine, cordage, ropes and cables</b>	60021010	61059010
56071000	60021090	61059090
56072100	60022010	
56072910	60022031	<b>Women's or girls' blouses, shirts and shirt-blouses</b>
56072990	60022039	61061000
56073000	60022050	61062000
56074100	60022070	61069010
56074911	60022090	61069030
56074919	60023010	61069050
56074990	60023090	61069090
56075011	60024100	
56075019	60024210	<b>T-shirts, singlets and other vests, knitted or crocheted</b>
56075030	60024230	61099090
56075090	60024250	
56079000	60024290	<b>Jerseys, pullovers, cardigans, waistcoats and similar</b>
	60024311	61101010
<b>Knotted netting of twine, cordage or rope</b>	60024319	61101031
56081111	60024331	61101035
56081119	60024333	611010381
56081191	60024335	61101091
56081199	60024339	61101095
56081911	60024350	61101098
56081919	60024391	61102010
56081931	60024393	61102091
56081939	60024395	61102099
56081991	60024900	61103010
56081999	60029100	61103091
56089000	60029210	61103099
	60029230	61109010
<b>Carpets and other textile floor coverings, woven</b>	60029250	61109090
57021000	60029290	
57022000	60029310	
57023110	60029331	
57023130		
57023190		
57023210		

<b>Babies' garments and clothing accessories, knitted</b>	<b>Garments, made up of fabrics of heading No 5602, 5</b>	63039990
61111010	62101010	<b>Other furnishing articles</b>
61111090	62101091	63041100
61112010	62101099	63041910
61112090	62102000	63041930
61113010	62103000	63041990
61113090	62104000	63049100
61119000	62105000	63049200
		63049300
		63049900
<b>Men's or boys' suits, ensembles, jackets, blazers</b>	<b>Track suits, ski suits and swimwear; other garments</b>	<b>Industrial Products (2)</b>
62031100	62111100	
62031200	62111200	<b>Hydrogen, rare gases and other non-metals :</b>
62031910	62112000	28046900
62031930	62113100	
62031990	62113210	<b>Colloidal precious metals; inorganic or organic</b>
62032100	62113231	28431090
62032210	62113241	28433000
62032280	62113242	28439090
62032310	62113290	
62032380	62113310	<b>Oxygen-function amino-compounds</b>
62032911	62113231	29224100
62032918	62113331	
62032990	62113341	<b>Pig iron and spiegeleisen in pigs, blocks or other</b>
62033100	62113342	72011011
62033210	62113390	72011019
62033290	62113900	72011030
62033310	62114100	72012000
62033390	62114210	72015090
62033911	62114231	
62033919	62114241	<b>Ferro-alloys</b>
62033990	62114242	72021120
	62114290	72021180
	62114310	72021900
	62114331	72022110
	62114341	72022190
	62114342	72022900
	62114390	72023000
	62114900	72024110
		72024191
		72024199
		72024910
		72024950
		72024990
<b>Women's or girls' suits, ensembles, jackets, blazers</b>	<b>Bed linen, table linen, toilet linen and kitchen linen</b>	<b>Ferrous products obtained by direct reduction</b>
62041100	63021010	72039000
62041200	63021090	
62041300	63022100	<b>Ferrous waste and scrap; remelting scrap ingots</b>
62041910	63022210	72045090
62041990	63022290	
62042100	63022910	<b>Iron and non-alloy steel in ingots or other es</b>
62042210	63022990	72061000
62042280	63023110	72069000
62042310	63023190	
62042380	63023210	<b>Semi-finished products of iron or non-alloy steel</b>
62042911	63023290	72071111
62042918	63023910	72071114
62042990	63023930	72071116
62043100	63023990	72071210
62043210	63024000	72071911
62043290	63025110	72071914
62043310	63025190	72071916
62043390	63025200	72071931
62043911	63025310	72072011
62043919	63025390	72072015
62043990	63025900	72072017
62044100	63026000	72072032
62044200	63029110	72072051
62044300	63029190	72072055
62044400	63029200	72072057
62044910	63029310	72072071
62044990	63029390	
	63029900	<b>Curtains (including drapes) and interior blinds</b>
<b>Women's or girls' blouses, shirts and shirt-blouses</b>		63031100
62061000		63031200
62062000		63031900
62063000		63039100
62064000		63039210
62069010		63039290
62069090		63039910
<b>Babies' garments and clothing accessories</b>		
62091000		
62092000		
62093000		
62099000		

**Flat-rolled products of iron or non-alloy steel,**

72081000  
72082500  
72082600  
72082700  
72083600  
72083710  
72083790  
72083810  
72083890  
72083910  
72083990  
72084010  
72084090  
72085110  
72085130  
72085150  
72085191  
72085199  
72085210  
72085291  
72085299  
72085310  
72085390  
72085410  
72085490  
72089010

**Flat-rolled products of iron or non-alloy steel,**

72091500  
72091610  
72091690  
72091710  
72091790  
72091810  
72091891  
72091899  
72092500  
72092610  
72092690  
72092710  
72092790  
72092810  
72092890  
72099010

**Flat-rolled products of iron or non-alloy steel,**

72101110  
72101211  
72101219  
72102010  
72103010  
72104110  
72104910  
72105010  
72106110  
72106910  
72107031  
72107039  
72109031  
72109033  
72109038

**Flat-rolled products of iron or non-alloy steel,**

72111300  
72111410  
72111490  
72111920  
72111990  
72112310  
72112351  
72112920  
72119011

**Flat-rolled products of iron or non-alloy steel,**

72121010  
72121091  
72122011  
72123011  
72124010  
72124091  
72125031  
72125051  
72126011  
72126091

**Bars and rods, hot-rolled,**

72131000  
72132000  
72139110  
72139120  
72139141  
72139149  
72139170  
72139190  
72139910  
72139990

**Other bars and rods of iron or non-alloy steel,**

72142000  
72143000  
72149110  
72149190  
72149910  
72149931  
72149939  
72149950  
72149961  
72149969  
72149980  
72149990

**Other bars and rods of iron or non-alloy steel :**

72159010

**Angles, shapes and sections of iron or non-alloy steel :**

72161000  
72162100  
72162200  
72163111  
72163119  
72163191  
72163199  
72163211  
72163219  
72163291  
72163299  
72163310  
72163390  
72164010  
72164090  
72165010  
72165091  
72165099  
72169910

**Stainless steel in ingots or other primary forms;**

72181000  
72189111  
72189119  
72189911  
72189920

**Flat-rolled products of stainless steel,**

72191100  
72191210  
72191290  
72191310  
72191390

72191410  
72191490  
72192110  
72192190  
72192210  
72192290  
72192300  
72192400  
72193100  
72193210  
72193290  
72193310  
72193390  
72193410  
72193490  
72193510  
72193590  
72199010

**Flat-rolled products of stainless steel,**

72201100  
72201200  
72202010  
72209011  
72209031

**Bars and rods, hot-rolled,**

72210010  
72210090

**Other bars and rods of stainless steel;**

72221111  
72221119  
72221121  
72221129  
72221191  
72221199  
72221910  
72221990  
72223010  
72224010  
72224030

**Other alloy steel in ingots or other primary forms**

72241000  
72249001  
72249005  
72249008  
72249015  
72249031  
72249039

**Flat-rolled products of other alloy steel,**

72251100  
72251910  
72251990  
72252020  
72253000  
72254020  
72254050  
72254080  
72255000  
72259110  
72259210  
72259910

**Flat-rolled products of other alloy steel,**

72261110  
72261910  
72261930  
72262020  
72269110  
72269190  
72269210  
72269320  
72269420  
72269920

<b>Bars and rods, hot-rolled,</b>	73102199	<b>Springs and leaves for springs, of iron or steel :</b>
72271000	73102910	73201011
72272000	73102990	73201019
72279010		73201090
72279050	<b>Containers for compressed or liquefied gas,</b>	73202020
72279095	73110010	73202081
	73110091	73202085
<b>Other bars and rods of other alloy steel;</b>	73110099	73202089
72281010		73209010
72281030	<b>Stranded wire, ropes, cables, plaited bands,</b>	73209030
72282011	73121030	73209090
72282019	73121051	
72282030	73121059	
72283020	73121071	<b>Stoves, ranges, grates, cookers</b>
72283041	73121075	73211110
72283049	73121079	73211190
72283061	73121082	73211200
72283069	73121084	73211300
72283070	73121086	73218110
72283089	73121088	73218190
72286010	73121099	73218210
72287010	73129090	73218290
72287031		73218300
72288010	<b>Barbed wire of iron or steel;</b>	73219000
72288090	73130000	
		<b>Radiators for central heating,</b>
<b>Sheet piling of iron or steel,</b>	<b>Chain and parts thereof, of iron or steel :</b>	73221100
73011000	73151110	73221900
	73151190	73229090
<b>Railway or tramway track construction material</b>	73151200	
73021031	73151900	<b>Table, kitchen or other household articles</b>
73021039	73152000	73231000
73021090	73158100	73239100
73022000	73158210	73239200
73024010	73158290	73239310
73029010	73158900	73239390
	73159000	73239410
		73239490
<b>Tubes, pipes and hollow profiles, of cast iron :</b>	<b>Screws, bolts, nuts, coach screws, screw hooks,</b>	73239910
73030010	73181100	73239991
73030090	73181210	73239999
	73181290	
<b>Tube or pipe fittings (for example couplings)</b>	73181300	<b>Sanitary ware and parts thereof, of iron or steel</b>
73071110	73181410	73241090
73071190	73181491	73242100
73071910	73181499	73242900
73071990	73181510	73249090
73072100	73181520	
73072210	73181530	<b>Other cast articles of iron or steel :</b>
73072290	73181541	73251020
73072310	73181549	73251050
73072390	73181551	73251091
73072910	73181559	73251099
73072930	73181561	73259100
73072990	73181569	73259910
73079100	73181570	73259991
73079210	73181581	73259999
73079290	73181589	
73079311	73181590	<b>Other articles of iron or steel :</b>
73079319	73181610	73261100
73079391	73181630	73261910
73079399	73181650	73261990
73079910	73181691	73262030
73079930	73181699	73262050
73079990	73181900	73262090
	73182100	73269010
<b>Reservoirs, tanks, vats and similar containers</b>	73182200	73269030
73090010	73182300	73269040
73090030	73182400	73269050
73090051	73182900	73269060
73090059		73269070
73090090	<b>Sewing needles, knitting needles, bodkins, crochets</b>	73269080
	73191000	73269091
<b>Tanks, casks, drums, cans, boxes and similar containers</b>	73192000	73269093
73101000	73193000	73269095
73102110	73199000	73269097
73102191		

**Unwrought zinc:**

79011100  
79011210  
79011230  
79011290  
79012000

**Motor vehicles for the transport of ten or more persons**

87021011  
87021019  
87029011  
87029019

87042299  
87042391  
87042399  
87043131  
87043139  
87043291  
87043299

**Zinc dust, powders and flakes :**

79031000  
79039000

**Motor vehicles for the transport of goods :**

87042131  
87042139  
87042291

# Annex XIII to Protocole 1

## Products to which Article 6(3) shall not be applicable

<b>Industrial Products (1)</b>	87089410	<b>Dates, figs, pineapples, avocados, guavas, mangoes</b>
<b>CN code 96</b>	87089490	08042090
<b>Motor cars and other motor vehicles</b>	87089910	08043000
87031010	87089930	08044020
87031090	87089950	08044090
87032110	87089992	08044095
87032190	87089998	
87032211	<b>Industrial Products (2)</b>	<b>Grapes, fresh or dried :</b>
87032219	<b>Unwrought aluminium :</b>	08061029 (3) (12)
87032290	76011000	08062011
87032311	76012010	08062012
87032319	76012091	08062018
87032390	76012099	
87032410	<b>Aluminium powders and flakes :</b>	<b>Melons (including watermelons) and papaws (papayas)</b>
87032490	76031000	08071100
87033110	76032000	08071900
87033190	<b>Agricultural Products (1)</b>	<b>Apricots, cherries, peaches (including nectarines)</b>
87033211	<b>Live horses, asses, mules and hinnies :</b>	08093011 (5) (12)
87033219	01012010	08093051 (6) (12)
87033290	<b>Milk and cream, not concentrated</b>	<b>Other fruit, fresh :</b>
87033311	04011010	08109040
87033319	04011090	08109085
87033390	04012011	
87039010	04012019	<b>Fruit and nuts, provisionally preserved</b>
87039090	04012091	08121000
<b>Chassis fitted with engines,</b>	04012099	08122000
87060011	04013011	08129050
87060019	04013019	08129060
87060091	04013031	08129070
87060099	04013039	08129095
<b>Bodies (including cabs), for the motor vehicles</b>	04013091	
87071010	04013099	<b>Fruit, dried,</b>
87071090	<b>Buttermilk, curdled milk and cream, yogurt, kephir</b>	08134010
87079010	04031011	08135015
87079090	04031013	08135019
<b>Parts and accessories of the motor vehicles</b>	04031019	08135039
87081010	04031031	08135091
87081090	04031033	08135099
87082110	04031039	
87082190	<b>Potatoes, fresh or chilled :</b>	<b>Pepper of the genus Piper; dried or crushed</b>
87082910	07019051	09042010
87082990	<b>Leguminous vegetables, shelled or unshelled, fresh or chilled</b>	
87083110	07081020	<b>Soya-bean oil and its fractions,</b>
87083191	07081095	15071010
87083199	<b>Other vegetables, fresh or chilled :</b>	15071090
87083910	07095190	15079010
87083990	07096010	15079090
87084010	<b>Vegetables (uncooked or cooked by steaming or boiled)</b>	<b>Sunflower-seed, safflower or cotton-seed oil</b>
87084090	07108095	15121110
87085010	<b>Vegetables provisionally preserved</b>	15121191
87085090	07111000	15121199
87086010	07113000	15121910
87086091	07119060	15121991
87086099	07119070	15121999
87087010		15122110
87087050		15122190
87087091		15122910
87087099		15122990
87088010		<b>Rape, colza or mustard oil and fractions thereof,</b>
87088090		15141010
87089110		15141090
87089190		15149010
87089210		15149090
87089290		
87089310		
87089390		

<b>Fruit, nuts and other edible parts of plants,</b> 20081959	<b>Vegetables (uncooked or cooked by steaming or boiled)</b> 07101000 07102100 07102200 07102900 07103000 07108010 07108051 07108061 07108069 07108070 07108080 07108085 07109000	<b>Other fruit, fresh :</b> 08101005 08102090 08103010 08103030 08103090 08104090 08105000
<b>Fruit juices (including grape must)</b> 20092099 20094099 20098099		<b>Fruit and nuts, uncooked or cooked by steaming</b> 08112011 08112031 08112039 08112059 08119011 08119019 08119039 08119075 08119080 08119095
<b>Unmanufactured tobacco; tobacco refuse :</b> 24011010 24011020 24011041 24011049 24011060 24012010 24012020 24012041 24012060 24012070	<b>Vegetables provisionally preserved</b> 07112010 07114000 07119040 07119090	<b>Fruit and nuts, provisionally preserved</b> 08129010 08129020
<b>Agricultural Products (2)</b>	<b>Dried vegetables, whole, cut, sliced, broken</b> 07122000 07123000 07129030 07129050 07129090	<b>Fruit, dried,</b> 08132000
<b>Cut flowers and flower buds</b> 06031055 06031061 06031069 (11)	<b>Manioc, arrowroot, salep, Jerusalem artichokes,</b> 07149011 07149019	<b>Wheat and meslin :</b> 10019010
<b>Onions, shallots, garlic, leeks</b> 07031011 07031019 07031090 07039000	<b>Other nuts, fresh or dried, whether or not shelled</b> 08021190 08022100 08022200 08024000	<b>Buckwheat, millet and canary seed; other cereals :</b> 10081000 10082000 10089090
<b>Cabbages, cauliflowers, kohlrabi, kale and similar</b> 07041005 07041010 07041080 07042000 07049010 07049090	<b>Bananas, including plantains, fresh or dried :</b> 08030011 08030090	<b>Flour, meal, powder, flakes, granules and pellets</b> 11051000 11052000
<b>Lettuce (Lactuca sativa) and chicory</b> 07051105 07051110 07051180 07051900 07052100 07052900	<b>Dates, figs, pineapples, avocados, guavas, mangoes</b> 08042010	<b>Flour, meal and powder of the dried leguminous vegetables</b> 11061000 11063010 11063090
<b>Carrots, turnips, salad beetroot, salsify, celeriac</b> 07061000 07069005 07069011 07069017 07069030 07069090	<b>Citrus fruit, fresh or dried :</b> 08052021 (1) (12) 08052023 (1) (12) 08052025 (1) (12) 08052027 (1) (12) 08052029 (1) (12) 08053090 08059000	<b>Fats and oils and their fractions, of fish</b> 15043011
<b>Leguminous vegetables, shelled or unshelled, fresh or chilled</b> 07081090 07082020 07082090 07082095 07089000	<b>Grapes, fresh or dried :</b> 08061095 08061097	<b>Other prepared or preserved meat, meat offal</b> 16022011 16022019 16023111 16023119 16023130 16023190 16023219 16023230 16023290 16023929 16023940 16023980 16024190 16024290 16029031 16029072 16029076
<b>Other vegetables, fresh or chilled :</b> 07091030 (12) 07093000 07094000 07095110 07095150 07097000 07099010 07099020 07099040 07099050 07099090	<b>Apples, pears and quinces, fresh :</b> 08081010 (12) 08082010 (12) 08082090	<b>Vegetables, fruit, nuts and other edible parts</b> 20011000 20012000 20019050 20019065 20019096
	<b>Apricots, cherries, peaches (including nectarines)</b> 08091010 (12) 08091050 (12) 08092019 (12) 08092029 (12) 08093011 (7) (12) 08093019 (12) 08093051 (8) (12) 08093059 (12) 08094040 (12)	

<b>Mushrooms and truffles, prepared or preserved</b>	20089949	01051191
20031020	20089953	01051199
20031030	20089955	01051200
20031080	20089961	01051920
20032000	20089962	01051990
	20089968	01059200
	20089972	01059300
<b>Other vegetables prepared or preserved otherwise</b>	20089974	01059910
20041010	20089979	01059920
20041099	20089999	01059930
20049050		01059950
20049091		
20049098		
	<b>Fruit juices (including grape must)</b>	<b>Meat of swine, fresh, chilled or frozen :</b>
<b>Other vegetables prepared or preserved otherwise</b>	20091119	02031110
20051000	20091191	02031211
20052020	20091919	02031219
20052080	20091991	02031911
20054000	20091999	02031913
20055100	20092019	02031915
20055900	20092091	02031959
	20093019	02032110
	20093031	02032211
	20093039	02032219
	20093051	02032911
	20093055	02032913
<b>Vegetables, fruit, nuts, fruit-peel</b>	20093091	02032915
20060031	20093095	02032955
20060035	20093099	02032959
20060038	20094019	
20060099	20094091	
	20098019	
	20098050	<b>Meat of sheep or goats, fresh, chilled or frozen :</b>
<b>Jams, fruit jellies, marmalades, fruit or nut puree</b>	20098061	02041000
20071091	20098063	02042100
20079993	20098073	02042210
	20098079	02042230
	20098083	02042250
	20098084	02042290
	20098086	02042300
	20098097	02043000
	20099019	02044100
	20099029	02044210
	20099039	02044230
	20099041	02044250
	20099051	02044290
	20099059	02044310
	20099073	02044390
	20099079	02045011
	20099092	02045013
	20099094	02045015
	20099095	02045019
	20099096	02045031
	20099097	02045039
	20099098	02045051
		02045053
	<b>Other fermented beverages (for example, cider)</b>	02045055
	22060010	02045059
		02045071
	<b>Wine lees; argol :</b>	02045079
	23070019	
		<b>Meat and edible offal,</b>
	<b>Vegetable materials and vegetable waste,</b>	02071110
	23089019	02071130
		02071190
	<b>Agricultural Products (3)</b>	02071210
		02071290
	<b>Live swine :</b>	02071310
	01039110	02071320
	01039211	02071330
	01039219	02071340
		02071350
	<b>Live sheep and goats :</b>	02071360
	01041030	02071370
	01041080	02071399
	01042090	02071410
		02071420
	<b>Live poultry, that is to say, fowls of the species</b>	02071430
	01051111	02071440
	01051119	02071450
		02071460

02071470	02101930	<b>Birds' eggs, not in shell, and egg yolks, fresh,</b>
02071499	02101940	04081180
02072410	02101951	04081981
02072490	02101959	04081989
02072510	02101960	04089180
02072590	02101970	04089980
02072610	02101981	
02072620	02101989	
02072630	02101990	<b>Natural honey.</b>
02072640	02109011	04090000
02072650	02109019	
02072660	02109021	<b>Tomatoes, fresh or chilled :</b>
02072670	02109029	07020015 (12)
02072680	02109031	07020020 (12)
02072699	02109039	07020025 (12)
02072710		07020030 (12)
02072720		07020035 (12)
02072730	<b>Milk and cream, concentrated</b>	07020040 (12)
02072740	04029111	07020045 (12)
02072750	04029119	07020050 (12)
02072760	04029131	
02072770	04029139	
02072780	04029151	<b>Cucumbers and gherkins, fresh or chilled :</b>
02072799	04029159	07070010 (12)
02073211	04029191	07070015 (12)
02073215	04029199	07070020 (12)
02073219	04029911	07070025 (12)
02073251	04029919	07070030 (12)
02073259	04029931	07070035 (12)
02073290	04029939	07070040 (12)
02073311	04029991	07070090
02073319	04029999	
02073351		<b>Other vegetables, fresh or chilled :</b>
02073359	<b>Buttermilk, curdled milk and cream, yogurt, kephir</b>	07091010 (12)
02073390	04039051	07091020 (12)
02073511	04039053	07092000
02073515	04039059	07099039
02073521	04039061	07099075 (12)
02073523	04039063	07099077 (12)
02073525	04039069	07099079 (12)
02073531		
02073541	<b>Whey, whether or not concentrated</b>	<b>Vegetables provisionally preserved</b>
02073551	04041048	07112090
02073553	04041052	
02073561	04041054	<b>Dried vegetables, whole, cut, sliced, broken</b>
02073563	04041056	07129019
02073571	04041058	
02073579	04041062	<b>Manioc, arrowroot, salep, Jerusalem artichokes,</b>
02073599	04041072	07141010
02073611	04041074	07141091
02073615	04041076	07141099
02073621	04041078	07142090
02073623	04041082	
02073625	04041084	
02073631		<b>Citrus fruit, fresh or dried :</b>
02073641	<b>Cheese and curd :</b>	08051037 (2) (12)
02073651	04061020 (11)	08051038 (2) (12)
02073653	04061080 (11)	08051039 (2) (12)
02073661	04062090 (11)	08051042 (2) (12)
02073663	04063010 (11)	08051046 (2) (12)
02073671	04063031 (11)	08051082
02073679	04063039 (11)	08051084
02073690	04063039 (11)	08051086
	04063090 (11)	08052011 (12)
	04064090 (11)	08052013 (12)
<b>Pig fat, free of lean meat, and poultry fat,</b>	04069001 (11)	08052015 (12)
02090011	04069021 (11)	08052017 (12)
02090019	04069050 (11)	08052019 (12)
02090030	04069069 (11)	08052021 (10) (12)
02090090	04069078 (11)	08052023 (10) (12)
	04069086 (11)	08052025 (10) (12)
<b>Meat and edible meat offal, salted, in brine,</b>	04069087 (11)	08052027 (10) (12)
02101111	04069088 (11)	08052029 (10) (12)
02101119	04069093 (11)	08052031 (12)
02101131	04069099 (11)	08052033 (12)
02101139		08052035 (12)
02101190	<b>Birds' eggs, in shell, fresh, preserved or cooked</b>	08052037 (12)
02101211	04070011	08052039 (12)
02101219	04070019	
02101290	04070030	
02101910		
02101920		

<b>Grapes, fresh or dried :</b>	11031930	<b>Other prepared or preserved meat, meat offal</b>
08061021 (12)	11031990	16021000
08061029 (4) (12)	11032100	16022090
08061030 (12)	11032910	16023211
08061050 (12)	11032920	16023921
08061061 (12)	11032930	16024110
08061069 (12)	11032990	16024210
08061093		16024911
	<b>Cereal grains otherwise worked</b>	16024913
<b>Apricots, cherries, peaches (including nectarines)</b>	11041110	16024915
08091020 (12)	11041190	16024919
08091030 (12)	11041210	16024930
08091040 (12)	11041290	16024950
08092011 (12)	11041910	16024990
08092021 (12)	11041930	16025031
08092031 (12)	11041999	16025039
08092039 (12)	11042110	16025080
08092041 (12)	11042130	16029010
08092049 (12)	11042150	16029041
08092051 (12)	11042190	16029051
08092059 (12)	11042199	16029069
08092061 (12)	11042220	16029074
08092069 (12)	11042230	16029078
08092071 (12)	11042250	16029098
08092079 (12)	11042290	
08093021 (12)	11042292	<b>Other sugars, including chemically pure lactose</b>
08093029 (12)	11042299	17021100
08093031 (12)	11042911	17021900
08093039 (12)	11042915	
08093041 (12)	11042919	<b>Pasta, whether or not cooked or stuffed</b>
08093049 (12)	11042931	19022030
08094020 (12)	11042935	
08094030 (12)	11042939	<b>Jams, fruit jellies, marmalades, fruit or nut puree</b>
	11042951	20071099
<b>Other fruit, fresh :</b>	11042955	20079190
08101010	11042959	20079991
08101080	11042981	20079998
08102010	11042985	
	11042989	<b>Fruit, nuts and other edible parts of plants,</b>
<b>Fruit and nuts, uncooked or cooked by steaming</b>	11043010	20082011
08111011	<b>Flour, meal and powder of the dried leguminous vegetables</b>	20082031
08111019	11062010	20083019
	11062090	20083031
<b>Wheat and meslin :</b>		20083079
10011000	<b>Malt, whether or not roasted :</b>	20083091
10019091	11071011	20083099
10019099	11071019	20084019
<b>Rye.</b>	11071091	20084031
10020000	11071099	20085011
	11072000	20085019
<b>Barley :</b>		20085031
10030010	<b>Locust beans, seaweeds and other algae, sugar beet</b>	20085039
10030090	12129120	20085051
	12129180	20085059
<b>Oats.</b>		20086019
10040000	<b>Pig fat (including lard) and poultry fat,</b>	20086051
	15010019	20086061
<b>Buckwheat, millet and canary seed; other cereals :</b>		20086071
10089010	<b>Olive oil and its fractions, whether or not refined</b>	20086091
	15091010	20087019
<b>Wheat or meslin flour :</b>	15091090	20087051
11010011	15099000	20088019
11010015		20089216
11010090	<b>Other oils and their fractions,</b>	20089218
<b>Cereal flours other than of wheat or meslin :</b>	15100010	20089921
11021000	15100090	20089932
11029010		20089933
11029030	<b>Degras;</b>	20089934
11029090	15220031	20089937
	15220039	20089943
<b>Cereal groats, meal and pellets :</b>		<b>Fruit juices (including grape must)</b>
11031110	<b>Sausages and similar products, of meat, meat offal</b>	20091111
11031190	16010091	20091911
11031200	16010099	20092011
11031910		20093011

20093059	04031059	<b>Pasta, whether or not cooked or stuffed</b>
20094011	04031091	19021100
20095010	04031093	19021910
20095090	04031099	19021990
20098011	04039071	19022091
20098032	04039073	19022099
20098033	04039079	19023010
20098035	04039091	19023090
20099011	04039093	19024010
20099021	04039099	19024090
20099031		
<b>Food preparations not elsewhere specified</b>	<b>Butter and other fats and oils derived from milk;</b>	<b>Tapioca and substitutes</b>
21069051	04052010	19030000
	04052030	
<b>Wine of fresh grapes, including fortified wines;</b>	<b>Vegetable saps and extracts; pectic substances,</b>	<b>Prepared foods</b>
22041019 (11)	13022010	19041010
22041099 (11)	13022090	19041030
22042110		19041090
22042181		19042010
22042182		19042091
22042198		19042095
22042199		19042099
22042910		19042099
22042958		19049010
22042975		19049090
22042998		
22042999		
22043010		
22043092 (12)		
22043094 (12)		
22043096 (12)		
22043098 (12)		
<b>Undenatured ethyl alcohol</b>	<b>Margarine;</b>	<b>Bread, pastry, cakes, biscuits</b>
22082040	15171010	19051000
	15179010	19052010
		19052030
		19052090
		19053011
		19053019
		19053030
		19053051
		19053059
		19053091
		19053099
		19054010
		19054090
		19059010
		19059020
		19059030
		19059040
		19059045
		19059055
		19059060
		19059090
<b>Bran, sharps and other residues,</b>	<b>Other sugars, including chemically pure lactose,</b>	
23023010	17025000	
23023090	17029010	
23024010		
23024090		
<b>Oil-cake and other solid residues,</b>	<b>Sugar confectionery (including white chocolate),</b>	
23069019	17041011	
	17041019	
	17041091	
	17041099	
	17049010	
	17049030	
	17049051	
	17049055	
	17049061	
	17049065	
	17049071	
	17049075	
	17049081	
	17049099	
<b>Preparations of a kind used in animal feeding :</b>	<b>Chocolate and other food preparations</b>	<b>Vegetables, fruit, nuts</b>
23091013	18061015	20019040
23091015	18061020	
23091019	18061030	
23091033	18061090	
23091039	18062010	
23091039	18062030	
23091051	18062050	
23091053	18062070	
23091059	18062080	
23091070	18062095	
23099033	18063100	
23099035	18063210	
23099039	18063290	
23099043	18069011	
23099049	18069019	
23099051	18069031	
23099053	18069039	
23099059	18069050	
23099070	18069060	
	18069070	
	18069090	
<b>Albumins</b>	<b>Malt extract; food preparations of flour, meal,</b>	<b>Other vegetables</b>
35021190	19011000	20041091
35021990	19012000	
35022091	19019011	
35022099	19019019	
	19019099	
<b>Agricultural Products (4)</b>		<b>Other vegetables</b>
<b>Buttermilk, curdled milk and cream, yogurt, kephir</b>		20052010
04031051		
04031053		
		<b>Fruit, nuts and other edible parts of plants,</b>
		20089985
		20089991
		<b>Fruit juices (including grape must)</b>
		20098069
		<b>Extracts, essences and concentrates, of coffee,</b>
		21011111
		21011119
		21011292
		21011298
		21012098
		21013011
		21013019
		21013091
		21013099
		<b>Yeasts (active or inactive);</b>
		21021010
		21021031
		21021039

21021090	20085061 (11)	02109041
21022011	20085069 (11)	02109049
<b>Sauces and preparations therefor; mixed condiments</b>	20085071 (11)	02109090
21032000	20085079 (11)	<b>Milk and cream, concentrated</b>
<b>Ice cream and other edible ice,</b>	20085092 (11)	04021011
21050010	20085094 (11)	04021019
21050091	20085099 (11)	04021091
21050099	20087061 (11)	04021099
<b>Food preparations not elsewhere specified or included</b>	20087069 (11)	04022111
21061020	20087071 (11)	04022117
21061080	20087079 (11)	04022119
21069010	20087092 (11)	04022191
21069020	20087094 (11)	04022199
21069098	20087099 (11)	04022911
<b>Waters, including mineral waters and aerated water</b>	20089259 (11)	04022915
22029091	20089272 (11)	04022919
22029095	20089274 (11)	04022991
22029099	20089278 (11)	04022999
<b>Vinegar and substitutes for vinegar</b>	20089298 (11)	<b>Buttermilk, curdled milk and cream, yogurt, kephir</b>
22090011	<b>Fruit juices (including grape must)</b>	04039011
22090019	20091199 (11)	04039013
22090091	20094030 (11)	04039019
22090099	20097011 (11)	04039031
<b>Acyclic alcohols and their halogenated derivative</b>	20097019 (11)	04039033
29054300	20097030 (11)	04039039
29054411	20097091 (11)	<b>Whey, whether or not concentrated</b>
29054419	20097093 (11)	04041002
29054491	20097099 (11)	04041004
29054499	<b>Wine of fresh grapes, including fortified wines;</b>	04041006
29054500	22042179 (11)	04041012
<b>Mixtures of odoriferous substances and mixtures</b>	22042180 (11)	04041014
33021010	22042183 (11)	04041016
33021021	22042184 (11)	04041026
33021029	<b>Agricultural Products (6)</b>	04041028
<b>Finishing agents, dye carriers</b>	<b>Live bovine animals :</b>	04041032
38091010	01029005	04041034
38091030	01029021	04041036
38091050	01029029	04041038
38091090	01029041	04049021
<b>Prepared binders for foundry moulds or cores;</b>	01029049	04049023
38246011	01029051	04049029
38246019	01029059	04049081
38246091	01029061	04049083
38246099	01029069	04049089
<b>Agricultural Products (5)</b>	01029071	<b>Butter and other fats and oils derived from milk;</b>
<b>Cut flowers and flower buds</b>	01029079	04051011
06031015 (11)	<b>Meat of bovine animals, fresh or chilled :</b>	04051030
06031029 (11)	02011000	04051050
06031051 (11)	02012020	04051090
06031065 (11)	02012030	04052090
06039000 (11)	02012050	04059010
<b>Fruit and nuts, uncooked or cooked by steaming</b>	02012090	04059090
08111090 (11)	02013000	<b>Cut flowers and flower buds</b>
<b>Fruit, nuts and other edible parts of plants,</b>	<b>Meat of bovine animals, frozen :</b>	06031011
20084051 (11)	02021000	06031013
20084059 (11)	02022010	06031021
20084071 (11)	02022030	06031025
20084079 (11)	02022050	06031053
20084091 (11)	02022090	<b>Other vegetables, fresh or chilled :</b>
20084099 (11)	02023010	07099060
	02023050	<b>Vegetables (uncooked or cooked by steaming or boiling)</b>
	02023090	07104000
	<b>Edible offal of bovine animals, swine, sheep, goats</b>	<b>Vegetables provisionally preserved</b>
	02061095	07119030
	02062991	<b>Bananas, including plantains, fresh or dried :</b>
	02062999	08030019
	<b>Meat and edible meat offal, salted, in brine,</b>	
	02102010	
	02102090	

<b>Citrus fruit, fresh or dried :</b>	10063044	17029060
08051001 (12)	10063046	17029071
08051005 (12)	10063048	17029075
08051009 (12)	10063061	17029079
08051011 (12)	10063063	17029080
08051015 (2)	10063065	17029099
08051019 (2)	10063067	
08051021 (2)	10063092	<b>Vegetables, fruit, nuts and other edible parts</b>
08051025 (12)	10063094	20019030
08051029 (12)	10063096	
08051031 (12)	10063098	<b>Tomatoes prepared or preserved</b>
08051033 (12)	10064000	20021010
08051035 (12)		20021090
08051037 (9) (12)	<b>Grain sorghum :</b>	20029011
08051038 (9) (12)	10070010	20029019
08051039 (9) (12)	10070090	20029031
08051042 (9) (12)		20029039
08051044 (12)	<b>Cereal flours other than of wheat or meslin :</b>	20029091
08051046 (9) (12)	11022010	20029099
08051051 (2)	11022090	
08051055 (2)	11023000	<b>Other vegetables prepared or preserved</b>
08051059 (2)		20049010
08051061 (2)	<b>Cereal groats, meal and pellets :</b>	
08051065 (2)	11031310	<b>Other vegetables prepared or preserved</b>
08051069 (2)	11031390	20056000
08053020 (2)	11031400	20058000
08053030 (2)	11032940	
08053040 (2)	11032950	<b>Jams, fruit jellies, marmalades, fruit or nut puree</b>
		20071010
<b>Grapes, fresh or dried :</b>	<b>Cereal grains otherwise worked</b>	20079110
08061040 (12)	11041950	20079130
	11041991	20079910
<b>Apples, pears and quinces, fresh :</b>	11042310	20079920
08081051 (12)	11042330	20079931
08081053 (12)	11042390	20079933
08081059 (12)	11042399	20079935
08081061 (12)	11043090	20079939
08081063 (12)		20079951
08081069 (12)	<b>Starches; inulin:</b>	20079955
08081071 (12)	11081100	20079958
08081073 (12)	11081200	
08081079 (12)	11081300	<b>Fruit, nuts and other edible parts of plants,</b>
08081092 (12)	11081400	20083055
08081094 (12)	11081910	20083075
08081098 (12)	11081990	20089251
08082031 (12)	11082000	20089276
08082037 (12)		20089292
08082041 (12)	<b>Wheat gluten, whether or not dried.</b>	20089293
08082047 (12)	11090000	20089294
08082051 (12)		20089296
08082057 (12)	<b>Other prepared or preserved meat, meat offal</b>	20089297
08082067 (12)	16025010	
	16029061	<b>Fruit juices (including grape must)</b>
<b>Maize (corn) :</b>		20094093
10051090	<b>Cane or beet sugar and chemically pure sucrose,</b>	20096011 (12)
10059000	17011110	20096019 (12)
	17011190	20096051 (12)
<b>Rice :</b>	17011210	20096059 (12)
10061010	17011290	20096071 (12)
10061021	17019100	20096079 (12)
10061023	17019910	20096090 (12)
10061025	17019990	20098071
10061027		20099049
10061092	<b>Other sugars, including chemically pure lactose,</b>	20099071
10061094	17022010	<b>Food preparations not elsewhere specified or included</b>
10061096	17022090	21069030
10061098	17023010	21069055
10062011	17023051	21069059
10062013	17023059	
10062015	17023091	<b>Wine of fresh grapes, including fortified wines;</b>
10062017	17023099	22042194
10062092	17024010	22042962
10062094	17024090	22042964
10062096	17026010	22042965
10062098	17026090	22042983
10063021	17029030	22042984
10063023	17029050	
10063025		
10063027		
10063042		

22042994	22042112	22083078
<b>Vermouth and other wine of fresh grapes</b>	22042113	22089041
22051010	22042117	22089045
22051090	22042118	22089052
22059010	22042119	
22059090	22042122	<b>Footnotes</b>
	22042124	(1) (16/5-15/9)
<b>Undenatured ethyl alcohol</b>	22042126	(2) (1/6-15/10)
22071000	22042127	(3) (1/1-31/5) Excluding Emperor variety
22072000	22042128	(4) Emperor variety or (1/6-31/12)
	22042132	(5) (1/1-31/3)
<b>Undenatured ethyl alcohol</b>	22042134	(6) (1/10-31/12)
22084010	22042136	(7) (1/4-31/12)
22084090	22042137	(8) (1/1-30/9)
22089091	22042138	(9) (16/10-31/5)
22089099	22042142	(10) (16/9-15/5)
	22042143	(11) Under the agreement on trade,
<b>Bran, sharps and other residues,</b>	22042144	development and co-operation between
23021010	22042146	the European Community and the
23021090	22042147	Republic of South Africa, the annual
23022010	22042148	growth factor (agf) will be applied annually
23022090	22042162	to the relevant basic quantities.
	22042166	(12) Under the Agreement on Trade,
<b>Residues of starch manufacture and similar</b>	22042167	Development and Co-operation between
<b>residue</b>	22042168	the European Community and the
23031011	22042169	Republic of South Africa, the full specific
	22042171	duty is payable if the respective Entry
	22042174	Price is not reached.
<b>Dextrins and other modified starches</b>	22042176	
35051010	22042177	
35051090	22042178	
35052010	22042187	
35052030	22042188	
35052050	22042189	
35052090	22042191	
	22042192	
<b>Agricultural Products (7)</b>	22042193	
	22042195	
<b>Cheese and curd :</b>	22042196	
04062010	22042197	
04064010	22042912	
04064050	22042913	
04069002	22042917	
04069003	22042918	
04069004	22042942	
04069005	22042943	
04069006	22042944	
04069007	22042946	
04069008	22042947	
04069009	22042948	
04069012	22042971	
04069014	22042972	
04069016	22042981	
04069018	22042982	
04069019	22042987	
04069023	22042988	
04069025	22042989	
04069027	22042991	
04069029	22042992	
04069031	22042993	
04069033	22042995	
04069035	22042996	
04069037	22042997	
04069039		
04069061	<b>Undenatured ethyl alcohol</b>	
04069063	22082012	
04069073	22082014	
04069075	22082026	
04069076	22082027	
04069079	22082062	
04069081	22082064	
04069082	22082086	
04069084	22082087	
04069085	22083011	
	22083019	
<b>Wine of fresh grapes, including fortified</b>	22083032	
<b>wines;</b>	22083038	
22041011	22083052	
22041091	22083058	
22042111	22083072	

# Annex XIV to Protocol 1

## Fishery products to which Article 6(3) shall temporarily not be applicable

<b>Fish Products (1)</b>	03026550	03049059
	03026590	03049097
<b>CN code 96</b>	03026911	
	03026919	<b>Fish, dried, salted or in brine; smoked fish,</b>
<b>Live fish</b>	03026931	03054200
03011090	03026933	03055950
03019200	03026941	03055970
03019911	03026945	03056300
	03026951	03056930
<b>Fish, fresh or chilled, excluding fish fillets</b>	03026985	03056950
03021200	03026986	03056990
03023110	03026992	
03023210	03026999	<b>Crustaceans, whether in shell or not, live,</b>
03023310	03027000	<b>fresh,</b>
03023911		03061110
03023919	<b>Fish, frozen, excluding fish fillets</b>	03061190
03026600	03032110	03061210
03026921	03032900	03061290
	03033110	03061310
<b>Fish, frozen, excluding fish fillets</b>	03033130	03061390
03031000	03033300	03061410
03032200	03033910	03061430
03034111	03037200	03061490
03034113	03037300	03061910
03034119	03037520	03061990
03034212	03037550	03062100
03034218	03037590	03062210
03034232	03037911	03062291
03034238	03037919	03062299
03034252	03037935	03062310
03034258	03037937	03062390
03034311	03037945	03062410
03034313	03037951	03062430
03034319	03037960	03062490
03034921	03037962	03062910
03034923	03037983	03062990
03034929	03037985	
03034941	03037987	<b>Molluscs, whether in shell or not, live, fresh,</b>
03034943	03037992	03071090
03034949	03037993	03072100
03037600	03037994	03072910
03037921	03037996	03072990
03037923	03038000	03073110
03037929		03073190
	<b>Fish fillets and other fish meat</b>	03073910
<b>Fish fillets and other fish meat</b>	03041019	03073990
03041013	03041091	03074110
03042013	03042019	03074191
	03042021	03074199
<b>Pasta, whether or not cooked or stuffed</b>	03042029	03074901
19022010	03042031	03074911
	03042033	03074918
<b>Fish Products (2)</b>	03042035	03074931
	03042037	03074933
<b>Live fish :</b>	03042041	03074935
03019110	03042043	03074938
03019300	03042061	03074951
03019919	03042069	03074959
	03042071	03074971
<b>Fish, fresh or chilled, excluding fish fillets</b>	03042073	03074991
03021110	03042087	03074999
03021900	03042091	03075100
03022110	03049010	03075910
03022130	03049031	03075990
03022200	03049039	03079100
03026200	03049041	03079911
03026300	03049045	03079913
03026520	03049057	03079915

03079918	03026190	03054100
03079990	03026198	03054910
<b>Prepared or preserved fish; caviar and caviar substitutes</b>	03026405	03054920
16041100	03026498	03054930
16041390	03026925	03054945
16041511	03026935	03054950
16041519	03026955	03054980
16041590	03026961	03055110
16041910	03026975	03055190
16041950	03026987	03055911
16041991	03026991	03055919
16041992	03026993	03055930
16041993	03026994	03055960
16041994	03026995	03055990
16041995	<b>Fish, frozen, excluding fish fillets</b>	03056100
16041998	03033190	03056200
16042005	03033200	03056910
16042010	03033920	03056920
16042030	03033930	<b>Crustaceans, whether in shell or not, live, fresh,</b>
16043010	03033980	03061330
16043090	03034190	03061930
<b>Crustaceans, molluscs and other aquatic invertebra</b>	03034290	03062331
16051000	03034390	03062339
16052010	03034990	03062930
16052091	03035005	<b>Prepared or preserved fish; caviar and caviar substitutes</b>
16052099	03035098	16041210
16053000	03036011	16041291
16054000	03036019	16041299
16059011	03036090	16041412
16059019	03037110	16041414
16059030	03037130	16041416
16059090	03037190	16041418
<b>Fish Products (3)</b>	03037198	16041490
<b>Live fish :</b>	03037410	16041931
03019190	03037420	16041939
<b>Fish, fresh or chilled, excluding fish fillets</b>	03037490	16042070
03021190	03037700	<b>Fish Products (5)</b>
<b>Fish, frozen, excluding fish fillets</b>	03037931	<b>Fish, fresh or chilled, excluding fish fillets</b>
03032190	03037941	03026965
<b>Fish fillets and other fish meat</b>	03037955	03026981
03041011	03037965	<b>Fish, frozen, excluding fish fillets</b>
03042011	03037971	03037810
03042057	03037975	03037890
03042059	03037991	03037981
03049047	03037995	<b>Fish fillets and other fish meat</b>
03049049	<b>Fish fillets and other fish meat</b>	03042083
<b>Prepared or preserved fish; caviar and caviar substitutes</b>	03041031	<b>Prepared or preserved fish; caviar and caviar substitutes</b>
16041311	03041033	16041319
<b>Fish Products (4)</b>	03041035	16041600
<b>Live fish :</b>	03041038	16042040
03019990	03041094	16042050
<b>Fish, fresh or chilled, excluding fish fillets</b>	03041096	16042090
03022190	03041098	
03022300	03042045	
03022910	03042051	
03022990	03042053	
03023190	03042075	
03023290	03042079	
03023390	03042081	
03023991	03042085	
03023999	03042096	
03024005	03049005	
03024098	03049020	
03025010	03049027	
03025090	03049035	
03026110	03049038	
03026130	03049051	
	03049055	
	03049061	
	03049065	
	<b>Fish, dried, salted or in brine; smoked fish,</b>	
	03051000	
	03052000	
	03053011	
	03053019	
	03053030	
	03053050	
	03053090	

# Annex XV to Protocol 1

## Joint declaration on cumulation

The Parties agreed that, for the implementation of Article 6(11) of Protocol 1, the following definitions shall apply:

developing country: any country listed as such by the Development Aid Committee of the OECD except the High Income Countries (HIC) and the countries with a GNP exceeding in 1992 100 billion dollars at current prices;

the expression "neighbouring developing country belonging to a coherent geographical entity" shall refer to the following list of countries:

- Africa: Algeria, Egypt, Libya, Morocco, Tunisia;
- Caribbean: Colombia, Costa Rica, Cuba, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Venezuela;
- Pacific: Nauru.

## Protocol 2

### on the implementation of Article 9

1. The Parties agree that every endeavour should be made to avoid recourse being had to the safeguard measures provided for under Article 8.
2. Both Parties are guided by the conviction that the implementation of Article 9 (4) and (5) would enable them to recognize, at an early stage, problems which could arise and, taking account of all relevant factors, avoid as far as possible recourse to measures which the Community would prefer not to adopt vis-à-vis its preferential trading partners.
3. Both Parties acknowledge the need for implementation of the mechanism of advance information provided for under Article 9 (4), the objective of which is to limit, in the case of sensitive products, the risks of sudden or unforeseen recourse to safeguard measures. These arrangements will permit the maintenance of a regular flow of trade information and the simultaneous implementation of regular consultation procedures. Thus the two Parties will be in a position to follow closely the trends in the sensitive sectors and detect problems which could arise.

4. The following two procedures result from this :

a) The statistical surveillance mechanism

Without prejudice to internal arrangements that the Community may apply to control its imports, Article 9 (4) provides for the institution of a mechanism intended to ensure statistical surveillance of certain ACP exports to the Community and thus facilitate the examination of occurrences such as to cause market disturbances.

This mechanism, the sole objective of which is to facilitate the exchange of information between the parties, should apply only to products, which the Community considers, insofar as it is concerned, as sensitive.

The implementation of this mechanism will be the subject of a joint agreement on the basis of data to be furnished by the Community and with the help of statistical information to be communicated by the ACP States to the Commission at the latter's request.

For the effective implementation of this mechanism it is necessary that the ACP States concerned provide the Commission, as far as possible on a monthly basis, with statistics relating to their exports to the Community and to each of its Member States of products considered by the Community to be sensitive.

b) A procedure for regular consultation

The statistical surveillance mechanism mentioned above will enable the two Parties better to follow the trends in trade likely to cause concern. On the basis of this information and in accordance with Article 9 (5), the Community and the ACP States will have the possibility of holding periodic consultations in order to ensure that the objectives of that Article are fulfilled. These consultations will take place at the request of either Party.

5. If the conditions of application of safeguard measures as provided for in Article 8 are fulfilled, it would be the responsibility of the Community, in accordance with Article 9(1) relating to prior consultations concerning the application of safeguard measures, to enter immediately into consultations with the ACP States concerned by providing them with all the information necessary for those consultations, especially the necessary data from which to determine to what extent imports of a specific product from an ACP State or States have caused or threatened to cause serious injury to the Community's domestic producers of like or directly competitive products or serious disturbances in a sector of the economy of the Community or difficulties which could bring about serious deterioration in the economic situation of a region of the Community.

6. If no other arrangement has been concluded in the meanwhile with the ACP State or States concerned, the competent authorities of the Community may, at the end of the twenty-one day period provided for in respect of those consultations, take the appropriate measures for the implementation of Article 8. These measures shall be communicated immediately to the ACP States and become immediately applicable.
7. This procedure would apply without prejudice to measures, which could be taken in the event of special factors within the meaning of Article 9(3). In this case all relevant information will be supplied promptly to the ACP States.
8. In this case, the interests of the least developed, landlocked and island ACP States will receive particular attention, in accordance with Article 2 of the Agreement.

### Protocol 3

## Containing the text of Protocol 3 on ACP sugar

appearing in the ACP-EEC Convention of Lomé  
signed on 28 February 1975 and the corresponding  
declarations annexed to that Convention

### Protocol 3 on ACP sugar

#### ARTICLE 1

1. The Community undertakes for an indefinite period to purchase and import, at guaranteed prices, specific quantities of cane sugar, raw or white, which originate in the ACP States and which these States undertake to deliver to it.
2. The safeguard clause in Article 10 of the Convention shall not apply. The implementation of this Protocol is carried out within the framework of the management of the common organization of the sugar market which, however, shall in no way prejudice the commitment of the Community under paragraph 1.

#### ARTICLE 2

1. Without prejudice to Article 7, no change in this Protocol may enter into force until a period of five years has elapsed from the date on which the Convention enters into force. Thereafter, such changes as may be agreed upon will come into force at a time to be agreed.
2. The conditions for implementing the guarantee referred to in Article 1 shall be re-examined before the end of the seventh year of their application.

#### ARTICLE 3

1. Quantities of cane sugar referred to in Article 1, expressed in metric tons of white sugar, hereinafter referred to as "agreed quantities", for delivery in each 12-month period referred to in Article 4 (1), shall be as follows::

Barbados	49 300
Fidji	163 600
Guyana	157 700
Jamaica	118 300
Kenya	5 000
Madagascar	10 000
Malawi	20 000
Mauritius	487 200
Swaziland	116 400
Tanzania	10 000

Trinidad and Tobago	69 000
Uganda	5 000
People's Republic of Congo	10 000

2. Subject to Article 7, these quantities may not be reduced without the consent of the individual States concerned.
3. Nevertheless, in respect of the period up to 30 June 1975, the agreed quantities, expressed in metric tons of white sugar, shall be as follows:

Barbados	29 600
Fidji	25 600
Guyana	29 600
Jamaica	83 800
Madagascar	2 000
Mauritius	65 300
Swaziland	19 700
Trinidad and Tobago	54 200

## ARTICLE 4

1. In each 12-month period from 1 July to 30 June inclusive, hereinafter referred to as the "delivery period", the sugar-exporting ACP States undertake to deliver the quantities referred to in Article 3 (1), subject to any adjustments resulting from the application of Article 7. A similar undertaking shall apply equally to the quantities referred to in Article 3 (3) in respect of the period up to 30 June 1975, which shall also be regarded as a delivery period.
2. The quantities to be delivered up to 30 June 1975, referred to in Article 3 (3), shall include supply en route from port of shipment or, in the case of landlocked States, across frontiers.
3. Deliveries of ACP cane sugar in the period up to 30 June 1975 shall benefit from the guaranteed prices applicable in the delivery period beginning 1 July 1975. Identical arrangements may be made for subsequent delivery periods.

## ARTICLE 5

1. White or raw sugar shall be marketed on the Community market at prices freely negotiated between buyers and sellers.
2. The Community shall not intervene if and when a Member State allows selling prices within its borders to exceed the Community's threshold price.
3. The Community undertakes to purchase, at the guaranteed price, quantities of white or raw sugar, within agreed quantities, which cannot be marketed in the Community at a price equivalent to or in excess of the guaranteed price.
4. The guaranteed price, expressed in units of account, shall refer to unpacked sugar, cif European ports of the Community, and shall be fixed in respect of standard quality sugar. It shall be negotiated annually, within the price range obtaining in the Community, taking into account all relevant economic factors, and shall be decided at the latest by 1 May immediately preceding the delivery period to which it will apply.

## ARTICLE 6

Purchase at the guaranteed price, referred to in Article 5 (3), shall be assured through the medium of the intervention agencies or of other agents appointed by the Community.

## ARTICLE 7

1. If, during any delivery period, a sugar-exporting ACP State fails to deliver its agreed quantity in full for reasons of force majeure the Commission shall, at the request of the State concerned, allow the necessary additional period for delivery.
2. If a sugar-exporting ACP State informs the Commission during the course of a delivery period that it will be unable to deliver its agreed quantity in full and that it does not wish to have the additional period referred to in paragraph 1, the shortfall shall be reallocated by the Commission for delivery during the delivery period in question. Such reallocation shall be made by the Commission after consultation with the States concerned.
3. If, during any delivery period, a sugar-exporting ACP State fails to deliver its agreed quantity in full for reasons other than force majeure, that quantity shall be reduced in respect of each subsequent delivery period by the undelivered quantity.
4. It may be decided by the Commission that, in respect of subsequent delivery periods, the undelivered quantity shall be reallocated between the other States, which are referred to in Article 3. Such reallocation shall be made in consultation with the States concerned.

## ARTICLE 8

1. At the request of one or more of the States supplying sugar under the terms of this Protocol, or of the Community, consultations relating to all measures necessary for the application of this Protocol shall take place within an appropriate institutional framework to be adopted by the Contracting Parties. For this purpose the institutions established by the Convention may be used during the period of application of the Convention.
2. In the event of the Convention ceasing to be operative, the sugar-supplying States referred to in paragraph 1 and the Community shall adopt the appropriate institutional provisions to ensure the continued application of the provisions of this Protocol.
3. The periodical reviews provided for under this Protocol shall take place within the agreed institutional framework.

## ARTICLE 9

Special types of sugar traditionally delivered to Member States by certain sugar-exporting ACP States shall be included in, and treated on the same basis as, the quantities referred to in Article 3.

## ARTICLE 10

The provisions of this Protocol shall remain in force after the date specified in Article 91 of the Convention. After that date the Protocol may be denounced by the Community with respect to each ACP State and by each ACP State with respect to the Community, subject to two years' notice.

## Annex to Protocol 3

### Declarations on Protocol 3

1. Joint declaration concerning possible requests for participation in the provisions of Protocol 3. Any request from an ACP State Contracting Party to the Convention not specifically referred to in Protocol 3 to participate in the provisions of that Protocol shall be examined <sup>1</sup>.
2. Declaration by the Community concerning sugar originating in Belize, St-Kitts-Nevis-Anguilla and Suriname
  - a) The Community undertakes to adopt the necessary measures to ensure the same treatment as provided for in Protocol 3, for the following quantities of cane sugar, raw or white, originating in:

Belize	39 400 tons
St-Kitts-Nevis-Anguilla	14 800 tons
Suriname	4 000 tons
  - b) Nevertheless, in respect of the period up to 30 June 1975, the quantities shall be as follows:

Belize	14 800 tons
St-Kitts-Nevis-Anguilla	7 900 tons <sup>2</sup>
3. Declaration by the Community on Article 10 of Protocol 3.

The Community declares that Article 10 of Protocol 3 providing for the possibility of denunciation in that Protocol, under the conditions set out in that Article, is for the purposes of juridical security and does not represent for the Community any qualification or limitation of the principles enunciated in Article 1 of that Protocol 5.

(1) Annex XIII to the Final Act of the ACP – EEC Convention

(2) Annex XXI to the Final Act of the ACP – EEC Convention

## Annex to Protocol 3

### Exchange of Letters between the Dominican Republic and the community concerning the Protocol on ACP sugar

#### Letter No 1, from the Government of the Dominican Republic

Sir,

I have the honour to confirm that the Dominican Republic wishes neither now nor in the future, to accede to the Protocol on ACP sugar annexed to the ACP-EEC Convention. The Dominican Republic accordingly undertakes not to apply to accede to the said Protocol. It will write a letter to this effect to the ACP Group of States. I should be obliged if you would acknowledge receipt of this letter. Please accept, Sir, the assurance of my highest consideration.

#### Letter No 2, from the President of the Council of the European Communities

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"I have the honour to confirm that the Dominican Republic wishes neither now nor in the future, to accede to the Protocol on ACP sugar annexed to the ACP-EEC Convention. The Dominican Republic accordingly undertakes not to apply to accede to the said Protocol. It will write a letter to this effect to the ACP Group of States."."

The Community confirms its agreement on the content of that letter.

Please accept, Sir, the assurance of my highest consideration.

## Annex to Protocol 3

### Agreement

In the form of an exchange of letters between the European Economic Community and Barbados, Belize, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda, the Republic of Zimbabwe and Saint Christopher and Nevis on the accession of the last-mentioned country to Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention.

### Letter No 1

Brussels,

Sir,

The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention and of the Commission on behalf of the European Economic Community, have agreed on the following:

- Saint Christopher and Nevis is hereby included in Article 3 (1) of the said Protocol with an agreed quantity of 14 800 tonnes with effect from the day on which it accedes to the Second ACP-EEC Convention.

Up to this date, the provisions of Annex IV to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community shall remain applicable.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the above-mentioned ACP States and the Community.

Please accept, Sir, the assurance of my highest consideration.

For the Council  
of the European Communities

## Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

“The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention and of the Commission on behalf of the European Economic community, have agreed on the following:

- Saint Christopher and Nevis is hereby included in Article 3 (1) of the said Protocol with an agreed quantity of 14 800 tonnes with effect from the day on which it accedes to the Second ACP-EEC Convention.

Up to this date, the provisions of Annex IV to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community shall remain applicable.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community.”

I have the honour to confirm that the Governments of the ACP States referred to in your letter are in agreement with the contents thereof.

Please accept, Sir, the assurance of my highest consideration.

For the Governments

## Annex to Protocol 3

### Agreement

In the form of an exchange of letters between the European Economic Community and Barbados, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda and the Republic of Zimbabwe on the

Accession of the latter country to Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention.

### **Letter No 1**

Sir,

The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention, of the Republic of Zimbabwe and of the Commission, on behalf of the European Economic Community, have agreed on the following.

The Republic of Zimbabwe is hereby included in Article 3(1) of the said Protocol with an agreed quantity of 25 000 tonnes with effect from 1 July 1982, and in respect of the period up to 30 June 1982 with an agreed quantity of 6 000 tonnes.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Government of the abovementioned ACP States and the Community.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council  
of the European Communities

### **Letter No 2**

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

" The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention of the Republic of Zimbabwe and of the Commission, on behalf of the European Economic Community, have agreed on the following.

The Republic of Zimbabwe is hereby included in Article 3 (1) of the said Protocol with an agreed quantity of 25 000 tonnes with effect from 1 July 1982, and in respect of the period up to 30 June 1982 with an agreed quantity of 6 000 tonnes.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community."

I have the honour to confirm the agreement of the Governments of the ACP States referred to in this letter with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

For the Governments

## **Annex to Protocol 3**

### **Agreement**

In the form of an exchange of letters between the European Economic Community and Barbados, Belize, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda, the Republic of Zimbabwe and the Republic of the Ivory Coast on the Accession of the last-mentioned country to Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention.

### **Letter No 1**

Sir,

The African, Caribbean and Pacific Group of States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention, the Republic of the Ivory Coast and the European Economic Community have agreed on the following.

The Republic of the Ivory Coast is hereby included in Article 3 (1) of the said Protocol with effect from 1 July 1983 with an immediate agreed quantity of 2 000 tonnes (white value).

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community.

Please accept, Sir, the assurance of my highest consideration..

On behalf of the Council  
of the European Communities

## Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"The African, Caribbean and Pacific Group of States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention, the Republic of the Ivory Coast and the European Economic Community have agreed on the following.

The Republic of the Ivory Coast is hereby included in Article 3 (1) of the said Protocol with effect from 1 July 1983 with an immediate agreed quantity of 2 000 tonnes (white value).

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community."

I have the honour to confirm the agreement of the Governments of the ACP States referred to in your letter with the contents thereof.

Please accept, Sir, the assurance of my highest consideration.

For the Governments

## Annex to Protocol 3 Agreement

In the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the accession of the Republic of Zambia to Protocol No 8 on ACP Sugar annexed to the Fourth ACP-EEC Convention.

## A. Letter No 1

Brussels,

Sir,

The African, Caribbean and Pacific (ACP) States referred to in Protocol No 8 on ACP Sugar annexed to the Fourth ACP-EEC Convention, the Republic of Zambia and the European Community have agreed on the following.

The Republic of Zambia is hereby included in Article 3 (1) of the said Protocol with effect from 1 January 1995 with an agreed quantity of 0 tonnes.

I should be obliged if you would acknowledge receipt of this letter confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the European Community.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council  
of the European Union

## B. Letter No 2

Brussels,

Sir,

I have the honour to acknowledge receipt of your letter of today which reads as follows:

"The African, Caribbean and Pacific (ACP) States referred to in Protocol No 8 on ACP Sugar annexed to the Fourth ACP-EEC Convention, the Republic of Zambia and the European Community have agreed on the following.

The Republic of Zambia is hereby included in Article 3 (1) of the said Protocol with effect from 1 January 1995 with an agreed quantity of 0 tonnes.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute and Agreement between the Governments of the abovementioned ACP States and the European Community."

I have the honour to confirm the agreement of the Governments of the ACP States referred to in your letter with the contents thereof.

Please accept, Sir, the assurance of my highest consideration.

For the Governments of the ACP States referred to in Protocol No 8 and of the Republic of Zambia

## Protocol 4 on beef and veal

The Community and the ACP States agree to take the special measures set out below to enable ACP States which are traditional exporters of beef and veal to maintain their position on the Community market, thus guaranteeing a certain level of income for their producers.

### ARTICLE 1

Within the limits referred to in Article 2, customs duties other than ad valorem duties applicable to beef and veal originating in the ACP States shall be reduced by 92 %.

### ARTICLE 2

Without prejudice to Article 4, the reduction in customs duties provided for in Article 1 shall apply to the following quantities expressed in boneless meat per calendar year and per country

Botswana	18 916 tons
Kenya	142 tons
Madagascar	7 579 tons
Swaziland	3 363 tons
Zimbabwe:	9 100 tons
Namibia:	13 000 tons

### ARTICLE 3

In the event of an actual or foreseeable recession in these exports due to disasters such as drought, cyclones or animal diseases, the Community is willing to consider appropriate measures to ensure that quantities affected for these reasons in any year can be delivered in the following year.

### ARTICLE 4

If, in the course of a given year, one of the ACP States referred to in Article 2 is not in a position to supply the total quantity fixed and does not wish to benefit from the measures referred to in Article 3, the Commission may share out the amount to be made up among the

other ACP States concerned. In such a case, the ACP States concerned shall put forward a proposal to the Commission, not later than 1 September of that year, naming the ACP State or States which will be in a position to supply the new additional quantity, at the same time indicating to it the ACP State which is not in a position to supply the full amount allocated to it, on the understanding that this new temporary allocation will not affect the initial quantities.

The Commission shall ensure that a decision is taken by 15 November at the latest.

### ARTICLE 5

This Protocol shall be implemented in accordance with the common market organization in the beef and veal sector, which, however, shall not affect the obligations entered into by the Community under this Protocol.

### ARTICLE 6

Should the safeguard clause in Article 8(1) of the Annex be applied in the beef and veal sector, the Community will take the necessary measures to maintain the volume of exports from the ACP States to the Community at a level compatible with its obligations under this Protocol.

## Protocol 5 The Second Banana Protocol

### ARTICLE 1

The Parties recognise the overwhelming economic importance to the ACP banana suppliers of their exports to the Community market. The Community agrees to examine and where necessary take measures aimed at ensuring the continued viability of their banana export industries and the continuing outlet for their bananas on the Community market.

### ARTICLE 2

Each of the ACP States concerned and the Community shall confer in order to determine the measures to be implemented so as to improve the conditions for the production and marketing of bananas. This aim shall be pursued through all the means available under the arrangements of the Convention

for financial, technical, agricultural, industrial and regional co-operation. The measures in question shall be designed to enable the ACP States, particularly Somalia, account being taken of their individual circumstance, to become more competitive. Measures will be implemented at all stages from production to consumption and will cover the following fields in particular:

- Improvement of conditions of production and enhancement of quality through action in the areas of research, harvesting, packaging and handling,
- Transport and storage,
- Marketing and trade promotion.

### **ARTICLE 3**

For the purposes of attaining these objectives, the two Parties hereby agree to confer in a permanent joint group, assisted by a group of experts, whose task shall be to keep under continuous review any specific problems brought to its attention.

### **ARTICLE 4**

Should the banana-producing ACP States decide to set up a joint organisation for the purpose of attaining the objectives, the Community shall support such an organisation and shall give consideration to any requests it may receive for support for the organisation's activities which fall within the scope of regional schemes under the heading of development finance co-operation.

# ANNEX VI

## LIST OF LDLICS

The following lists comprise ACP least-developed, landlocked and Island States:

### LEAST-DEVELOPED ACP STATES

#### ARTICLE 1

Under this Agreement, the following countries shall be considered least-developed ACP States:

Angola	Liberia
Benin	Malawi
Burkina Faso	Mali
Burundi	Mauritania
Republic of Cape Verde	Madagascar
Central African Republic	Mozambique
Chad	Niger
Comoro Islands	Rwanda
Democratic Republic of Congo	Samoa
Djibouti	SãoTome and Principe
Ethiopia	Sierra Leone
Eritrea	Solomon Islands
Gambia	Somalia
Guinea	Sudan
Guinea (Bissau)	Tanzania
Guinea (Equatorial)	Tuvalu
Haïti	Togo
Kiribati	Uganda
Lesotho	Vanuatu
	Zambia
	Zambie

### LANDLOCKED ACP STATES

#### ARTICLE 2

Specific measures and provisions have been made to support landlocked ACP States in their efforts to overcome the geographical difficulties and the other obstacles hampering their development so as to enable them to speed up their respective rates of growth.

#### ARTICLE 3

The landlocked ACP States are:

Botswana	Malawi
Burkina Faso	Mali
Burundi	Niger
Central African Republic	Rwanda
Chad	Swaziland
Ethiopia	Uganda
Lesotho	Zambia
	Zimbabwe

### ISLAND ACP STATES

#### ARTICLE 4

Specific measures and provisions have been made to support island ACP States in their efforts to overcome the natural and geographical difficulties and the other obstacles hampering their development so as to enable them to speed up their respective rates of growth.

#### ARTICLE 5

List of island ACP States:

Antigua and Barbuda	Papua New Guinea
Bahamas	Saint Kitts and Nevis
Barbados	Saint Lucia
Cape Verde	Saint Vincent and the Grenadines
Comoros	Samoa
Dominica	São Tomé and Principe
Dominican Republic	Seychelles
Fiji	Solomon Islands
Grenada	Tonga
Haiti	Trinidad and Tobago
Jamaica	Tuvalu
Kiribati	Vanuatu
Madagascar	
Mauritius	

# PROTOCOLS

## Protocol 1 on the operating expenditure of the Joint Institutions

1. The Member States and the Community, on the one hand, and the ACP States, on the other, shall be responsible for such expenditure as they shall incur by reason of their participation in the meetings of the Council of Ministers and its dependent bodies, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenses.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents, and the practical arrangements for meetings (such as premises, equipment and messengers) of the joint institutions of the present Agreement shall be borne by the Community or by one of the ACP States, according to whether the meetings take place in the territory of a Member State or in that of an ACP State.

2. The arbitrators appointed in accordance with Article 98 of the Agreement shall be entitled to a refund of their travel and subsistence expenditure. The latter shall be determined by the Council of Ministers.

One half of travel and subsistence expenditure incurred by the arbitrators shall be borne by the Community and the other half by the ACP States. Expenditure relating to any registry set up by the arbitrators, to preparatory inquiries into disputes, and to the organisation of hearings (such as premises, personnel and interpreting) shall be borne by the Community. Expenditure relating to special inquiries shall be settled together with the other costs and the Parties shall deposit advances as determined by an order of the arbitrators.

3. The ACP States shall set up a Fund, which will be

managed by their General Secretariat, for the purpose of contributing to the financing of the expenses incurred by ACP participants at meetings of the Joint Parliamentary Assembly and the Council of Ministers.

The ACP States shall contribute to this Fund. With the aim of encouraging the active participation of all ACP States in the dialogue conducted within the ACP-EC institutions, the Community shall make a contribution to this Fund as provided for in the Financial Protocol (EUR 4 million according to the First Financial Protocol).

To be eligible for the Fund expenses must comply with the following conditions as well as those laid down in paragraph 1:

- They must be incurred by parliamentarians or, in their absence, other such ACP representatives travelling from the country they represent in order to take part in sessions of the Joint Parliamentary Assembly, meetings of working parties or missions under their aegis, or as a result of the participation of these same representatives and representatives of ACP civil society and economic and social operators in consultation meetings held under Articles 15 and 17 of the Agreement.
  - Decisions on the nature, organisation, frequency and location of meetings, missions and working groups must be taken in accordance with the rules of procedure of the Council of Ministers and the Joint Parliamentary Assembly.
4. Consultation meetings and meetings of ACP-EU economic and social operators shall be organised by the Economic and Social Committee of the European Union. In this specific instance, the Community's contribution to cover the participation of ACP economic and social operators shall be paid directly to the Economic and Social Committee.

The ACP Secretariat, the Council of Ministers and the Joint Parliamentary Assembly may, in agreement with the Commission, delegate the organisation of consultation meetings of ACP civil society to representative organisations approved by the Parties.

## Protocol 2 on privileges and immunities

### THE PARTIES

DESIRING, by the conclusion of a Protocol on privileges and immunities, to facilitate the smooth functioning of the Agreement, the preparation of its work and implementation of the measures adopted for its application;

WHEREAS it is therefore necessary to specify the privileges and immunities which may be claimed by persons participating in work relating to the application of the Agreement and to the arrangements applicable to official communications connected with such work, without prejudice to the provisions of the Protocol on the privileges and immunities of the European Communities, signed in Brussels on 8 April 1965;

WHEREAS it is also necessary to lay down the treatment to be accorded to the property, funds and assets of the Council of ACP Ministers, and its staff;

WHEREAS the Georgetown Agreement of 6 June 1975 constituted the ACP Group of States and instituted a Council of ACP Ministers, and a Committee of Ambassadors; whereas the organs of the ACP Group of States are to be serviced by the Secretariat of the ACP States;

HAVE AGREED upon the following provisions, which shall be annexed to the Agreement :

## CHAPTER 1

### Persons taking part in the work of the agreement

#### ARTICLE 1

The representatives of the Governments of the Member States and of the ACP States and the Representatives of the Institutions of the European Communities, and also their advisers and experts and the members of the staff of the Secretariat of the ACP States taking part, in the territory of the Member States or of the ACP States, in the work either of the institutions of the Agreement or of the coordinating bodies, or in work connected with the application of the Agreement, shall enjoy the customary privileges, immunities and facilities while carrying out their duties and while travelling to or from the place at which they are required to carry out such duties.

The preceding paragraph shall also apply to members of the Joint Parliamentary Assembly of the Agreement, to the arbitrators who may be appointed under the Agreement, to members of the consultative bodies of the economic and social sectors which may be set up, to the officials and employees of these institutions, and also to the members of the agencies of the European Investment Bank and its staff, and to the staff of the Centre for the Development of Enterprise and the Centre for the Development of Agriculture.

## CHAPTER 2

### Property, funds and assets of the council of ACP ministers

#### ARTICLE 2

The premises and buildings occupied by the Council of ACP Ministers for official purposes shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation.

Except when required for the purposes of investigating an accident caused by a motor vehicle belonging to the said Council or being used on its account, or in the event of an infringement of road traffic regulations or of an accident caused by such a vehicle, the property and assets of the Council of ACP Ministers shall not be the subject of any administrative or legal measures of constraints without the authorisation of the Council of Ministers set up under the Agreement.

### ARTICLE 3

#### **The archives of the Council of ACP Ministers shall be inviolable**

### ARTICLE 4

The Council of ACP Ministers, its assets, income and other property shall be exempt from all direct taxes.

The host State shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Council of ACP Ministers makes, strictly for its official use, substantial purchases, the price of which includes taxes of this kind.

No exemption shall be granted in respect of taxes, charges, duties or fees which represent charges for services rendered.

### ARTICLE 5

The Council of ACP Ministers shall be exempt from all customs duties, prohibitions and restrictions on imports in respect of articles intended for its official use; articles so imported may not be sold or otherwise disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the Government or that country.

## CHAPTER 3

### Official communications

#### ARTICLE 6

For their official communications and the transmission of all their documents, the European Community, the institutions of the Agreement and the coordinating bodies shall enjoy in the territory of the States party to the Agreement the treatment accorded to international organisations.

Official correspondence and other official communications of the European Community, the joint institutions of the Agreement and the coordinating bodies shall not be subject to censorship.

## CHAPTER 4

### Staff of the secretariat of the ACP states

#### ARTICLE 7

1. The Secretary or Secretaries and Deputy Secretary or Deputy Secretaries of the Council of ACP Ministers and the other permanent members of the staff of senior rank as designated by the ACP States, of the Council of ACP Ministers shall enjoy, in the State in which the Council of ACP Ministers is established, under the responsibility of the Chairman-in-Office of the Committee of ACP Ambassadors, the advantages accorded to the diplomatic staff of diplomatic missions. Their spouses and their children under age living in their household shall be entitled, under the same conditions, to the advantages accorded to the spouses and children under age of such diplomatic staff.
2. Permanent ACP staff members not referred to in paragraph 1 shall be exempted by their host country from any taxes on salaries, emoluments or allowances paid to them by the ACP States from the day on which such income becomes subject to tax levied for the benefit of the ACP States.

The above provision shall not apply either to pensions paid the ACP Secretariat to its former staff

members or their dependants, or to salaries, emoluments or allowances paid to its local staff.

## ARTICLE 8

The State in which the Council of ACP Ministers is established shall grant immunity from legal proceedings to permanent members of the staff of the Secretariat of the ACP States, apart from those referred to in paragraph 1 of Article 7, only in respect of acts done by them in the performance of their official duties. Such immunity shall not, however, apply to infringements of road traffic regulations by a permanent member of the staff of the Secretariat of the ACP States or to damage caused by a motor vehicle belonging to, or driven by, him or her.

## ARTICLE 9

The names, positions and addresses of the Chairman-in-Office of the Committee of ACP Ambassadors, the Secretary or Secretaries and Deputy Secretary or Deputy Secretaries of the Council of ACP Ministers and of the permanent members of the staff of the Secretariat of the ACP States shall be communicated periodically by the President of the Council of ACP Ministers to the Government of the State in whose territory the Council of ACP Ministers is established.

## CHAPTER 5

### Commission delegations in the ACP states

#### ARTICLE 10

1. The Commission Head of Delegation and staff appointed to the Delegation, the Delegations, to the exception of locally recruited staff, shall be exempted from any direct taxes in the ACP State where they are in post.
2. Article 31(2)(g) of Annex IV, chapter 4 shall also apply to the staff referred to in paragraph 1.

## CHAPTER 6

### General provisions

#### ARTICLE 11

The privileges, immunities and facilities provided for in this Protocol shall be accorded to those concerned solely in the interests of the proper execution of their official duties.

Each institution or body referred to in this Protocol shall be required to waive immunity wherever it consider that the waiver of such immunity is not contrary to its own interests.

#### ARTICLE 12

Article 98 of the Agreement shall apply to disputes relating to this Protocol.

The Council of ACP Ministers and the European Investment Bank may be party to proceedings during an arbitration procedure.

### Protocol 3

#### On south africa

#### ARTICLE 1

##### Qualified Status

1. The participation of South Africa in this Agreement is subject to the qualifications set out in this Protocol.
2. The provisions of the bilateral Agreement on Trade, Development and Cooperation between the European Community, its Member States and South Africa signed in Pretoria on 11 October 1999, hereinafter referred as the "TDCA", shall take precedence over the provisions of this Agreement.

## ARTICLE 2

### **General Provisions, Political Dialogue and Joint Institutions**

1. The general, institutional and final provisions of this Agreement shall apply to South Africa.
2. South Africa shall be fully associated in the overall political dialogue and participate in the joint institutions and bodies set out under this Agreement. However, in respect of decisions to be taken in relation to provisions that do not apply to South Africa under this Protocol, South Africa shall not take part in the decision-making process.

## ARTICLE 3

### **Cooperation Strategies**

The provisions on cooperation strategies of this Agreement shall apply to cooperation between the Community and South Africa.

## ARTICLE 4

### **Financial Resources**

1. The provisions of this Agreement on development finance cooperation shall not apply to South Africa.
2. However, in derogation from this principle, South Africa shall have the right to participate in the areas of ACP-EC development finance cooperation listed in Article 8 below, on the understanding that South Africa's participation will be fully financed from the resources provided for under Title VII of the TDCA. Where resources from the TDCA are deployed for participation in operations in the framework of ACP- EC financial cooperation, South Africa will enjoy the right to participate fully in the decision-making procedures governing implementation of such aid.
3. South African natural or legal persons shall be eligible for award of contracts financed from the financial resources provided for under this Agreement. In this respect, South African natural or legal persons shall, however, not enjoy the preferences accorded to natural and legal persons from ACP States.

## ARTICLE 5

### **Trade Cooperation**

1. The provisions of this Agreement on economic and trade cooperation shall not apply to South Africa.
2. Nonetheless, South Africa shall be associated as an observer in the dialogue between the Parties pursuant to Articles 34 to 40 of this Agreement.

## ARTICLE 6

### **Applicability of Protocols and Declarations**

The protocols and declarations annexed to this Agreement that relate to parts of the Agreement that are not applicable to South Africa, shall not apply to South Africa. All other declarations and protocols shall apply.

## ARTICLE 7

### **Revision Clause**

This Protocol may be revised by decision of the Council of Ministers.

## ARTICLE 8

### Applicability

Without prejudice to the previous Articles, the table hereunder sets out those Articles of the Agreement and its Annexes which shall apply to South Africa and those which shall not apply.

<i>Applicable</i>	<i>Remarks</i>	<i>Not applicable</i>
Preamble		
Part I, Title I, Chapter 1: "Objectives, principles and actors" (Articles 1 to 7)		
Part I, Title II, "The political dimension"; Articles 8 to 13		
Part 2, "Institutional provisions"; Articles 14 to 17	<i>In accordance with Article 1 of this protocol, South Africa shall not have voting rights in any of the joint institutions or bodies in areas of the Agreement which are not applicable to South Africa.</i>	
Part 3, Title I, "Development strategies".		
	<i>In accordance with Article 5 above, South Africa shall be associated as an observer in the dialogue between the Parties pursuant to Articles 34 to 40.</i>	Part 3, Title II, <i>Economic and Trade Cooperation.</i>
Article 75(i) ( <i>Investment promotion, support for the ACP-EU private sector dialogue on regional level</i> ), Article 78 ( <i>Investment protection</i> )	<i>In accordance with Article 4 above, South Africa shall have the right to participate in certain areas of development finance cooperation on the understanding that such participation will be fully financed from the resources provided for under Title VII of the TDCA.</i> <i>In accordance with Article 2 above, South Africa may participate in the ACP-EC Development Finance Cooperation Committee provided for in Article 83, without enjoying voting rights in relation to provisions that do not apply to South Africa.</i>	Part 4, <i>Development Finance Cooperation</i>
Part 5, <i>General Provisions for the Least Developed, Landlocked and Island ACP States</i> , Articles 84 to 90		

Part 6, Final Provisions, Articles 91 to 100		
		Annex I (Financial Protocol)
Annex II, <i>Terms and conditions of Financing</i> , Chapter 5 (link to Article 78 / investment protection)	<i>In accordance with Article 4 above, South Africa shall have the right to participate in certain areas of development finance cooperation on the understanding that South Africa's participation will be fully financed from the resources provided for under Title VII of the TDCA.</i>	Annex II, <i>Terms and conditions of Financing</i> , Chapters 1, 2, 3 and 4
Annex III <i>Institutional Support (CDE and CTA)</i>	<i>In accordance with Article 4 above, South Africa shall have the right to participate in certain areas of development finance cooperation on the understanding that South Africa's participation will be fully financed from the resources provided for under Title VII of the TDCA.</i>	
Annex IV, <i>Implementation and Management Procedures</i> : Articles 6 to 14, ( <i>Regional cooperation</i> ) Articles 20 to 32 ( <i>Competition and preference</i> )	<i>In accordance with Article 4 above, where resources from the TDCA are deployed for participation activities in the framework of ACP-EC financial cooperation, South Africa will enjoy the right to fully participate in the decision-making procedures governing implementation of such aid. South African natural and legal persons will moreover be eligible for participation in tenders for contracts financed from the financial resources of the Agreement. In this context, South African tenderers will not enjoy the preferences provided for tenderers from the ACP States.</i>	Annex IV, Articles 1 to 5 ( <i>national programming</i> ); 15 to 19 ( <i>provisions relating to the project cycle</i> ), 27 ( <i>preference to ACP contractors</i> ) and 34 to 38 ( <i>Executing agents</i> )
		Annex V / trade regime during the preparatory period.
Annex VI; List of Least Developed, island and landlocked ACP States.		