

**ACP-EEC CONVENTION OF LOME**

(signed on 28 February 1975)

**COMPILATION OF TEXTS**

**II**

1 August 1976 - 31 August 1977



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- (<sup>1</sup>) See Council Regulation (EEC) No 1394/77 of 21 June 1977 concerning this Agreement, p. 281  
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(1) On the date of publication of this compilation the ratification procedures necessary for the entry into force of this Agreement were not yet completed

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<sup>(1)</sup> On the date of publication of this compilation, the ratification procedures necessary for the entry into force of this Agreement had not been completed

<sup>(2)</sup> On the date of publication of this compilation, the ratification procedures necessary for the entry into force of this Agreement had not been completed. However, the instrument of ratification of the Republic of Cape Verde was deposited at the General Secretariat of the Council on 3 August 1977.

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<sup>(1)</sup> The ratification procedures necessary for the entry into force of this Agreement were not completed on the date of publication of this compilation.

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<sup>(1)</sup> It has emerged that this Regulation, which was not published in the previous compilation, is fundamental to the arrangements for beef and veal. For this reason it is included in this compilation, together with the 3 subsequent Regulations which have amended it to date.

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<sup>(1)</sup> This Agreement appears on p. 59 of this compilation  
<sup>(2)</sup> This Agreement appears on p. 65 of this compilation



I - ACP-EEC ACTS

1. ACTS OF THE COUNCIL OF MINISTERS



ACP-EEC COUNCIL OF MINISTERS DECISION 1 /77  
OF 14 APRIL 1977

derogating from the concept of originating products  
to take into account the special situation  
of the Republic of Malawi  
with regard to certain items of fishing tackle  
(fishing flies)

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THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the ACP-EEC Convention of Lomé, signed on  
28 February 1975, hereinafter referred to as the "Convention",  
and in particular Article 9(2) thereof,

Whereas Article 27 of Protocol No 1 to the Convention, concerning the definition of the concept of "originating products" and methods of administrative co-operation, makes provision for derogations from the rules of origin in particular to facilitate the development of existing industries or the creation of new industries;

Whereas the ACP States have submitted a request from the Government of the Republic of Malawi for a one-year derogation from the definition set out in the Protocol for items of fishing tackle manufactured in that State;

Whereas, in accordance with Article 27 of Protocol No 1, the Customs Co-operation Committee has adopted a report on this request;

Whereas in order to take into account the special situation of the Republic of Malawi and to enable the relevant industrial sector to develop its industry and to seek new sources of supply for the raw materials needed in the manufacture of the items referred to above, derogation should accordingly be made, for a maximum of one year, from the definition set out in Protocol No 1;

Whereas any possible deflection of trade should be avoided; whereas this aim can be achieved by fixing a maximum percentage of non-originating products incorporated in the finished product,

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from the provisions of Protocol No 1, items of fishing tackle manufactured in Malawi and falling within tariff heading No ex 97.07 "fishing flies", shall be considered as originating in Malawi, provided that the value of the non-originating fish-hooks, used for their manufacture, falling within tariff heading No ex 97.07, does not exceed 25% of the value of the finished product.

Article 2

The movement certificates EUR 1 issued pursuant to this Decision shall bear one of the following endorsements:

- "Varer med oprindelsetstatus i henhold til AVS-EØF Ministerrådets afgørelse no /77"
- "Ursprungswaren gemäss Beschluss Nr /77 des AKP-EWG-Ministerrates"
- "Originating products by virtue of Decision No /77 of the ACP-EEC Council of Ministers"
- "Marchandises originaires en vertu de la décision no /77 du Conseil des Ministres ACP-CEE"
- "Merci originarié in virtu della decisione no /77 del Consiglio dei Ministri ACP-CEE"
- "Goederen van oorsprong uit hoofde van Besluit nr /77 van de ACS-EEG-Raad van Ministers"

This endorsement shall be entered under the heading "Remarks".

Article 3

The competent authorities of the Republic of Malawi shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR 1 have been issued pursuant to this Decision, indicating the Member States of destination.

Article 4

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

Article 5

This Decision shall enter into force on 1 June 1977.

It shall apply until 31 May 1978.

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

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

ACP-EEC COUNCIL OF MINISTERS DECISION 2/77  
OF 14 APRIL 1977

derogating from the concept of originating products  
to take into account the special situation  
of the Republic of Kenya  
with regard to certain items of fishing tackle  
(fishing flies)

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THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the ACP-EEC Convention of Lomé, signed on  
28 February 1975, hereinafter referred to as the "Convention",  
and in particular Article 9(2) thereof,

Whereas Article 27 of Protocol No 1 to the Convention, concerning the definition of the concept of "originating products" and methods of administrative co-operation, makes provision for derogations from the rules of origin in particular to facilitate the development of existing industries or the creation of new industries;

Whereas the ACP States have submitted a request from the Government of the Republic of Kenya for a one-year derogation from the definition set out in the Protocol for items of fishing tackle manufactured in that State;

Whereas, in accordance with Article 27 of Protocol No 1, the Customs Co-operation Committee has adopted a report on this request;

Whereas in order to take into account the special situation of the Republic of Kenya and to enable the relevant industrial sector to develop its industry and to seek new sources of supply for the raw materials needed in the manufacture of the items referred to above, derogation should accordingly be made, for a maximum of one year, from the definition set out in Protocol No 1;

Whereas any possible deflection of trade should be avoided; whereas this aim can be achieved by fixing a maximum percentage of non-originating products incorporated in the finished product,

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from the provisions of Protocol No 1, items of fishing tackle manufactured in Kenya and falling within tariff heading No ex 97.07 "fishing flies", shall be considered as originating in Kenya provided that the value of the non-originating fish-hooks, used for their manufacture, falling within tariff heading No ex 97.07, does not exceed 25% of the value of the finished product.

Article 2

The movement certificates EUR 1 issued pursuant to this Decision shall bear one of the following endorsements:

- "Varer med oprindelsetstatus i henhold til AVS-EØF  
Ministerradets afgørelse no /77"
- "Ursprungswaren gemäss Beschluss Nr /77 des AKP-EWG-  
Ministerrates"
- "Originating products by virtue of Decision No /77 of the  
ACP-EEC Council of Ministers"
- "Marchandises originaires en vertu de la décision no /77  
du Conseil des Ministres ACP-CEE"
- "Merci originarie in virtù della decisione no /77 del  
Consiglio dei Ministri ACP-CEE"
- "Goederen van oorsprong uit hoofde van Besluit nr /77 van  
de ACS-EEG-Raad van Ministers"

This endorsement shall be entered under the heading "Remarks".

Article 3

The competent authorities of the Republic of Kenya shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR 1 have been issued pursuant to this Decision, indicating the Member States of destination.

Article 4

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

Article 5

This Decision shall enter into force on 1 June 1977.

It shall apply until 31 May 1978.

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

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

DECISION No 3 /77 OF THE ACP-EEC COUNCIL OF MINISTERS  
OF 14 APRIL 1977

adding certain products  
to the list in Article 17(1)  
of the ACP-EEC Convention of Lomé <sup>(1)</sup>

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THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the ACP-EEC Convention of Lomé, hereinafter called the "Convention", and in particular Article 17(3) thereof,

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<sup>(1)</sup> See also the Resolution of the ACP-EEC Council of Ministers on the attainment of common objectives regarding commodity exports adopted on 14 April 1976, p. 55.

Whereas the 12-month period referred to in Article 17(3) has elapsed and whereas the other conditions laid down in that paragraph have been met in respect of certain products and whereas these products should therefore be added to the list contained in Article 17(1) of the Convention,

HAS DECIDED AS FOLLOWS:

Article 1

The following products shall be included in the list contained in Article 17(1) of the Convention:

cloves  
gum arabic  
wool  
mohair  
pyrethrum  
vanilla  
ilang-ilang.

Article 2

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

Article 3

This Decision shall enter into force on 16 April 1977.

It shall apply to exports of the products referred to in Article 1 effected in 1976.

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

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



DECISION No 4 /77 OF THE ACP-EEC COUNCIL OF MINISTERS  
OF 14 APRIL 1977

regarding the scope of  
Article 17(4) of the ACP-EEC Convention of Lomé

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THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the ACP-EEC Convention of Lomé, signed on  
28 February 1975, hereinafter called "Convention", and in  
particular Article 17(4) thereof,

Whereas the export earnings to which the stabilization system applies are those accruing from the exportation by the ACP States to the Community of the products listed in Article 17(1) of the Convention;

Whereas pursuant to Article 17(4), for certain special cases the system is to apply to exports of the products in question irrespective of destination;

Whereas pursuant to the joint statement regarding Article 17(4) which is annexed to the minutes of the final ACP-EEC negotiations, the special cases referred to are those of Burundi, Ethiopia, Guinea Bissau, Rwanda and Swaziland; whereas pursuant to the said statement it may be decided by common agreement that the list of countries referred to above is to be amended;

Whereas these special cases should include those of the Comoro State, Lesotho, Western Samoa, Seychelles and Tonga,

HAS DECIDED AS FOLLOWS:

Article 1

The Comoro State, Lesotho, Western Samoa, Seychelles and Tonga shall be included in the list of ACP States to which Article 17(4) of the Convention applies, pursuant to the joint statement regarding this provision which is annexed to the minutes of the final ACP-EEC negotiations.

Article 2

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

Article 3

This Decision shall enter into force on 16 April 1977.

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

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



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

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

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THE ACP-EEC COUNCIL OF MINISTERS,

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

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

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

HAS DECIDED AS FOLLOWS:

Article 1

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

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

Article 2

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

Article 3

This Decision shall enter into force on 16 April 1977.

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

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



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

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

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THE ACP-EEC COUNCIL OF MINISTERS,

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

Having regard to the proposal from the Committee of  
Ambassadors,

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

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

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

HAS DECIDED AS FOLLOWS:

Article 1

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

Article 2

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

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

2. Tax shall be collected by the Centre by means of deduction at source. The proceeds of the tax shall be entered as revenue in the budget of the Centre.
3. The persons referred to in paragraph 1 shall be exempt from national tax on salaries, wages and emoluments paid by the Centre.

Article 3

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

2. If the Committee is unable to reach a solution acceptable to the parties to the dispute within two months of its notification either party may initiate arbitration proceedings. To this end one party shall inform the other of the nomination of an arbitrator. The other party shall then be required to nominate a second arbitrator within one month. The two arbitrators shall choose a third arbitrator.
3. The decisions taken by the arbitration body shall be binding on the parties and, to the extent necessary, shall be rendered enforceable for the relevant authorities of the Member States and for the institutions and bodies set up under the Convention.
4. The disputes referred to in paragraph 1 may not be subject to any other method of settlement.

Article 4

This Decision shall enter into force on 16 April 1977.

Article 5

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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THE ACP-EEC COUNCIL OF MINISTERS,

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

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

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

HAS DECIDED AS FOLLOWS:

Article 1

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

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

Article 2

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

Article 3

This Decision shall enter into force on 16 April 1977.

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

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



DECISION No 8 /77 OF THE ACP-EEC COUNCIL OF MINISTERS  
OF 14 APRIL 1977

delegating to the Committee of Ambassadors  
the authority to adopt  
the rules for settlement of any dispute  
arising between the authorities of an ACP State  
and a contractor or supplier in the course of execution  
of a contract financed by the EDF

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THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the ACP-EEC Convention of Lomé <sup>(1)</sup> signed on  
28 February 1975, and in particular Article 75, Article 23 of  
Protocol No 2 and Annex X to the Final Act thereof,

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<sup>(1)</sup> OJ No L 25, 30.1.1976, p. 1

Whereas any dispute arising between the authorities of an ACP State and a contractor or supplier in the course of execution of a contract financed by the EDF must be settled by arbitration in accordance with the rules of procedure to be adopted by a decision of the ACP-EEC Council of Ministers not later than its second meeting following the entry into force of the Convention of Lomé;

Whereas, pending this Decision of the Council of Ministers, the institutional rules of conciliation and arbitration of the International Chamber of Commerce referred to in Annex X to the Final Act of the Convention will continue to be applied;

Whereas the Council of Ministers was unable to adopt the rules of arbitration at its second meeting; whereas the entry into force of these rules should not, however, be deferred until a later meeting;

Whereas it is therefore necessary for the Council to delegate to the Committee of Ambassadors the authority to adopt the said rules as soon as possible,

HAS DECIDED AS FOLLOWS:

Article 1

The Council of Ministers hereby delegates to the Committee of Ambassadors the authority to adopt the rules of procedure provided for in Article 23 of Protocol No 2 to the Convention of Lomé.

Article 2

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

Article 3

This Decision shall enter into force on 16 April 1977.

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

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



DECISION No 9 /77 OF THE ACP-EEC COUNCIL OF MINISTERS  
OF 14 APRIL 1977

delegating to the Committee of Ambassadors  
the authority to adopt the general provisions  
and conditions applicable to the  
placing and performance of  
public works contracts financed by the EDF

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THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the ACP-EEC Convention of Lomé <sup>(1)</sup> signed on  
28 February 1975, and in particular Article 75, Article 22 of  
Protocol No 2 and Annex IX to the Final Act thereof,

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<sup>(1)</sup> OJ No L 25, 30.1.1976, p. 1

Whereas the general provisions and conditions applicable to the placing and performance of public works contracts financed by the EDF are to be adopted, on a proposal from the Commission, by a Decision of the Council of Ministers at its second meeting following the date of entry into force of the Convention of Lomé;

Whereas, pending this Decision of the Council of Ministers, the arrangements provided for in Annex IX to the Final Act of the Convention will continue to apply;

Whereas the Council of Ministers was unable to adopt the said Decision at its second meeting; whereas the entry into force of that Decision should not, however, be deferred until a later meeting;

Whereas it is therefore necessary for the Council to delegate to the Committee of Ambassadors the authority to adopt this Decision as soon as possible,

HAS DECIDED AS FOLLOWS:

#### Article 1

The Council of Ministers hereby delegates to the Committee of Ambassadors the authority to adopt, in accordance with Article 22 of Protocol No 2 to the Convention of Lomé, the Decision on the general provisions and conditions applicable to the placing and performance of public works contracts financed by the EDF.

#### Article 2

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

Article 3

This Decision shall enter into force on 16 April 1977.

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

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



DECISION No 10/77 OF THE ACP-EEC COUNCIL OF MINISTERS  
OF 14 APRIL 1977

amending the list  
of least developed ACP States

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THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the ACP-EEC Convention of Lomé <sup>(1)</sup> signed on 28 February 1975, hereinafter called the "Convention", and in particular Article 48(2) and (3) thereof,

Having regard to the accession of Comoro State and the Republic of Seychelles to the Convention.

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<sup>(1)</sup> OJ No L 25, 30.1.1976, p. 1

Whereas Comoro State and the Republic of Seychelles are in an economic situation comparable to that of the ACP States listed in Article 48(2) of the Convention and they should accordingly be added to the list of ACP States in Article 48(2) of the Convention,

HAS DECIDED AS FOLLOWS:

Article 1

Comoro State and the Republic of Seychelles shall be added to the list of ACP States in Article 48(2) of the Convention.

Article 2

This Decision shall enter into force on 16 April 1977.

Article 3

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

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

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

RESOLUTION OF THE ACP-EEC COUNCIL OF MINISTERS

on financial and technical co-operation

adopted on 14 April 1977

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I. OVERALL ORIENTATION OF EFFORTS

1. So that financial and technical co-operation can have immediate and lasting effects for the ACP States, the Council requests the Community to take all necessary steps to expedite the implementation of national indicative programmes, the projects which they comprise, as well as the implementation of the regional and inter-regional projects of the ACP States.

With a view to rendering financial and technical co-operation more effective, the efforts should tend to:

- (a) organize economic development rationally, by increasing and diversifying production,
  - make judicious use of the resources available and
  - strengthen intra-ACP co-operation, inter alia by developing transport and telecommunications infrastructures with a view to widening their markets and diversifying their economies;
- (b) encourage and promote, within this framework, such schemes and efforts as are indispensable to contribute to the balanced development of all sectors of the economy;

(c) stimulate efforts by producers and firms in the countries concerned, as well as new capital investments, so that existing firms may expand and new enterprises be set up;

(d) contribute to the promotion of joint undertakings.

2. The Council recommends that the Commission include in its Annual Report appropriate information on the financing and administrative expenses of the EDF and that this be considered by the joint ACP-EEC subcommittee on Technical and Financial Co-operation, under the provisions of Article 41 of the Convention. This information will also be provided in respect of the implementation of projects financed by the EDF not included in the national indicative programmes.

3. In order that all the procedures provided for in Article 41 of the Lomé Convention may be completed, all necessary steps should be taken so that a meeting can be called for the second half of October 1977 at the latest between the persons responsible in the ACP States and in the Community for planning and implementing financial and technical co-operation, with the participation of representatives of regional and inter-regional groupings, so that a comprehensive balance-sheet can be drawn up of all activities in the context of financial and technical co-operation.

II. APPLICATION OF CERTAIN SPECIFIC PROVISIONS OF THE  
LOME CONVENTION

1. Measures in favour of the least developed ACP States.

The Council of Ministers takes note of the financial commitments from which several ACP States listed in Article 48 have benefited up to 31 December 1976.

It recommends:

- that these commitments be intensified in all the States on the list;
- that appropriate schemes be put in hand in order to remove specific barriers to the development of the least developed, landlocked and island countries.

Moreover, the Council of Ministers recommends that the most flexible and effective means of action authorized under the Lomé Convention be applied in order to implement projects in the said States.

To this end, the Council recommends that a joint ACP-EEC Subcommittee be set up to study the specific development problems confronting the least developed ACP States, in particular the landlocked and island countries.

## 2. Regional co-operation

With a view to increasing the effectiveness of regional co-operation, the Council of Ministers recommends:

- that closer co-operation be set up between the ACP States and the EEC on the basis of the provisions laid down in Article 47 of the Lomé Convention in favour of regional co-operation so that a genuine regional development process can be set in motion and strengthened;
- that the funds available for regional co-operation be used in such a way as to play a stimulating and catalysing role so that resources may be diversified and augmented.

## 3. Microprojects

The Council notes the existence of simplified procedures which will have to be applied in order to ensure that microprojects are implemented as soon as possible after the submission of programmes by the ACP States, and the power given to those States to decide on projects themselves, with the agreement of the Commission Delegate, within the framework of the programmes approved by the Community.

These microprojects are of special importance to the least developed, landlocked and island countries.

4. Financing for small and medium-sized undertakings, technical assistance and transfer of technology

The Council recommends to the ACP States and the EEC that they do all in their power to ensure that the opportunities available under the Lomé Convention as regards the "two-tier" financing of small and medium-sized undertakings, technical assistance and transfer of technology are put to the best use for the development of the ACP States and that they complement the efforts undertaken in other areas of financial and technical co-operation.

III. TRAINING OF SUPERVISORY STAFF AND VOCATIONAL TRAINING

The Council of Ministers recommends:

- that training of personnel be undertaken on the basis of general and specific programmes drawn up by the ACP States,
- that the programmes drawn up by the ACP States be financed by the Community taking into account the priorities stated by the ACP States,
- that sufficient flexibility be maintained in implementing these programmes so as to take account of possible bottle-necks,

that activities undertaken in connection with the training of supervisory staff, in particular middle-level administrators and civil servants, and those concerning vocational training, be intensified and, where appropriate, be more closely linked with the various development projects financed by the Community in each ACP State so that they can progressively be taken on totally and smoothly by the national administrators of the ACP States.

The Council of Ministers feels that in this way it will be possible to expedite the replacement of technical assistants and to ensure the efficient management of investments made.

#### IV. OPERATION AND MAINTENANCE OF INVESTMENTS

The Council of Ministers recommends that, when projects are selected, particular attention be paid, in the implementation of financial and technical co-operation, to the problem of the operation and maintenance of investments carried out with the help of Community financing. It considers that the use of economic and social infrastructures necessitates action by qualified local staff and the mobilization of adequate budgetary resources.

With this in mind, the Council recommends, as is stipulated in Article 58(2) of the Lomé Convention, that, exceptionally, supplementary aid be provided temporarily and on a diminishing scale in order to ensure that full use is made of investments which are of special importance for the economic and social development of the ACP States concerned and the running of which temporarily constitutes a truly excessive burden for the ACP States or other beneficiaries.

V. PARTICIPATION OF THE ACP STATES IN THE PERFORMANCE OF EDF CONTRACTS

The Council of Ministers recommends that in every case and as far as possible optimal use be made of the human and physical resources of the ACP States and that technology which corresponds to the needs of the populations be adopted.

For the practical application of this principle the Council of Ministers lays emphasis on those provisions of the Lomé Convention whose application affords ACP firms the possibility of effective participation in studies on and the execution of projects.

I. ASSESSMENT OF COMPLETED SCHEMES

To ensure that the objectives laid down in the Lomé Convention in the field of financial and technical co-operation as well as in the national indicative programmes and in the projects are attained and to ensure that the means of action brought into play are as effective as possible, the relevant departments of the Community and of the ACP States shall regularly carry out appraisals, taking into account the provisions of Article 50 of the Convention, of the effects and results of all completed projects as well as of the material condition of each investment carried out. They will carry out these appraisals jointly and inform the Council of Ministers, if possible as from 1978, of the initial conclusions which can be drawn from the joint appraisals.

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RESOLUTION OF THE ACP-EEC COUNCIL OF MINISTERS

on the attainment of common objectives  
regarding commodity exports ( <sup>1</sup> )

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THE ACP-EEC COUNCIL OF MINISTERS,

With a view to attaining the common objectives of the Community and the ACP States regarding commodity exports as these objectives are defined in the Lomé Convention;

Desiring to promote, for the purposes referred to above, the necessary liaison between the signatories to the Convention;

In accordance with Article 74(4) of the Lomé Convention,

HEREBY ADOPTS THIS RESOLUTION:

1. The Council of Ministers considers that satisfactory conditions for the export of the various commodities could, in appropriate cases, be found in the framework of worldwide commodity agreements or arrangements to be concluded for those commodities between industrialized countries and developing countries.
2. The Contracting Parties will take account of their mutual interests at international level, inter alia on the occasion of current or future international negotiations, in accordance with the principles on which the Convention is based.

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(<sup>1</sup>) See also Decision No 3/77 of the ACP-EEC Council of Ministers of 14 April 1977 adding certain products to the list in Article 17(1) of the ACP-EEC Convention of Lomé (STABEX), p. 11.

3. To this end the Contracting Parties shall ensure that the necessary liaison takes place between them and shall afford each other all possible assistance.
  
4. The chief aim of these consultations shall be to try to identify, by mutual agreement at international level, possible solutions to the problems presented on the one hand by the supply of commodities and on the other hand by the disposal and marketing of those commodities.

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

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

I - ACP-EEC ACTS

2. AGREEMENTS BETWEEN THE EEC AND THE ACP



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 Co-operative 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 and the Republic of Uganda, concerning the agreed quantities of cane sugar for certain ACP States  
(29 June 1977) <sup>(1)</sup><sub>(2)</sub>

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Brussels, 29 June 1977

Sirs,

I have the honour to inform you as follows:

Further to the statement by the Council of the European Communities, made at the meeting of the ACP-EEC Council of Ministers in Fiji on 14 April 1977, on the non-delivery by the People's Republic of the Congo, the Republic of Kenya, the Republic of Uganda and the Republic of Surinam of certain agreed quantities of cane sugar during the period 1975/1976, the agreed quantities of cane sugar for these States to which Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé applies shall, with effect from the 1976/1977 delivery period, be as follows, expressed in tonnes of white sugar:

People's Republic of the Congo	:	10,000
Kenya	:	5,000
Uganda	:	5,000
Surinam	:	4,000

The above-mentioned quantities to be supplied in respect of the delivery period 1976/1977 shall be delivered to the Community not later than 31 December 1977.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Governments and the Community.

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<sup>(1)</sup> This Agreement was published in OJ L 158/77

<sup>(2)</sup> See Council Regulation (EEC) No 1394/77 of 21 June 1977 concerning this Agreement, p. 281

Medtag, ærede herrer, forsikringen om min mest udmerkede  
og jagtelse.

Gesehnigen Sie, sehr geehrte Herren, den Ausdruck meiner  
ausgezeichnetsten Hochachtung.

Please, accept, Sirs, the assurance of my highest  
consideration.

Je vous prie d'agr eer, Messieurs, l'assurance de ma plus  
haute consid eration.

Vogliate gradire, Signori, i sensi della mia pi  alta  
considerazione.

Ik verzoek U, Mijne Heren, de verzekering van mijn  
bijzondere hoogachting te willen aanvaarden.

For R det for De europ iske F llesskaber  
F r den Rat der Europ ischen Gemeinschaften  
For the Council of the European Communities  
Pour le Conseil des Communaut s europ ennes  
Per il Consiglio delle Comunit  Europee  
Voor de Raad van de Europese Gemeenschappen

*W. H. Frankel*

Brussels, 29 June 1977

Sir,

We have the honour to acknowledge receipt of your letter of today's date, reading as follows:

"I have the honour to inform you as follows:

Further to the statement by the Council of the European Communities, made at the meeting of the ACP-EEC Council of Ministers in Fiji on 14 April 1977, on the non-delivery by the People's Republic of the Congo, the Republic of Kenya, the Republic of Uganda and the Republic of Surinam of certain agreed quantities of cane sugar during the period 1975/1976, the agreed quantities of cane sugar for these States to which Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé applies shall, with effect from the 1976/1977 delivery period, be as follows, expressed in tonnes of white sugar:

People's Republic of the Congo	: 10,000
Kenya	: 5,000
Uganda	: 5,000
Surinam	: 4,000.

The above-mentioned quantities to be supplied in respect of the delivery period 1976/1977 shall be delivered to the Community not later than 31 December 1977.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Governments and the European Economic Community."

We have the honour to confirm the agreement of our Governments with the foregoing.

Veuillez agréer, Monsieur le Président, l'assurance de ma plus haute considération.

Please accept, Sir, the assurance of my highest consideration.

Modtag, hr. Formand, forsikringen om min mest udmerkede h[ø]jagtelse.

Genehmigen Sie, Herr Präsident, den Ausdruck meiner ausgezeichnetsten Hochachtung.

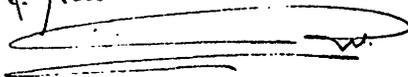
Voglija gradire, Signor Presidente, i sensi della mia più alta considerazione.

Gelieve, Mijnheer de Voorzitter, de verzekering van mijn bijzondere hoogachting te aanvaarden.

For the Government of Barbados

*Rock (Hanks)*

Pour le Gouvernement de la République populaire du Congo

*Cat* *Y. Paoul*  


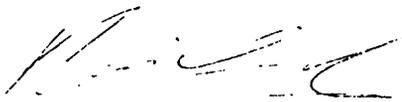
For the Government of Fiji

*P. W. Bane*

For the Government of the Co-operative Republic of Guyana

*J. Abang*

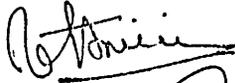
For the Government of Jamaica



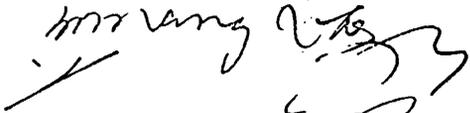
For the Government of the Republic of Kenya



Pour le Gouvernement de la République démocratique de Madagascar



For the Government of the Republic of Malawi



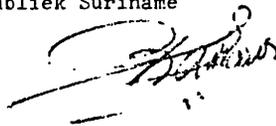
Pour le Gouvernement de l'Ile Maurice



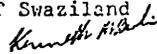
For the Government of the Republic of Uganda



Namens de Regering van de Republiek Suriname



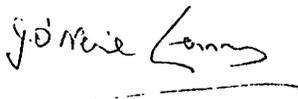
For the Government of the Kingdom of Swaziland



For the Government of the United Republic of Tanzania



For the Government of Trinidad and Tobago





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 and the Republic of UGANDA, on the guaranteed prices for cane sugar for 1977/1978 (6 July 1977) (1) (2) (3) (4)

Brussels, 6 July 1977

Sir,

1. In the negotiations referred to in Article 5(4) of Protocol 3 annexed to the ACP-EEC Convention of Lomé the representatives of the ACP States referred to in that Protocol and the Commission, on behalf of the European Economic Community, acknowledged the joint obligations and responsibilities deriving from the Convention and reaffirmed their determination fully to implement the provisions of the Protocol.

Following the conclusions of the said negotiations the parties have agreed as follows:

For the period 1 May 1977 to 30 June 1978 the guaranteed prices referred to in Article 5(4) of the Protocol shall be:

- 
- (1) A similar exchange of letters took place mutatis mutandis between the Community and the following ACP States: 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 Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, and the Republic of Uganda.
  - (2) This Agreement was published in OJ L 168/77
  - (3) See Council Regulation (EEC) No 1508/77 of 5 July 1977 concerning this Agreement, p. 283
  - (4) Council Regulation (EEC) No 1654/76 on the conclusion of the Agreement on the guaranteed prices for cane sugar for the 1976/1977 marketing year (see Compilation of Texts I) appears in Official Journal of the European Communities No L 176, p. 3, of 1.7.1976

- (a) for raw sugar, 27.25 units of account per 100 kilograms;
- (b) for white sugar, 33.83 units of account per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community rules, unpacked, and cif European ports of the Community.

2. Having regard to the change in the definition of the Community's intervention prices and other relevant factors, the Community expects that the guaranteed price for ACP raw sugar and the adoption of the special self-balancing storage levy system for preferential sugar will enable the ACP States to secure on the Community market during the 1977/1978 delivery period a price of not less than 28.20 units of account per 100 kilograms.
3. In respect of ACP white sugar the Community expects that the guaranteed price will result in a market price of 35.60 units of account per 100 kilograms.

I take the opportunity to inform you that the Community has just adopted amending legislation in order that a special self-balancing storage levy system shall apply to imported preferential sugar with effect from 1 July 1977.

I should be obliged if you would **acknowledge** receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.

Modtag, hr. ambassadør, forsikringen om min udmærkede  
opjagtelse.

Genehmigen Sie, Herr Botschafter, den Ausdruck meiner ausge-  
zeichneten Hochachtung.

Please accept, Sir, the assurance of my highest  
consideration.

Je vous prie d'agréer, Monsieur l'Ambassadeur, l'assurance  
de ma très haute considération.

Voglia gradire, Signor Ambasciatore, i sensi della mia  
alta considerazione.

Gelieve, Exoellentie, de verzekering mijner zeer bij-  
zondere hoogachting te willen aanvaarden.

For Rådet for De europæiske Fællesskaber  
Für den Rat der Europäischen Gemeinschaften  
For the Council of the European Communities  
Au nom du Conseil des Communautés européennes  
A nome del Consiglio delle Comunità Europee  
Namens de Raad van de Europese Gemeenschappen



Brussels, 6 July 1977

Sir,

I have the honour to acknowledge receipt of your letter of today which reads as follows:

- "1. In the negotiations referred to in Article 5(4) of Protocol 3 annexed to the ACP-EEC Convention of Lomé the representatives of the ACP States referred to in that Protocol and the Commission, on behalf of the European Economic Community, acknowledged the joint obligations and responsibilities deriving from the Convention and reaffirmed their determination fully to implement the provisions of the Protocol.

Following the conclusions of the said negotiations the parties have agreed as follows:

For the period 1 May 1977 to 30 June 1978 the guaranteed prices referred to in Article 5(4) of the Protocol shall be:

- (a) for raw sugar, 27.25 units of account per 100 kilograms;
- (b) for white sugar, 33.83 units of account per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community rules, unpacked, and cif European ports of the Community.

2. Having regard to the change in the definition of the Community's intervention prices and other relevant factors, the Community expects that the guaranteed price for ACP raw sugar and the adoption of the special self-balancing storage levy system for preferential sugar will enable the ACP States to secure on the Community market during the 1977/1978 delivery period a price of not less than 28.20 units of account per 100 kilograms.
  
3. In respect of ACP white sugar the Community expects that the guaranteed price will result in a market price of 35.60 units of account per 100 kilograms.

I take the opportunity to inform you that the Community has just adopted amending legislation in order that a special self-balancing storage levy system shall apply to imported preferential sugar with effect from 1 July 1977.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community."

I have the honour to confirm the agreement of my Government with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

Veuillez agréer, Monsieur le Président, l'assurance de ma plus haute considération.

Modtag, hr. Formand, forsikringen om min mest udmerkede høgjagtelse.

Genehmigen Sie, Herr Präsident, den Ausdruck meiner ausgezeichnetsten Hochachtung.

Voglia gradire, Signor Presidente, i sensi della mia più alta considerazione.

Gelieve, Mijnheer de Voorzitter, de verzekering van mijn bijzondere hoogachting te aanvaarden.

For the Government of Barbados  
Pour le Gouvernement de la Barbade (1)  
For Regeringen for Barbados  
Für die Regierung von Barbados  
Per il Governo delle Barbados  
Voor de regering van Barbados

Stuart (H. H. H.)

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(1) See footnote (1) p. 65

I - ACP-EEC ACTS

3. ACTS OF THE COMMITTEE ON INDUSTRIAL DEVELOPMENT



RULES OF PROCEDURE OF THE  
COMMITTEE ON INDUSTRIAL CO-OPERATION

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Article 1

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

Article 2

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

Article 3

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

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

#### Article 4

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

#### Article 5

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

They may be represented by persons appointed by them.

#### Article 6

At the request of the ACP States or the Community, the Committee may decide to hold meetings without the participation provided for in Article 8 of Decision N° 1/76 of the Council of Ministers, of observers from regional economic groupings of ACP States.

#### Article 7

Meetings of the Committee shall not be public.

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

Article 8

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

Article 9

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

Article 10

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

Article 11

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

Article 12

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

Article 13

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

Article 14

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

Done at Brussels, 21 March 1977

For the Committee on  
Industrial Co-operation

The Chairman

A handwritten signature in black ink, appearing to read 'L.C.J. Martin', written over a horizontal line.

L.C.J. MARTIN

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

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

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THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

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

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

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

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

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

HAS DECIDED AS FOLLOWS:

Article 1

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

Article 2

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

Done at Brussels, 20 December 1976

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



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

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

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THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

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

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

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

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

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

HAS DECIDED AS FOLLOWS:

Sole Article

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

3. The Director shall regularly inform the Chairman of the Committee on Industrial Co-operation of employment contracts concluded and the terms thereof.

Done at Brussels, 20 December 1976

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



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

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

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THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

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

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

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

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

HAS DECIDED AS FOLLOWS:

Article 1

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

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

Article 2

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

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

The Chairman

L.C.J. MARTIN



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

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

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THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

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

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

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

Whereas these conditions of employment should also apply to the Director and Deputy Director of the Centre, who are appointed by the Committee on Industrial Co-operation, hereinafter called the "Committee", pursuant to Article 3(1) and (2) of Decision No 2/76 of the ACP-EEC Council of Ministers,

HAS DECIDED AS FOLLOWS:

TITLE I

GENERAL PROVISIONS

Article 1

1. This Decision lays down the conditions of employment applicable to:
  - the Director and Deputy Director of the Centre;
  - the staff of the Centre;
  - the local staff of the Centre.
  
2. For the purposes of this Decision persons engaged to perform advisory duties which require university education or equivalent professional experience shall be regarded as staff.

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

TITLE II

STAFF

CHAPTER 1

Provisions concerning recruitment

Article 2

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

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

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

Article 3

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

Staff shall be graded according to qualifications and professional experience.

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

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

Article 4

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

CHAPTER 2

Rights and obligations

Article 5

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

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

Article 6

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

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

Article 7

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

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

Article 8

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

Article 9

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

Article 10

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

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

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

Article 11

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

Article 12

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

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

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

Article 13

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

Article 14

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

Article 15

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

CHAPTER 3

Conditions of engagement

Article 16

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

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

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

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

#### Article 17

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

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

### CHAPTER 4

#### Working conditions

#### Article 18

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

#### Article 19

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

Article 20

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

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

Article 21

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

Article 22

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

Article 23

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

Article 24

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

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

Article 25

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

Article 26

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

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

CHAPTER 5

Remuneration and expenses

Article 27

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

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

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

Article 28

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

Article 29

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

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

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

Article 30

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

CHAPTER 6

Recovery of overpayments

Article 31

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

CHAPTER 7

Termination of employment

Article 32

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

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

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

Article 33

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

TITLE III

THE DIRECTOR AND DEPUTY DIRECTOR

Article 34

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

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

TITLE IV

LOCAL STAFF

Article 35

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

Article 36

The conditions of employment of local staff and in particular:

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

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

Article 37

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

TITLE V

FINAL PROVISION

Article 38

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

Done at Brussels, 28 July 1977

For the Committee on  
Industrial Co-operation  
The Chairman

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DECISION No. 3/77/CIC  
of the Committee on Industrial Co-operation  
OF 15 FEBRUARY 1977  
adopting the Financial Regulation of the  
ACP-EEC Centre  
for Industrial Development

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THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

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

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

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

HAS DECIDED TO ADOPT THIS FINANCIAL REGULATION OF THE CENTRE:

I. GENERAL PRINCIPLES

Article 1

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

Article 2

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

Article 3

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

Article 4

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

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

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

II. ESTABLISHMENT OF THE BUDGET

Article 5

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

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

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

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

#### Article 6

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

#### Article 7

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

III. IMPLEMENTATION OF THE BUDGET

Article 8

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

Article 9

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

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

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

Article 10

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

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

Article 11

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

IV. ADMINISTRATION OF THE BUDGET

Article 12

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

Article 13

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

Article 14

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

Article 15

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

Article 16

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

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

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

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

#### Article 17

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

#### Article 18

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

Article 19

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

V. AUDITOR

Article 20

The Committee shall appoint an auditor.

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

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

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

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

## VI. GENERAL PROVISIONS

### Article 21

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

However, they may be concluded by direct agreement

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

Article 22

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

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

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

2. The sale of movable property and equipment of a unit purchase value in excess of 500 EUA shall be suitably advertised.

3. A record signed by both the Director of the Centre and the person responsible for the equipment shall be drawn up whenever any property or article in the inventory is disposed of, scrapped or is missing on account of loss, theft, or any other reason.

Article 23

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

2. Entries shall be made on the basis of an accounting system comprising a nomenclature of budgetary items which makes a clear distinction between the accounts which permit the balance sheet to be drawn up and those which permit the revenue and expenditure account to be drawn up. These entries shall be recorded in books or on cards, which shall make it possible to draw up a general monthly balance.
3. Each quarter a statement shall be drawn up showing the situation of the current budget and the expenditure effected.
4. The balance sheet and the revenue and expenditure account shall be submitted to the Committee in EUA.

Done at Brussels, 15 February 1977

For the Committee on Industrial  
Co-operation

The Chairman

J.L.C. MARTIN

---



DECISION No 4/77/CIC  
OF THE COMMITTEE ON INDUSTRIAL CO-OPERATION  
OF 26 JULY 1977

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

---

THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

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

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

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

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

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

HAS DECIDED AS FOLLOWS:

Sole Article

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

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

(s.) Gabriel O. IJEWERE

---

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

---

I. EXPENDITURE

A. Administrative expenditure

		<u>Amount in EUA</u>	
		<u>Net</u>	<u>Gross</u>
(a) <u>Personnel</u>			
Director, Deputy Director			
5 technical advisers			
2 special duty officers	241,000		
2 assistants, 1 accountant	33,875		
5 secretaries, 1 messenger	48,000		
TOTAL salaries		322,875	398,655 <sup>(1)</sup>
Plus: 50% social charges and related benefits (Social security + pension)		161,437	
Installation and removal allowances and travel		88,780	
		573,092	
TOTAL personnel			
(b) <u>Office expenses</u>			
Rent		(2)	
Joint Services with ACP Group (provision to cover sharing of costs of electricity, heating, water, insurance, curtains etc.)		15,000	
Telephone installation + rent	6,887		
Telex installation + rent	1,000		
Telephone + telex calls	4,000		
TOTAL telephone + telex		13,887	

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

<sup>(2)</sup> Symbolic rent of 1 BF payable to ACP Group.

Amount in EUA

Photocopier rent	1,300
Stationery (including printing + office supplies)	5,000
Postage (including customs)	3,000
Subscriptions + publications	2,500
Cleaning	5,000
Insurance: office contents	100
Repairs + maintenance + sundries	5,000
<b>TOTAL office expenses</b>	<b>51,787</b>

**(c) Transport, travel + representation**

European trips	8,750
ACP trips	30,000
Contingency travel (car hire, taxi etc., emergency travel)	8,000
Representation (entertainment)	8,000
<b>TOTAL travel + representation</b>	<b>54,750</b>
Advisory Council expenses	28,750
<b>TOTAL transport + representation</b>	<b>83,500</b>

**(d) Office furniture + equipment**

Basic furniture (including additions to original order)	18,500
Cloakroom - cupboard	898
Typewriters	6,000
Adding machines	140
Refrigerator	125
Dictaphones	3,000
Extra furniture + equipment (unforeseen)	3,000
<b>TOTAL furniture + equipment</b>	<b>31,663</b>

<b>TOTAL Administrative expenditure</b>	<b>740,042</b>
SAY	710,000
	=====

B. Programme Expenditure

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

GRAND TOTAL (A + 3)

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

II. REVENUE

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

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II - ACCESSIONS

(a) Acts of accession (Article 89)



Brussels, 15 July 1977

INSTRUMENT OF ACCESSION OF THE REPUBLIC OF SURINAM  
TO THE ACP-EEC CONVENTION OF LOME

Sir,

Whereas the Treaty establishing the European Economic Community was signed at Rome on 25 March 1957;

Whereas it is provided in Part Four of that Treaty that the Community may conclude association agreements with overseas countries and territories;

Whereas the Community concluded an Association Agreement with Surinam, as part of the Kingdom of the Netherlands, on 1 September 1962;

Whereas Surinam acquired independence on 25 November 1975;

Whereas the ACP-EEC Convention of Lomé was signed on 28 February 1975;

Whereas the Government of the Republic of Surinam deems it desirable that the Republic should accede to that Convention;

The Government of the Republic of Surinam hereby requests that the Republic of Surinam be admitted as a full member of the ACP States and become party to the ACP-EEC Convention of Lomé in accordance with Article 89(1) thereof, and hereby declares that the Republic of Surinam accepts the obligations resulting from that Convention.

In witness thereof, I, Henck Arron, Minister for General and Foreign Affairs of the Republic of Surinam, have signed and sealed this letter to constitute an instrument of accession.

(s.) H.A.E. ARRON  
Prime Minister,  
Minister for General and Foreign  
Affairs of the Republic of Surinam

---

INSTRUMENT OF ACCESSION OF THE REPUBLIC OF SEYCHELLES  
TO THE LOME CONVENTION

To the Council of Ministers:

Whereas on 10 June 1976 the Republic of Seychelles submitted a request for accession to the ACP-EEC Convention of Lomé;

Whereas that request has been approved in accordance with the arrangements laid down by the European Economic Community and the Republic of Seychelles;

Whereas it is provided in Article 89 of the ACP-EEC Convention of Lomé that a country shall accede to that Convention by depositing an instrument of accession with the Secretariat of the Council of the European Communities;

Therefore, I JAMES RICHARD MARIE MANCHAM, President of the Republic of Seychelles, declare that the Republic of Seychelles hereby accedes to the ACP-EEC Convention of Lomé.

Done at Victoria on the 14th day of August one thousand nine hundred and seventy six.

(s.) JAMES R. MANCHAM  
President



Brussels, 13 August 1976

INSTRUMENT OF ACCESSION OF THE COMORO STATE  
TO THE ACP-EEC CONVENTION OF LOME

Sir,

Having regard to the Treaty establishing the European Economic Community, signed at Rome on 25 March 1957;

Having regard to Part four of that Treaty, which provides that the Community may conclude association agreements with overseas countries and territories;

Having regard to the Association Agreement concluded by the Community with the French Republic, associating the Territory of the Comoros as an integral part of the French Republic,

Having regard to the ACP-EEC Convention of Lomé, signed on 28 February 1975;

Having regard to the declaration of the Chamber of Deputies of the Comoros of 6 July 1975 proclaiming the Comoros independent;

Having regard to decree No 76-01 of 6 January 1976 appointing the Prime Minister;

Having regard to decree No 76-02 of 9 January 1976 reorganizing the departments of the executive;

Having regard to decree No 76-03 of 9 January 1976 on the composition of the Government;

Having regard to the request dated 18 November 1975 that the Comoro State accede to the ACP-EEC Convention of Lomé;

Having regard to Regulation No 76- 051a authorizing such accession and giving full power to the Minister for Foreign Affairs to sign the act of accession;

The Government of the Comoro State hereby requests that the Comoro State be admitted as a full member of the ACP States and become party to the ACP-EEC Convention of Lomé in accordance with Article 89(i) thereof, and hereby declares that the Comoro State accepts the obligations resulting from that Convention.

In witness whereof I, Minister for Foreign Affairs of the Comoro State, have signed and sealed this letter as the instrument of accession to the ACP-EEC Convention of Lomé.

Done at Moroni, 13 August 1976  
Minister for Foreign Affairs,

MOUZAQIR ABDALLAH

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II - ACCESSIONS

(b) Accession Agreements (Article 90)



**AGREEMENT**  
**ON THE ACCESSION OF PAPUA NEW GUINEA**  
**TO THE ACP-EEC CONVENTION OF LOME**

---

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

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

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

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE HEAD OF STATE OF PAPUA NEW GUINEA

of the other part,

HAVING REGARD to the Treaty establishing the European Economic Community,

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

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

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

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

HIS MAJESTY THE KING OF THE BELGIANS:

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

HER MAJESTY THE QUEEN OF DENMARK:

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

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

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

THE PRESIDENT OF THE FRENCH REPUBLIC:

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

THE PRESIDENT OF IRELAND:

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

THE PRESIDENT OF THE ITALIAN REPUBLIC:

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

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

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

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

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

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

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

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

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

THE HEAD OF STATE OF PAPUA NEW GUINEA:

Peter Dickson DONIGI,  
Chargé d'Affaires;

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

HAVE AGREED AS FOLLOWS:

ARTICLE 1

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

ARTICLE 2

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

ARTICLE 3

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

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

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

ARTICLE 4

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

ARTICLE 5

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

ARTICLE 6

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

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TIL BEKRÆFTELSE HERAF har undertegnede befuldmægtigede underskrevet denne aftale.

ZU ÜBKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have affixed their signatures below this Agreement.

EN FOI DE QUOI, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

IN FEDE DI CHE, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo.

TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.

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

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

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

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

Fatto a Bruxelles, addi' ventotto marzo millenovecentosettantasette.

Gedaan te Erüssel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour Sa Majesté le Roi des Belges  
Voor Zijne Majesteit de Koning der Belgen

J. Van der Meulen

For Hennes Majestæt Danmarks Dronning

C. Løgstøl - Rittau

Für den Präsidenten der Bundesrepublik Deutschland

H. Rittau

Pour le Président de la République française

J. Rittau

For the President of Ireland

Brendan Dillon

Per il Presidente della Repubblica italiana.

*Paolo M. Antici*

Pour Son Altesse Royale le Grand-Duc de Luxembourg

*[Signature]*

Voor Hare Majesteit de Koningin der Nederlanden

*[Signature]*

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

*Donald Maitland*

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

*Jarua Maitland*

*C. Cheyrom*

For the Head of State of Papua New Guinea

*[Signature]*

PROTOCOL

concerning the transitional arrangements for the issue of  
certificates of origin

THE HIGH CONTRACTING PARTIES

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

Goods which conform to the provisions of Protocol No 1 to the  
ACP-EEC Convention of Lomé on the concept of "originating"  
products and which, on the date of entry into force of the  
Agreement, are being either transported or held in the  
Community or in an ACP State in temporary storage, in bonded  
warehouses or in free zones (including free ports and free  
warehouses) may be allowed to benefit under the provisions of  
the Agreement, subject to the submission to the Customs  
authorities in the importing State, within four months of  
the said date, of:

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

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

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FINAL ACT

The Plenipotentiaries of

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

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

The Plenipotentiary

OF THE HEAD OF STATE OF PAPUA NEW GUINEA,

of the other part,

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

HAVE ADOPTED THE FOLLOWING TEXTS:

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

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

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

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

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

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

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

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

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

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

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

---

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

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

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

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Gedaan te Brussel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour Sa Majesté le Roi des Belges  
Voor Zijne Majesteit de Koning der Belgen

J. van der Meulen

For Hendes Majestæt Danmarks Dronning

C. Lyngby

Für den Präsidenten der Bundesrepublik Deutschland

W. Ritter

Pour le Président de la République française

J. d. M. L.

For the President of Ireland

Bernard Dillon

per il Presidente della Repubblica italiana

*Paolo M. Antonicelli*

Pour Son Altesse Royale le Grand-Duc de Luxembourg

*James*

Voor Hare Majesteit de Koningin der Nederlanden

*Her Majesty*

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

*Donna Maitland*

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

*Donna Maitland*

*C. Cheyrow*

For the Head of State of Papua New Guinea

*John*

EXCHANGE OF LETTERS  
BETWEEN THE PRESIDENT OF THE COUNCIL OF THE EUROPEAN COMMUNITIES  
AND THE PLENIPOTENTIARY OF THE HEAD OF  
STATE OF PAPUA NEW GUINEA ON  
THE ADVANCE IMPLEMENTATION OF CERTAIN  
PROVISIONS OF THE  
ACP-EEC CONVENTION OF LOMÉ

---

Brussels, 28 March 1977

Sir,

On the occasion of the signing of the Agreement on the accession of Papua New Guinea to the ACP-EEC Convention of Lomé, the signatories to the Accession Agreement agreed on the following with regard to the advance implementation of certain measures under the ACP-EEC Convention of Lomé, save for measures involving financial commitments.

The European Economic Community and Papua New Guinea shall unilaterally apply from the first day of the second month following the date of signing of this Exchange of Letters certain provisions of the ACP-EEC Convention of Lomé in accordance with the arrangements laid down in the Accession Agreement, namely:

- Chapter 1 of Title I of the Convention;
- the Protocol on the concept of "originating products"
- the Protocols concerning rum and bananas and the Declaration concerning fishing activities.

To this effect, each Contracting Party shall take the necessary measures for the implementation of the said provisions. These will be applied until the entry into force of the Accession Agreement or until 31 December 1977 at the latest.

Kindly acknowledge receipt of this letter and signify your agreement on its content.

Modtag, hr. Minister, forsikringen om min mest udmerkede  
højagtelse.

Genehmigen Sie, Herr Minister, den Ausdruck meiner aus-  
gezeichnetsten Hochachtung.

Please accept, Sir, the assurance of my highest  
consideration.

Veillez agréer, Monsieur le Ministre, l'assurance  
de ma plus haute considération.

Voglia gradire, Signor Ministro, i sensi della mia  
più alta considerazione.

Gelieve, Mijnheer de Minister, de verzekering van mijn  
bijzondere hoogachting te aanvaarden.

For Rådet for De europæiske Fællesskaber  
Für den Rat der Europäischen Gemeinschaften  
For the Council of the European Communities  
Au nom du Conseil des Communautés européennes  
A nome del Consiglio delle Comunità Europee  
Namens de Raad van de Europese Gemeenschappen

*Jonas Maitland*

*C. Cheyrow*

Brussels, 28 March 1977

Sir,

I have the honour to acknowledge receipt of your letter of today's date, reading as follows:

"On the occasion of the signing of the Agreement on the accession of Papua New Guinea to the ACP-EEC Convention of Lomé, the signatories to the Accession Agreement agreed on the following with regard to the advance implementation of certain measures under the ACP-EEC Convention of Lomé, save for measures involving financial commitments.

The European Economic Community and Papua New Guinea shall unilaterally apply from the first day of the second month following the date of signing of this Exchange of Letters certain provisions of the ACP-EEC Convention of Lomé in accordance with the arrangements laid down in the Accession Agreement, namely:

- Chapter 1 of Title I of the Convention;
- the Protocol on the concept of "originating products"
- the Protocols concerning rum and bananas and the Declaration concerning fishing activities.

To this effect, each Contracting Party shall take the necessary measures for the implementation of the said provisions. These will be applied until the entry into force of the Accession Agreement or until 31 December 1977 at the latest.

Kindly acknowledge receipt of this letter and signify your agreement on its content."

I have the honour to confirm to you the agreement of my Government to the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

Modtag, hr. Formand, forsikringen om min mest udmærkede højagtelse.

Genehmigen Sie, Herr Präsident, den Ausdruck meiner ausgezeichnetsten Hochachtung.

Veillez agréer, Monsieur le Président, l'assurance de ma plus haute considération.

Voglia gradire, Signor Presidente, i sensi della mia più alta considerazione.

Gelieve, Mijnheer de Voorzitter, de verzekering van mijn bijzondere hoogachting te aanvaarden.

For the Government of Papua New Guinea  
For Regeringen for Papua-Ny Guinea  
Für die Regierung von Papua-Neuguinea  
Pour le Gouvernement de la Papouasie Nouvelle-Guinée  
A nome del Governo di Papua Nuova Guinea  
Namens de Regering van Papoea Nieuw-Guinea

A handwritten signature in black ink, appearing to be 'J. King', written in a cursive style.

AGREEMENT  
ON THE ACCESSION OF THE DEMOCRATIC REPUBLIC  
OF SÃO TOMÉ AND PRÍNCIPE  
TO THE ACP-EEC CONVENTION OF LOME

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

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

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

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND PRÍNCIPE,

of the other part,

HAVING REGARD to the Treaty establishing the European Economic Community,

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

WHEREAS the Democratic Republic of São Tomé and Príncipe has applied to accede to the Convention,

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

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

HIS MAJESTY THE KING OF THE BELGIANS:

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

HER MAJESTY THE QUEEN OF DENMARK:

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

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

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

THE PRESIDENT OF THE FRENCH REPUBLIC:

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

THE PRESIDENT OF IRELAND:

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

THE PRESIDENT OF THE ITALIAN REPUBLIC:

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

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

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

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

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

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

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

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

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

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND  
PRÍNCIPE:

Leonel MARIO DALVA,  
Minister for Foreign Affairs;

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

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. Under this Agreement, the Democratic Republic of São Tomé and Príncipe, hereinafter called "São Tomé and Príncipe", shall accede to the Convention.
2. Save as otherwise provided in this Agreement, the Convention and the decisions and other implementing measures taken by the institutions of the Convention shall apply to São Tomé and Príncipe.

ARTICLE 2

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

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

ARTICLE 3

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

ARTICLE 4

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

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

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

#### ARTICLE 5

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

#### ARTICLE 6

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

#### ARTICLE 7

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

---

TIL BEKRÆFTELSE HERAF har undertegnede befuldmægtigede underskrevet denne aftale.

ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have affixed their signatures below this Agreement.

EN FOI DE QUOI, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

IN FEDE DI CHE, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo.

TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.

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

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

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

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

Fatto a Bruxelles, addi' ventotto marzo millenovecentosettantasette.

Gedaan te Brussel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour Sa Majesté le Roi des Belges  
Voor Zijne Majesteit de Koning der Belgen

*J. van der Meer*

For Hendes Majestæt Danmarks Dronning

*C. Lyngby - Petersen*

Für den Präsidenten der Bundesrepublik Deutschland

*W. Ritter*

Pour le Président de la République française

*J. G. M. L.*

For the President of Ireland

*Brendan Dillon*

Per il Presidente della Repubblica italiana

*Paolo M. Aniasi*

Pour Son Altesse Royale le Grand-Duc de Luxembourg

*J. Nassau*

Voor Hare Majesteit de Koningin der Nederlanden

*W. A. S. B. de*

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

*Donald Maclean*

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

*Donald Maclean*

*C. C. Kayman*

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

*J. Silva*

PROTOCOL

concerning the transitional arrangements for the issue of  
certificates of origin

THE HIGH CONTRACTING PARTIES

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

Goods which conform to the provisions of Protocol No 1 to the  
ACP-EEC Convention of Lomé on the concept of "originating"  
products and which, on the date of entry into force of the  
Agreement, are being either transported or held in the  
Community or in an ACP State in temporary storage, in bonded  
warehouses or in free zones (including free ports and free  
warehouses) may be allowed to benefit under the provisions of  
the Agreement, subject to the submission to the Customs  
authorities in the importing State within four months of  
the said date, of:

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

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

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FINAL ACT

The Plenipotentiaries of

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

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

The Plenipotentiary

OF THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND  
PRÍNCIPE,

of the other part,

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

HAVE ADOPTED THE FOLLOWING TEXTS:

the Agreement on the accession of the Democratic Republic of  
São Tomé and Príncipe to the ACP-EEC Convention of Lomé and  
the Protocol on the transitional arrangements for the issue  
of certificates of origin.

The Plenipotentiary of the President of the Democratic Republic of São Tomé and Príncipe has stated that the Democratic Republic of São Tomé and Príncipe associates itself with the following declarations, insofar as they continue to apply:

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

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

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

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

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

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

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

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

"In the field of financial and technical co-operation, the European Economic Community will take measures, with particular reference to the programming of aid, such as to permit the effective application of the relevant provisions of the Convention as soon as the Agreement on the accession of the Democratic Republic of São Tomé and Príncipe to the ACP-EEC Convention of Lomé enters into force."

---

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

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

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

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

Fatto a Bruxelles, addi' ventotto marzo millenovecentosettantasette.

Gedaan te Brussel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour Sa Majesté le Roi des Belges  
Voor Zijne Majesteit de Koning der Belgen

*J. van der Meulen*

For Hendes Majestæt Danmarks Dronning

*E. Gyldenløve-Rasmussen*

Für den Präsidenten der Bundesrepublik Deutschland

*W. Ritter*

Pour le Président de la République française

*J. de Neufville*

For the President of Ireland

*Brendan Dillon*

Per il Presidente della Repubblica italiana

*Paolo M. Anzilotti*

Pour Son Altesse Royale le Grand-Duc de Luxembourg

*James*

Voor Hare Majesteit de Koningin der Nederlanden

*Donald Maitland*

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

*Donald Maitland*

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

*Donald Maitland*

*C. Chyngon*

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

*J. Silva*

EXCHANGE OF LETTERS  
BETWEEN THE PRESIDENT OF THE COUNCIL OF THE EUROPEAN COMMUNITIES  
AND THE PLENIPOTENTIARY OF THE PRESIDENT OF THE  
DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE  
ON THE ADVANCE IMPLEMENTATION OF CERTAIN  
PROVISIONS OF THE ACP-EEC CONVENTION OF LOME

---

Brussels, 28 March 1977

Sir,

On the occasion of the signing of the Agreement on the accession of the Democratic Republic of São-Tomé and Príncipe to the ACP-EEC Convention of Lomé, the signatories to the Accession Agreement agreed on the following with regard to the advance implementation of certain measures under the ACP-EEC Convention of Lomé, save for measures involving financial commitments.

The European Economic Community and the Democratic Republic of São-Tomé and Príncipe shall unilaterally apply from the first day of the second month following the date of signing of this Exchange of Letters certain provisions of the ACP-EEC Convention of Lomé in accordance with the arrangements laid down in the Accession Agreement, namely:

- Chapter 1 of Title I of the Convention;
- the Protocol on the concept of "originating products"
- the Protocols concerning rum and bananas and the Declaration concerning fishing activities.

To this effect, each Contracting Party shall take the necessary measures for the implementation of the said provisions. These will be applied until the entry into force of the Accession Agreement or until 31 December 1977 at the latest.

Kindly acknowledge receipt of this letter and signify your agreement on its content.

Modtag, hr. Minister, forsikringen om min mest udmærkede  
højagtelse.

Genehmigen Sie, Herr Minister, den Ausdruck meiner aus-  
gezeichnetsten Hochachtung.

Please accept, Sir, the assurance of my highest  
consideration.

Veuillez agréer, Monsieur le Ministre, l'assurance  
de ma plus haute considération.

Voglia gradire, Signor Ministro, i sensi della mia  
più alta considerazione.

Gelieve, Mijnheer de Minister, de verzekering van mijn  
bijzondere hoogachting te aanvaarden.

For Rådet for De europæiske Fællesskaber  
Für den Rat der Europäischen Gemeinschaften  
For the Council of the European Communities  
Au nom du Conseil des Communautés européennes  
A nome del Consiglio delle Comunità Europee  
Namens de Raad van de Europese Gemeenschappen

*Donald Maitland*

*C. C. Heyman*

Monsieur le Président,  
Hr. formand,  
Herr Präsident!  
Sir,  
Signor Presidente,  
Mijnheer de Voorzitter,

Brussels, 28 March 1977

I have the honour to acknowledge receipt of your letter of today's date, reading as follows:

"On the occasion of the signing of the Agreement on the accession of the Democratic Republic of São-Tomé and Príncipe to the ACP-EEC Convention of Lomé, the signatories to the Accession Agreement agreed on the following with regard to the advance implementation of certain measures under the ACP-EEC Convention of Lomé, save for measures involving financial commitments.

The European Economic Community and the Democratic Republic of São-Tomé and Príncipe shall unilaterally apply from the first day of the second month following the date of signing of this Exchange of Letters certain provisions of the ACP-EEC Convention of Lomé in accordance with the arrangements laid down in the Accession Agreement, namely:

- Chapter 1 of Title I of the Convention;
- the Protocol on the concept of "originating products"
- the Protocols concerning rum and bananas and the Declaration concerning fishing activities.

To this effect, each Contracting Party shall take the necessary measures for the implementation of the said provisions. These will be applied until the entry into force of the Accession Agreement or until 31 December 1977 at the latest.

Kindly acknowledge receipt of this letter and signify your agreement on its content."

I have the honour to confirm to you the agreement of my Government to the contents of this letter.

Veillez agréer, Monsieur le Président, l'assurance de ma plus haute considération.

Modtag, hr. Formand, forsikringen om min mest udmærkede højagtelse.

Genehmigen Sie, Herr Präsident, den Ausdruck meiner ausgezeichnetsten Hochachtung.

Please accept, Sir, the assurance of my highest consideration.

Voglia gradire, Signor Presidente, i sensi della mia più alta considerazione.

Gelieve, Mijnheer de Voorzitter, de verzekering van mijn bijzondere hoogachting te aanvaarden.

Au nom du Gouvernement de la République démocratique  
de São Tomé et Príncipe  
For Regeringen for Den demokratiske republik Sao Tomé  
og Príncipe  
Für die Regierung der Demokratischen Republik São Tomé  
und Príncipe  
For the Government of the Democratic Republic of São Tomé  
and Príncipe  
A nome del Governo della Repubblica democratica di  
São Tomé e Príncipe  
Namens de Regering van de Democratische Republiek São Tomé  
en Príncipe

A handwritten signature in black ink, appearing to be 'J. Silva', written over the printed text of the signature line.



AGREEMENT  
ON THE ACCESSION OF THE REPUBLIC  
OF CAPE VERDE  
TO THE ACP-EEC CONVENTION OF LOME

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

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

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

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,

of the other part,

HAVING REGARD to the Treaty establishing the European Economic Community,

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

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

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

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

HIS MAJESTY THE KING OF THE BELGIANS:

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

HER MAJESTY THE QUEEN OF DENMARK:

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

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

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

THE PRESIDENT OF THE FRENCH REPUBLIC:

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

THE PRESIDENT OF IRELAND:

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

THE PRESIDENT OF THE ITALIAN REPUBLIC:

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

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

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

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

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

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

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

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

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE:

José BRITO,  
State Secretary for co-operation and planning;

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

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. Under this Agreement, the Republic of Cape Verde, hereinafter called "Cape Verde", shall accede to the Convention.
2. Save as otherwise provided in this Agreement, the Convention and the decisions and other implementing measures taken by the institutions of the Convention shall apply to Cape Verde.

ARTICLE 2

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

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

ARTICLE 3

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

ARTICLE 4

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

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

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

#### ARTICLE 5

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

#### ARTICLE 6

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

#### ARTICLE 7

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

---

TIL BEKRÆFTELSE HERAF har undertegnede befuldmægtigede underskrevet denne aftale.

ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have affixed their signatures below this Agreement.

EN FOI DE QUOI, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

IN FEDE DI CHE, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo.

TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.

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

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

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

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

Fatto a Bruxelles, addi' ventotto marzo millenovecentosettantasette.

Gedaan te Brussel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour Sa Majesté le Roi des Belges  
Voor Zijne Majesteit de Koning der Belgen

*J. van der Meer*

For Hendes Majestæt Danmarks Dronning

*C. Gyöffy-Ottó*

Für den Präsidenten der Bundesrepublik Deutschland

*W. Ritter*

Pour le Président de la République française

*J. d. M.*

For the President of Ireland

*Brenda Dillon*

Per il Presidente della Repubblica italiana

*Paolo VI Andrié*

Pour Son Altesse Royale le Grand-Duc de Luxembourg

*J. Mon*

Voor Hare Majesteit de Koningin der Nederlanden

*W. van der Stoep*

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

*Donald Maitland*

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

*Donald Maitland*

*C. Cheyrou*

Pour le Président de la République de Cap-Vert

*[Signature]*

PROTOCOL

concerning the transitional arrangements for the issue of  
certificates of origin

THE HIGH CONTRACTING PARTIES

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

Goods which conform to the provisions of Protocol No 1 to the  
ACP-EEC Convention of Lomé on the concept of "originating"  
products and which, on the date of entry into force of the  
Agreement, are being either transported or held in the  
Community or in an ACP State in temporary storage, in bonded  
warehouses or in free zones (including free ports and free  
warehouses) may be allowed to benefit under the provisions of  
the Agreement, subject to the submission to the Customs  
authorities in the importing State, within four months of  
the said date, of:

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

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

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FINAL ACT

The Plenipotentiaries of

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

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

The Plenipotentiary

OF THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,

of the other part,

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

HAVE ADOPTED THE FOLLOWING TEXTS:

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

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

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

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

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

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

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

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

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

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

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

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

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

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

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

Fatto a Bruxelles, addi' ventotto marzo millenovecentosettantasette.

Gedaan te Brussel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour Sa Majesté le Roi des Belges  
Voor Zijne Majesteit de Koning der Belgen

*J. van der Meulen*

For Heres Majestat Danmarks Dronning

*C. Lyngby-Petersen*

Für den Präsidenten der Bundesrepublik Deutschland

*H. Mittel*

Pour le Président de la République française

*J. M. L.*

For the President of Ireland

*Brendan Dillon*

Per il Presidente della Repubblica italiana

*Paolo M. Antonicelli*

Pour Son Altesse Royale le Grand-Duc de Luxembourg

*[Signature]*

Voor Hare Majesteit de Koningin der Nederlanden

*[Signature]*

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

*Donald Maitland*

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

*Donald Maitland*

*C.C. Chapman*

Pour le Président de la République de Cap-Vert

*[Signature]*

EXCHANGE OF LETTERS

BETWEEN THE PRESIDENT OF THE COUNCIL OF THE EUROPEAN COMMUNITIES  
AND THE PLENIPOTENTIARY OF THE PRESIDENT OF THE REPUBLIC OF  
CAPE VERDE ON THE ADVANCE IMPLEMENTATION OF CERTAIN  
PROVISIONS OF THE ACP-EEC CONVENTION OF LOME

---

Brussels, 28 March 1977

Sir,

On the occasion of the signing of the Agreement on the accession of the Republic of Cape Verde to the ACP-EEC Convention of Lomé, the signatories to the Accession Agreement agreed on the following with regard to the advance implementation of certain measures under the ACP-EEC Convention of Lomé, save for measures involving financial commitments.

The European Economic Community and the Republic of Cape Verde shall unilaterally apply from the first day of the second month following the date of signing of this Exchange of Letters certain provisions of the ACP-EEC Convention of Lomé in accordance with the arrangements laid down in the Accession Agreement, namely:

- Chapter 1 of Title I of the Convention;
- the Protocol on the concept of "originating products"
- the Protocols concerning rum and bananas and the Declaration concerning fishing activities.

To this effect, each Contracting Party shall take the necessary measures for the implementation of the said provisions. These will be applied until the entry into force of the Accession Agreement or until 31 December 1977 at the latest.

Kindly acknowledge receipt of this letter and signify your agreement on its content.

Modtag, hr. Minister, forsikringen om min mest udmærkede  
højagtelse.

Genehmigen Sie, Herr Minister, den Ausdruck meiner aus-  
gezeichnetsten Hochachtung.

Please accept, Sir, the assurance of my highest  
consideration.

Veillez agréer, Monsieur le Ministre, l'assurance  
de ma plus haute considération.

Voglia gradire, Signor Ministro, i sensi della mia  
più alta considerazione.

Gelieve, Mijnheer de Minister, de verzekering van mijn  
bijzondere hoogachting te aanvaarden.

For Rådet for De europæiske Fællesskaber  
Für den Rat der Europäischen Gemeinschaften  
For the Council of the European Communities  
Au nom du Conseil des Communautés européennes  
A nome del Consiglio delle Comunità Europee  
Namens de Raad van de Europese Gemeenschappen

*Donald Maitland*

*C. Cheyner*

Brussels, 28 March 1977

Monsieur le Président,  
Hr. formand,  
Herr Präsident!  
Sir,  
Signor Presidente,  
Mijnheer de Voorzitter,

I have the honour to acknowledge receipt of your letter of today's date, reading as follows:

"On the occasion of the signing of the Agreement on the accession of the Republic of Cape Verde to the ACP-EEC Convention of Lomé, the signatories to the Accession Agreement agreed on the following with regard to the advance implementation of certain measures under the ACP-EEC Convention of Lomé, save for measures involving financial commitments.

The European Economic Community and the Republic of Cape Verde shall unilaterally apply from the first day of the second month following the date of signing of this Exchange of Letters certain provisions of the ACP-EEC Convention of Lomé in accordance with the arrangements laid down in the Accession Agreement, namely:

- Chapter 1 of Title I of the Convention;
- the Protocol on the concept of "originating products"
- the Protocols concerning rum and bananas and the Declaration concerning fishing activities.

To this effect, each Contracting Party shall take the necessary measures for the implementation of the said provisions. These will be applied until the entry into force of the Accession Agreement or until 31 December 1977 at the latest.

Kindly acknowledge receipt of this letter and signify your agreement on its content."

I have the honour to confirm to you the agreement of my Government to the contents of this letter.

Veillez agréer, Monsieur le Président, l'assurance de ma plus haute considération.

Modtag, hr. Formand, forsikringen om min mest udmerkede højjagtelse.

Genehmigen Sie, Herr Präsident, den Ausdruck meiner ausgezeichnetsten Hochachtung.

Please accept, Sir, the assurance of my highest consideration.

Voglia gradire, Signor Presidente, i sensi della mia più alta considerazione.

Gelieve, Mijnheer de Voorzitter, de verzekering van mijn bijzondere hoogachting te aanvaarden.

Pour le Gouvernement de la République de Cap-Vert  
For Regeringen for republikken de kapverdiske Øer  
Für die Regierung der Republik Kap Verde  
For the Government of the Republic of Cape Verde  
A nome del Governo della Repubblica del Capo Verde  
Namens de Regering van de Republiek Kaapverdië

A handwritten signature in black ink, appearing to be 'Fritof', written over a horizontal line.



III - COMMUNITY ACTS RELATING TO THE IMPLEMENTATION OF THE  
LOME CONVENTION

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1. INTERNAL FINANCIAL AGREEMENT, AGREEMENT AMENDING  
THE INTERNAL FINANCIAL AGREEMENT, AND ACTS  
RELATING THERETO



INTERNAL AGREEMENT  
ON THE FINANCING AND ADMINISTRATION  
OF COMMUNITY AID (\*)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,  
MEETING WITHIN THE COUNCIL,

HAVING REGARD to the Treaty establishing the European Economic  
Community (hereinafter called the "Treaty"),

Whereas the ACP-EEC Convention of Lomé (hereinafter called the  
"Convention") set the aggregate amount of Community aid to the  
ACP States at 3,390 million units of account;

WHEREAS the Representatives of the Governments of the Member  
States, meeting within the Council, agreed on 16 January 1975  
to set at 150 million units of account the amount of aid to be  
borne by the European Development Fund for the benefit of the  
Overseas Countries and Territories having special relations  
with France, the Netherlands and the United Kingdom (herein-  
after called "Countries and Territories") and the French  
Overseas Departments; whereas, provision is also made for loans  
to the amount of 10 million units of account granted by the  
European Investment Bank (hereinafter called the "Bank") from  
its own resources in the Countries and Territories and in the  
French Overseas Departments;

WHEREAS in a Decision of 21 April 1975 <sup>(1)</sup>, the Council  
actually defined the unit of account applicable under the  
Convention;

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(\*) This Agreement was published in OJ No L 25/76

(1) OJ No L 104, 24.4.1975, p. 35

WHEREAS, in order to implement the Convention and the Decision concerning the Countries and Territories (hereinafter called the "Decision"), a fourth European Development Fund should be established and a procedure should be laid down for the provision of funds and for contributions from Member States to these funds;

WHEREAS the rules for the management of financial cooperation should be determined, the procedure for programming, examining and approving aid should be decided and the detailed rules for supervising the use of the aid should be defined;

WHEREAS a Committee of Representatives of the Governments of the Member States should be set up under the auspices of the Commission and a similar Committee should be set up under the auspices of the Bank;

WHEREAS the work done by the Commission and the Bank to apply the Convention and the corresponding provisions of the Decision should be harmonized; whereas it is therefore desirable that, as far as possible, the composition of the Committees set up under the auspices of the Commission and of the Bank should be identical;

WHEREAS the Council adopted on 16 July 1974 a Resolution on the harmonization and coordination of Member States' cooperation policies;

After consulting the Commission of the European Communities,

HAVE AGREED AS FOLLOWS:

CHAPTER I

**ARTICLE 1**

1. The Member States hereby set up a European Development Fund (1975)(hereinafter called the "Fund").

2. The Fund shall consist of 3,150 million units of account to be financed by the Member States as follows:

Belgium	196.875 million units of account.
Denmark	75.600 million units of account
Germany	817.425 million units of account
France	817.425 million units of account
Ireland	18.900 million units of account
Italy	378.000 million units of account
Luxembourg	6.300 million units of account
Netherlands	250.425 million units of account
United Kingdom	589.050 million units of account

3. The amount stated in paragraph 2 shall be allocated as follows:

(a) 3,000 million units of account for the ACP States, comprising:

- 2,100 million units of account in the form of grants
- 430 million units of account in the form of special loans
- 95 million units of account in the form of risk capital
- 375 million units of account in the form of transfers pursuant to Title II of the Convention;

(b) 130 million units of account for the Countries and Territories and the French Overseas Departments, comprising:

65 million units of account in the form of grants  
40 million units of account in the form of special loans  
5 million units of account in the form of risk capital  
20 million units of account as a reserve.

(c) 20 million units of account in the form of transfers for the Countries and Territories, pursuant to those provisions of the Decision which concern the system for stabilizing export earnings.

4. Where a Country or Territory which has become independent accedes to the Convention, the amounts indicated in paragraph 3(b) above shall be reduced and those indicated in paragraph 3(a) above correspondingly increased by a decision taken by the Council acting unanimously on a proposal from the Commission.
5. In this case, the country concerned will continue to be eligible for the funds provided for in paragraph 3(c), subject to the management rules laid down in Title II of the Convention.

## ARTICLE 2

To the amount laid down in Article 1 (2) shall be added up to 400 million units of account, in the form of loans granted by the Bank from its own resources under the conditions laid down by it in accordance with its Statute.

These loans shall be allocated as follows:

- (a) up to the amount of 390 million units of account, for financing operations to be carried out in the ACP States;
- (b) up to the amount of 10 million units of account, for financing operations to be carried out in the Countries and Territories and the French Overseas Departments.

#### ARTICLE 3

The unit of account used for applying this Agreement shall be that defined in the Council Decision of 21 April 1975 on the definition and conversion of the European unit of account used for expressing the amounts of aid mentioned in Article 42 of the ACP-EEC Convention of Lomé.

#### ARTICLE 4

During the first two years of application of the Convention, an amount of up to 40 million units of account may be committed in the form of risk capital.

The Commission and the Bank shall submit a joint report to the Council on the experience of the first two years. In the light of this report, the Council may review the amount made available to the Bank, within the limit of the ceiling of 100 million units of account laid down in Article 1(3)(a) and (b), and any sums made available shall be added to the funds earmarked for special loans.

#### ARTICLE 5

An amount of up to 100 million units of account shall be set aside from the grant aid specified in Article 1 (3)(a) and (b) for financing the interest rate subsidies referred to in Article 5 of Protocol No 2 to the Convention and in the corresponding provisions of the Decision. Any part of this amount not committed by the end of the period during which loans are granted by the Bank shall become available as grant aid again.

The Council may decide, on a proposal from the Commission drawn up in agreement with the Bank, to raise this ceiling.

#### ARTICLE 6

With the exception of loans granted by the Bank from its own resources, all financial operations undertaken for the benefit of the ACP States, the Countries and Territories and the French Overseas Departments shall be carried out in accordance with the conditions laid down in this Agreement and shall be charged to the Fund.

#### ARTICLE 7

1. Within one month of the entry into force of the Convention, and subsequently before 1 September each year, the Commission shall draw up estimates of the commitments to be entered into during the budget year, taking into account the Bank's forecasts in respect of the operations which it manages, and shall communicate these estimates to the Council.

2. In the same manner, the Commission shall establish and communicate to the Council the total amount of the payments to be made in the budget year in question. On the basis of this amount and taking into account cash requirements, including those arising from expenditure incurred in implementing the system referred to in Title II of the Convention and in the corresponding provisions of the Decision, the Commission shall draw up a schedule of calls for contributions determining the dates on which payment is due; the detailed rules for payment of such contributions by the Member States shall be determined by the Financial Regulation referred to in Article 30. This schedule shall be submitted by the Commission to the Council, which shall decide thereon by the qualified majority laid down in Article 18(4).

If the contributions are insufficient to meet the actual requirements of the Fund in the budget year in question, the Commission shall submit proposals for supplementary payments to the Council which shall decide thereon as soon as possible by the qualified majority laid down in Article 18(4).

3. Until used by the Commission for financing projects, programmes or transfers adopted under the conditions laid down in Articles 11 to 21 and 26 to 30, the funds obtained from the calls for contributions referred to in paragraph 2 shall remain deposited in special accounts opened by each Member State with its Treasury or with such bodies as it may designate, in accordance with the detailed rules laid down by the Financial Regulation referred to in Article 30.
4. From the date on which payment is due and throughout the period of their deposit in the special accounts referred to in paragraph 3, the funds shall retain the value in units of account corresponding to the exchange rate applying in relation to the unit of account on the date when payment fell due. The arrangements for implementing this paragraph will be defined in the Financial Regulation referred to in Article 30.

ARTICLE 8

1. Any remaining balance of the Fund shall be used up in accordance with the same rules as those laid down in the Convention, the Decision and this Agreement.
2. Upon expiry of this Agreement, Member States shall still be obliged to pay, as provided in Article 7, that portion of their contributions not yet called for.

ARTICLE 9

1. The Member States undertake to act as guarantor for the Bank, waiving any right to object and in proportion to their contributions to its capital, in respect of all financial commitments arising for its borrowers out of the loan contracts concluded by the Bank in respect of its own resources in implementation of the Convention and the Decision.
2. This guarantee shall cover all risks and shall be restricted to 30% of the total amount of the credits opened by the Bank under the loan contracts.
3. The undertakings arising from paragraphs 1 and 2 shall be the subject of contracts of guarantee between each Member State and the Bank.
4. Should the Community conclude new agreements providing for financing operations by the Bank from its own resources for countries outside the Community, this Article could, under conditions agreed with the Bank, be supplemented in such a way as to make the Member States' guarantee apply globally, according to the percentage set out in paragraph 2, to the loans thus granted to the countries in question.

ARTICLE 10

1. Payments made to the Bank in respect of special loans granted to the ACP States, the Countries and Territories and the French Overseas Departments since 1 June 1964, as well as the proceeds and income from risk capital operations undertaken since 1 February 1971 for the benefit of those States, Countries, Territories and Departments, shall be credited to the Member States in proportion to their contributions to the Fund from which the sums are derived, unless the Council decides unanimously, on a proposal from the Commission, to place them in reserve or allocate them to other operations.

Any commission due to the Bank for managing the loans and operations referred to in the first subparagraph shall be deducted in advance from these sums.

2. The amount of the grants from the Fund, as fixed in Article 1 (3)(a), shall be supplemented by any other revenue accruing to the Fund.

CHAPTER II

ARTICLE 11

1. Subject to Articles 18 to 21 and without prejudice to the Bank's responsibilities for the administration of certain forms of aid, the Fund shall be administered by the Commission in accordance with the rules laid down by the Financial Regulation referred to in Article 30.
2. Subject to Articles 22 to 24, risk capital and interest rate subsidies financed from the Fund's resources shall be administered by the Bank on behalf of the Community in accordance with its Statute and the rules laid down by the Financial Regulation referred to in Article 30.

**ARTICLE 12**

The Commission shall be responsible for implementing the aid policy defined by the Council and the general guidelines for financial and technical co-operation defined by the Council of ACP-EEC Ministers pursuant to Article #1 of the Convention.

**ARTICLE 13**

1. The Commission and the Bank shall periodically provide each other with appropriate information on the requests made to them for finance and on preliminary contacts made with them by the relevant bodies of the ACP States, or of the Countries and Territories or the French Overseas Departments, or other recipients of aid as provided for in Article 49 of the Convention and in the corresponding provisions of the Decision, before their requests were submitted.

This information shall be provided not later than three months after the request has been made or preliminary contacts have been established.

2. The Commission and the Bank shall keep each other informed of the progress made in appraising requests for finance.
3. The Commission shall channel the information referred to in paragraphs 1 and 2 through its liaison office. In addition, the liaison office shall collect and provide any general information which would promote the harmonization of administrative procedures and the assessment of requests.

**ARTICLE 14**

1. The Commission shall appraise projects which, pursuant to Article 43 of the Convention and the corresponding provisions of the Decision, could be financed by grants or special loans from the Fund's resources.

2. The Bank shall appraise projects which, pursuant to its Statute, Article 43 of the Convention and the corresponding provisions of the Decision, could be financed by loans from its own resources, with or without interest rate subsidies, or by risk capital.
3. Projects which come under the industrial, mining or tourism sectors shall be submitted to the Bank, which shall examine whether they are eligible for one of the forms of aid which it administers.
4. Where, in the course of appraisal of a project or programme by the Commission or by the Bank, it is found that such project or programme could not be financed by one of the forms of aid administered by the institution in question, the latter will, with the agreement of the potential recipient, transmit the request to the other institution.

#### ARTICLE 15

1. Without prejudice to special instructions which the Bank receives from the Community in respect of the recovery of capital and interest relating to special loans, the Commission shall undertake, on behalf of the Community, the financial execution of operations carried out with the Fund's resources in the form of grants, special loans or transfers; it shall make payments in accordance with the Financial Regulation referred to in Article 30.
2. The Bank shall undertake, on behalf of the Community, the financial execution of operations carried out with the Fund's resources in the form of risk capital. In such cases, the Bank shall act on behalf of and at the risk of the Community. Any resulting rights, and particularly rights as creditor or owner, shall be vested in the Community.
3. The Bank shall undertake the financial execution of operations carried out in the form of loans from its own resources combined with interest rate subsidies from the Fund's resources.

ARTICLE 16

The Commission shall provide the Member States with information obtained from the ACP States as regards the content and prospects of their development plans, the objectives they have set themselves and projects already identified which are likely to attain these objectives. This provision shall also apply in respect of the Countries and Territories and the French Overseas Departments.

The Commission shall compile this information in collaboration with the Bank as regards matters which concern the latter.

Member States shall at the same time inform the Commission of any bilateral aid they have granted or intend to grant.

Furthermore, the Commission shall forward to the EDF Committee referred to in Article 18 all available information on any other bilateral or multilateral aid granted or envisaged for the ACP States concerned.

To this end, and in order to keep Member States abreast of developments, the Commission shall obtain all relevant information on aid to the ACP States, to the Countries and Territories and to the French Overseas Departments which Member States, international institutions and other aid donors have already granted or intend to grant.

Each Member State shall periodically forward to the Commission such information as is available.

ARTICLE 17

1. In order to implement Article 51 of the Convention, programming missions shall be carried out under the general responsibility of the Commission with the participation of the Bank.

2. Before programming missions are sent out, and on the basis of information provided by the Commission in accordance with Article 16, the general framework of the programming missions shall be determined, possibly according to groups of countries, during exchanges of views between the Representatives of the Member States, the Commission and the Bank.
3. Following the programming missions undertaken in the ACP States by the Commission and the Bank, a draft Community indicative aid programme for each ACP State shall be forwarded to the Member States.

These draft programmes shall be the subject of an exchange of views with the Representatives of the Member States in order to obtain an opinion.

4. Following the exchanges of views with representatives of the ACP States provided for in Article 51(3) of the Convention, the Representatives of the Member States, the Commission and the Bank may hold further discussions in order to evolve the necessary guidelines.
5. During the implementation of the indicative aid programmes referred to in Article 51 (2) and (3) of the Convention, exchanges of views shall be held from time to time between the Representatives of the Member States, the Commission and the Bank. Taking account of the projects for which the financing has already been decided on and those which still have to be appraised, the Member States shall assess the changes in the Community indicative aid programmes proposed by the recipient countries concerned.

#### ARTICLE 18

1. A Committee (hereinafter called the "EDF Committee"), consisting of Representatives of the Governments of the Member States, shall be set up under the auspices of the Commission.

The EDF Committee shall be chaired by a Commission representative, and its secretariat shall be provided by the Commission.

A representative of the Bank shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the EDF Committee.
3. Within the EDF Committee, the votes of the Member States shall be weighted as follows:

Belgium	6
Denmark	3
Germany	25
France	25
Ireland	2
Italy	12
Luxembourg	1
Netherlands	8
United Kingdom	18

4. The EDF Committee shall act by a qualified majority of 69 votes.

#### ARTICLE 19

1. The EDF Committee shall give its opinion on financing proposals for projects or programmes financed by grants or special loans, submitted to it by the Commission.

2. The financing proposals for these projects shall explain the relevance of the projects to the development prospects of the country or countries concerned; where appropriate, they shall mention the use to which such countries have put previous Community aid.

They shall include in particular measures promoting, in accordance with Chapter 8 of Protocol N° 2 to the Convention and the corresponding provisions of the Decision, participation by national firms of the ACP States, of the Countries and Territories and of the French Overseas Departments in carrying out the projects.

3. If the EDF Committee requests substantial changes in the financing proposal or in the absence of a favourable opinion on the latter, the Commission shall consult the representatives of the ACP State or ACP States concerned. In the absence of a favourable opinion, the latter may be consulted by the representatives of the Community, in accordance with Article 54 (3) of the Convention.
4. In the cases mentioned in paragraph 3, the financing proposal, possibly after review or extension, shall be submitted afresh to the EDF Committee at one of its subsequent meetings.

If the Committee still refuses to deliver a favourable opinion, the Commission shall consult afresh the representatives of the ACP State or ACP States concerned, in accordance with Article 54(3) of the Convention.

#### ARTICLE 20

The financing proposals, together with the opinion of the EDF Committee, shall be submitted to the Commission for its decision.

If the Commission decides to differ from the opinion expressed by the Committee, or if the Committee has not delivered a favourable opinion, it shall either withdraw the financing proposal or, at the earliest opportunity, refer the proposal to the Council which shall decide on it according to the same voting procedure as the EDF Committee.

#### ARTICLE 21

1. The Commission shall regularly inform the EDF Committee of all requests for financing officially submitted to it by one or more ACP States irrespective of whether these are selected by its departments.
2. The EDF Committee shall be kept informed of the results of work periodically done by the Commission on the evaluation of projects being carried out or completed, particularly in relation to the development objectives set.

#### ARTICLE 22

1. A Committee (hereinafter called the "Article 22 Committee"), consisting of Representatives of the Governments of the Member States, shall be set up under the auspices of the Bank.

The Article 22 Committee shall be chaired by the representative of the Member State currently assuming the Presidency of the Board of Governors of the Bank; its secretariat shall be provided by the Bank.

A representative of the Commission shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the Article 22 Committee.

3. Within the Article 22 Committee, the votes of the Member States shall be weighted as provided in Article 18 (3).
4. The Article 22 Committee shall act by a qualified majority of 69 votes.

#### ARTICLE 23

1. The Article 22 Committee shall deliver an opinion on requests for loans with interest rate subsidies and on proposals for financing by risk capital which are submitted to it by the Bank.

The Commission representative may, at meetings, submit the Commission's assessment of these proposals. This assessment shall cover conformity of the projects with Community development aid policy, with the objectives of financial and technical co-operation laid down by the Convention and with the general guidelines adopted by the Council of ACP-EEC Ministers.

In addition, the Bank shall inform this Committee of any loans without interest rate subsidies that it intends to grant.

2. The document submitted to the Article 22 Committee by the Bank shall, in particular, explain the relevance of the project to the development prospects of the country or countries concerned and, where appropriate, indicate the situation as regards loans granted by the Community and holdings acquired by it.
3. Where the Article 22 Committee does not deliver a favourable opinion on a proposal concerning an ACP State or group of ACP States, the Bank shall consult the representatives of the said State or States and the procedure laid down in Article 54 (3) of the Convention shall apply.
4. Where the Article 22 Committee delivers a favourable opinion in respect of a request for a loan with an interest rate subsidy, the request, together with the reasoned opinion of the Committee and the assessment of the Commission representative, shall be submitted for a decision to the Board of Directors of the Bank, which shall act in accordance with the provisions of the Bank's Statute.

In the absence of a favourable opinion from the Article 22 Committee, the Bank shall either withdraw the request or decide to uphold it. In the latter event, this request, together with the reasoned opinion of the Committee and the assessment given by the Commission representative, shall be submitted for a decision to the Board of Directors of the Bank, which shall act in accordance with the provisions of the Bank's Statute.

5. Where, in respect of a proposal for financing by risk capital, the Article 22 Committee delivers a favourable opinion, the proposal shall be submitted for a decision to the Board of Directors of the Bank which shall act in accordance with the provisions of the Bank's Statute.

In the absence of a favourable opinion from the Article 22 Committee, the Bank shall either withdraw the proposal or request that the Member State taking the Chair of the Article 22 Committee bring the matter before the Council as soon as possible.

In the latter case, the proposal shall be submitted to the Council together with the reasoned opinion of the Article 22 Committee and the assessment by the Commission representative.

The Council shall act in accordance with the same voting procedure as the Article 22 Committee.

If the Council decides to confirm the Article 22 Committee's position, the Bank shall withdraw its proposal.

If, however, the Council is in agreement with the Bank's proposal, the Bank shall implement the procedures under its Statute.

#### ARTICLE 24

1. Subject to such adjustments as are necessary to take account of the nature of the operations financed and of the procedures laid down in the Statute of the Bank, the latter shall regularly inform the Article 22 Committee of all requests for financing officially submitted to it, irrespective of whether these are selected by its departments.
2. The Article 22 Committee shall be kept informed of the results of work periodically done by the Bank on the assessment of projects being carried out or completed, particularly in relation to the development objectives set.

#### ARTICLE 25

1. The Commission and the Bank shall ascertain how the Community aid administered by each of them is used by the ACP States, by the Countries and Territories and by the French Overseas Departments or by any other recipients.

2. They shall also ascertain, each for their respective parts and in close collaboration with the relevant authorities of the country or countries concerned, how projects financed with Community aid are used by the recipients.
3. When ascertaining how Community aid and projects are used, as provided for in paragraphs 1 and 2, the Commission and the Bank shall examine the extent to which the objectives referred to in Article 40 (2) of the Convention, in Article 1 of Protocol No 2 to the Convention and in the corresponding provisions of the Decision have been attained.
4. The Commission shall inform the Council at least once a year of its findings pursuant to paragraphs 1, 2 and 3.

The Council, acting by a qualified majority as laid down in Article 18 (4), shall take the necessary measures.

#### CHAPTER III

##### ARTICLE 26

The system for stabilizing export earnings referred to in Title II of the Convention and in the corresponding provisions of the Decision shall apply only to export earnings for the following calendar years: 1975, 1976, 1977, 1978 and 1979.

##### ARTICLE 27

The amounts of the transfers referred to in Article 19 (3) and (6) respectively of Title II of the Convention and in the corresponding provisions of the Decision, and the contributions to the reconstitution of resources mentioned in Article 21 (2) of the Convention and in the corresponding provisions of the Decision, shall be expressed in units of account.

Payments shall be made in the currency of one or more Member States chosen by the Commission after consultation of the ACP State or the relevant authorities of the Countries and Territories.

#### ARTICLE 28

To permit cross-checking of the statistics of the Community and of the ACP States as provided in Article 17 of the Convention and the corresponding provisions of the Decision, Member States shall communicate to the Commission, in accordance with procedures to be defined in an implementing regulation to be adopted, all the statistics in their possession which are necessary for the proper functioning of the stabilization system.

#### ARTICLE 29

The Commission shall forward to the Member States the ACP States' annual reports on the use of the funds. It shall prepare an annual comprehensive report on the operation of the system, indicating in particular its effect on the economic development of the recipient countries and on the development of external trade.

This Article shall also apply in respect of the Countries and Territories.

CHAPTER IV

ARTICLE 30

The provisions for implementing this Agreement shall be the subject of a Financial Regulation adopted, upon the entry into force of the Convention, by the Council acting by the qualified majority laid down in Article 18 (4) on the basis of a Commission draft, after the Bank has delivered its opinion on the provisions concerning it.

ARTICLE 31

1. At the close of each financial year, the Commission shall adopt the revenue and expenditure account and the balance sheet of the Fund.
2. Without prejudice to paragraph 4, the Audit Board provided for in Article 206 of the Treaty shall exercise its powers also in respect of the operations of the Fund. The conditions under which this Board exercises its powers shall be laid down in the Financial Regulation referred to in Article 30.

3. The discharge for the financial management of the Fund shall be given to the Commission according to the procedure provided for in Article 206 of the Treaty. However, where the procedure under Article 206 entails a decision by the Council, the Council shall act by the qualified majority laid down in Article 18 (4).
4. The operations financed from the resources of the Fund and managed by the Bank shall be subject to the control and discharge procedures laid down by the Statute of the Bank for all its operations. Each year, the Bank shall send the Commission and the Council a report on the execution of operations financed from the resources of the Fund and managed by the Bank.

#### ARTICLE 32

1. The remaining balance of the Development Fund for the Overseas Countries and Territories established by the Implementing Convention annexed to the Treaty shall continue to be administered as provided in that Implementing Convention and in accordance with the rules and regulations in force on 31 December 1962.

The remaining balance of the Fund set up by the Internal Agreement on the financing and administration of Community aid signed at Yaoundé on 20 July 1963 shall continue to be administered as provided in that Internal Agreement and in accordance with the rules and regulations in force on 31 May 1969.

The remaining balance of the Fund set up by the Internal Agreement on the financing and administration of Community aid signed at Yaoundé on 29 July 1969 shall continue to be administered as provided in that Internal Agreement and in accordance with the rules and regulations in force on 31 January 1975.

2. In the event of the successful completion of projects financed from the Funds referred to in paragraph 1 being jeopardized by a lack of resources due to the remaining balance having been used up, proposals for additional financing may be submitted by the Commission under the conditions laid down in Article 16.

#### ARTICLE 33

This Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The Government of each Member State shall notify the Secretariat of the Council of the European Communities when the procedures required for its entry into force have been completed.

This Agreement is concluded for the same duration as the Convention. However, it shall remain in force for as long as is necessary for all the operations financed under the Convention to be fully executed.

**ARTICLE 34**

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German and Italian languages, each of these texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities, which shall transmit a certified copy to each of the Governments of the Signatory States.

Udfærdiget i Bruxelles, den elvte juli nitten hundrede og femoghalvfjerds

Geschehen zu Brüssel am elften Juli neunzehnhundertfünfund-siebzig

Done at Brussels on the eleventh day of July in the year one thousand nine hundred and seventy-five

Fait à Bruxelles, le onze juillet mil neuf cent soixante-quinze

Fatto a Bruxelles, addì undici luglio millenovecento-settantacinque

Gedraan te Brussel, elf juli negentienhonderd vijftenzeventig

Pour le Gouvernement du Royaume de Belgique  
Voor de Regering van het Koninkrijk België

*J. van der Meulen*

På Kongeriget Danmarks vegne

*Line Enderby*

Für die Regierung der Bundesrepublik Deutschland

*W. W. W. W.*

Pour le Gouvernement de la République française

*[Signature]*

For the Government of Ireland

*[Signature]*

Per il Governo della Repubblica Italiana

*Amulini n. Pettoz*

Pour le Gouvernement du Grand-Duché de Luxembourg

*J. ...*

Voor de Regering van het Koninkrijk der Nederlanden

*... ..*

For the Government of the United Kingdom of Great Britain  
and Northern Ireland

*Richard ...*

AGREEMENT  
AMENDING THE INTERNAL AGREEMENT  
ON THE FINANCING AND ADMINISTRATION  
OF COMMUNITY AID

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,  
MEETING WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community,

Whereas the ACP-EEC Convention of Lomé, hereinafter called the "Convention", laid down in its Article 42 the aggregate amount of Community aid to the original ACP States signatory thereto; whereas pursuant to Articles 89 and 90 of that Convention the accession of a State shall not adversely affect the advantages accruing to the ACP States signatory to the said Convention under the provisions on financial and technical cooperation and the stabilization of export earnings;

Whereas, with a view to the Decision which the Council was to adopt on 29 June 1976 on the association of the Overseas Countries and Territories with the European Economic Community, the Internal Agreement on the financing and administration of Community aid, signed on 11 July 1975, hereinafter called the "Internal Agreement", laid down the aggregate amount of Community aid to the Overseas Countries and Territories and to the French Overseas Departments; whereas the same Agreement empowered the Council to adjust the amounts laid down therein for the ACP States and for the OCT and FOD if an Overseas Country or Territory which became independent acceded to the Convention;

Whereas, following the accession of the Republic of Surinam, the Republic of Seychelles and the Comoro State to the Convention on 16 July, 27 August and 13 September 1976 respectively, the Council made an adjustment to the amounts made available to the European Development Fund (1975) for the ACP States on the one hand and the Countries and Territories and the French Overseas Departments on the other by its Decision of 14 February 1977 ;

Whereas the Agreements between the European Economic Community and the Democratic Republic of Sao Tomé and Príncipe, the Republic of Cape Verde and Papua New Guinea respectively, hereinafter called "Accession Agreements", provided for the accession of those three States to the Convention;

Whereas the amount of aid for the ACP States should therefore be increased; whereas to that end the total amount for the ACP States should be increased by the amount of 13 million European Units of Account provided for in the Council Decision on the association of the Overseas Countries and Territories and which has to date remained frozen; whereas this amount should be supplemented by a contribution from the Member States broken down in accordance with the scale laid down in the Internal Agreement;

Whereas pursuant to Article 10(1) of the Internal Agreement and in order to facilitate the fulfilment of the obligations thus assumed by the Member States, the Council assigned to the European Investment Bank, hereinafter called the "Bank", the task of transferring to the European Development Fund, hereinafter called the "Fund", payments made to the Bank in respect of the operations referred to in that Article, up to the amount of the contributions which Belgium, Germany, France, Italy, Luxembourg and the Netherlands are called upon to make available to the Fund as from the date of entry into force of the three accession Agreements; whereas Denmark, Ireland and the United Kingdom, which did not participate in the financing of the previous Development Funds, are to pay their contributions directly to the Fund;

Whereas the Internal Agreement should accordingly be amended;

Whereas this Agreement should apply as soon as the ratification and notification procedures of any one of the three Accession Agreements have been completed; whereas, however, in the event of one or more acceding States not completing the ratification procedures of the Accession Agreement it has signed within a reasonable period, the Council should be empowered to carry out the appropriate adjustment of the amount of aid for the ACP States;

Having consulted the Commission of the European Communities,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

The following paragraph is inserted after Article 1(2) of the Internal Agreement:

"2a From the entry into force of the new Agreement the Fund shall consist of 3,159.50 million European units of account. In addition to the 3,150 million European units of account provided for in paragraph 2 this amount shall include 9.50 million European units of account composed of additional contributions from the Member States as follows:

Belgium	593,750	European units of account
Denmark	228,000	European units of account
Germany	2,465,250	European units of account
France	2,465,250	European units of account
Ireland	57,000	European units of account
Italy	1,140,000	European units of account
Luxembourg	19,000	European units of account
Netherlands	755,250	European units of account
United Kingdom	1,776,500	European units of account "

ARTICLE 2

The following paragraphs are inserted after Article 1(3) of the Internal Agreement:

"3a From the entry into force of the new Agreement the amount of 3,159.50 million European units of account referred to in paragraph 2a shall be allocated as follows:

(a) 3,054.10 million European units of account for the ACP States, consisting of:

- 3,000 million European units of account from the amount initially provided for in paragraph 3(a) for the original ACP States,
- 9.50 million European units of account from the amount provided for in paragraph 2a,
- 13 million European units of account from the amount stated in Article 30(4)(a), first indent, as introduced by the Council Decision of 14.2.77 adjusting Decision 76/568/EEC on the association of the Overseas Countries and Territories with the European Economic Community,

- 31.60 million European units of account from the amount transferred from the appropriation for the OCT to that for the ACP under the Council Decision of 14.2.77 adjusting the amounts made available to the European Development Fund (1975) for the ACP States on the one hand and for the Overseas Countries and Territories and the French Overseas Departments on the other, following the accession of the Republic of Surinam, the Republic of Seychelles and the Comoro State to the Convention;

(b) 105.40 million European units of account for the Overseas Countries and Territories and the French Overseas Departments from the amounts originally laid down in paragraphs 3(b) and (c), taking into account the reduction made under the Decision referred to in the fourth indent of subparagraph (a).

3b (a) The amount stated in paragraph 3a(a) for the ACP States shall be allocated as follows:

2,137.00	million European units of account in the form of grants
440.10	million European units of account in the form of special loans
97.00	million European units of account in the form of risk capital
380.00	million European units of account in the form of transfers pursuant to Title II of the Convention.

(b) The amount stated in paragraph 3a(b) for the Overseas Countries, Territories and Departments shall be allocated as follows:

37.00	million European units of account in the form of grants
29.40	million European units of account in the form of special loans
4.00	million European units of account in the form of risk capital
15.00	million European units of account in the form of a reserve
20.00	million European units of account in the form of transfers for the Countries and Territories, pursuant to those provisions of the Decision which concern the system for stabilizing export earnings."

### ARTICLE 3

This Agreement amending the Internal Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The Government of each Member State shall notify the General Secretariat of the Council of the European Communities when the procedures required for its entry into force have been completed.

Provided that the provisions of the preceding paragraph have been satisfied, this Agreement shall enter into force on the date on which the Community deposits with the Secretariat of the ACP States the first of the three acts of notification of the conclusion of one of the Agreements on accession to the Convention.

In the event of one or more States which have signed accession Agreements with the Community not having deposited its instrument of ratification within the time-limit provided for in the Community declaration annexed to the Final Act of each Accession Agreement the Council, acting unanimously, will carry out the appropriate adjustment to the amount of the aid for the ACP States.

ARTICLE 4

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

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COUNCIL DECISION

of 14 February 1977

adjusting the amounts made available to the European Development Fund (1975) for the ACP States on the one hand, and for the overseas countries and territories and the French overseas departments on the other

(77/156/EEC)  
(OJ L 46/77)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Internal Agreement on the financing and administration of Community aid<sup>(1)</sup> signed on 11 July 1975, hereinafter called the 'Internal Agreement', and in particular Article 1 (4) thereof,

Having regard to the proposal from the Commission,

Whereas the Republic of Surinam, the Republic of the Seychelles and the Comoro State, which are former overseas countries and territories associated with the Community by virtue of Decision 76/568/EEC<sup>(2)</sup>, having become independent, requested to accede to the Convention of Lomé pursuant to Article 89 thereof; whereas the ACP-EEC Council of Ministers approved these requests at its first meeting, whereas these States deposited their instruments of accession with the General Secretariat of the Council and thus acceded to the ACP-EEC Convention of Lomé on 16 July, 27 August and 13 September 1976 respectively;

Whereas, therefore, in accordance with Article 1 (4) of the Internal Agreement, the amounts provided for the overseas countries and territories in Article 1 (3) (b) of the said Internal Agreement should be reduced and those provided for the ACP States in subparagraph (a) of that paragraph correspondingly increased,

HAS DECIDED AS FOLLOWS:

*Article 1*

The text of Article 1 (3) (a) and (b) of the Internal Agreement shall be replaced by the following text

- (a) 3 031.60 million European units of account for the ACP States, comprising:
  - 2 124 million European units of account in the form of grants,
  - 436.60 million European units of account in the form of special loans,
  - 96 million European units of account in the form of risk capital,
  - 375 million European units of account in the form of transfers pursuant to Title II of the Convention.
- (b) 98.40 million European units of account for the countries and territories and the French overseas departments, comprising:
  - 45 million European units of account in the form of grants,
  - 34.40 million European units of account in the form of special loans,
  - 4 million European units of account in the form of risk capital,
  - 15 million European units of account in the form of a reserve.

*Article 2*

This Decision shall enter into force on 16 July 1976.

*Article 3*

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 14 February 1977

*For the Council*

*The President*

J. SILKIN

(1) OJ No L 25, 30.1.1976, p. 168

(2) OJ No L 176, 1.7.1976, p. 8



COUNCIL DECISION

OF 22 MARCH 1977

on the allocation  
of 7,438,500 European units of account  
to the European Development Fund (1975)

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Internal Agreement on the financing and administration of Community aid <sup>(1)</sup>, signed in Brussels on 11 July 1975, hereinafter called "Internal Agreement", and in particular Article 10(1) thereof,

Having regard to Council Decision 76/569/EEC of 29 June 1976 on the allocation of two million units of account to the French overseas territories pursuant to Article 10 of the Internal Agreement <sup>(2)</sup>,

Having regard to the proposals from the Commission,

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<sup>(1)</sup> OJ No L 25, 30.1.1976, p. 168  
<sup>(2)</sup> OJ No L 176, 1.7.1976, p. 98

Whereas the Democratic Republic of Sao Tome and Principe, the Republic of Cape Verde and Papua New Guinea have submitted requests for accession to the ACP-EEC Convention of Lomé (1), pursuant to Article 90 thereof; whereas the Accession Agreements between the Community and these three States will be signed in the near future;

Whereas the Internal Agreement will be amended on the occasion of the accession of these three States to the ACP-EEC Convention of Lomé and will provide for the payment of additional contributions by the Member States to the European Development Fund (1975);

Whereas use should be made of the possibilities provided by Article 10 (1) of the Internal Agreement in respect of the additional contributions of the original Member States,

HAS DECIDED AS FOLLOWS:

*Article 1*

The payments, proceeds and income referred to in Article 10 (1) of the Internal Agreement which have accrued, as from 1 August 1975, from operations financed from the resources of the second and third European Development Funds (1963 and 1969), less any commission due to the European Investment Bank, shall be allocated as follows:

593 750 European units of account to Belgium,  
2 465 250 European units of account to Germany,  
2 465 250 European units of account to France,  
1 140 000 European units of account to Italy,  
19 000 European units of account to Luxembourg,  
755 250 European units of account to the Netherlands,  
i.e. a total of 7 438 500 European units of account;

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(1) OJ No L 23, 30.1.1976, p. 2.

these allocations shall be made in order to cover in part the contributions which those States will be required to pay to the Commission under the schedules of calls for contributions laid down by the Council pursuant to Article 7 of the Internal Agreement and the procedures laid down in Article 2 of the Financial Regulation of 27 July 1976 applicable to the fourth European Development Fund (1)

*Article 2*

These amounts shall be paid by the European Investment Bank, at the request of the Commission, within the limits of sums and currencies actually available.

The rates of exchange from these currencies to the European unit of account shall be those obtaining on the second working day before the payment.

*Article 3*

This Decision shall be published in the *Official Journal of the European Communities*.

It shall be applicable from the date of entry into force of the Agreement amending the Internal Agreement.

Done at Brussels, 22 March 1977.

*For the Council*

*The President*

(s.) Judith HART

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1) OJ No L 229, 20. 8. 1976, p. 9.



III - COMMUNITY ACTS RELATING TO THE IMPLEMENTATION  
OF THE CONVENTION OF LOME

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2. COMMUNITY REGULATIONS

A. ACCESSIONS



COUNCIL REGULATION (EEC) No 744/77

of 5 April 1977

on the advance implementation of certain provisions of the ACP-EEC Convention of Lomé relating to trade in respect of certain States which have signed Agreements of Accession to the Convention  
(OJ L/90/77)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to Council Regulation (EEC) No 1059/69 of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>(1)</sup>, as last amended by Regulation (EEC) No 3058/75<sup>(2)</sup>, and in particular Article 12 thereof,

Having regard to the Act of Accession, and in particular Article 116(2) thereof,

Having regard to the proposal from the Commission, Having regard to the opinion of the European Parliament<sup>(3)</sup>,

Whereas Agreements of Accession to the ACP-EEC Convention of Lomé<sup>(4)</sup>, in accordance with Article 90 thereof, were signed between the European Economic Community and the Democratic Republic of Sao Tome and Principe, the Republic of Cape Verde and Papua New Guinea;

Whereas, when these Agreements were signed, the Community and the States concerned agreed in exchanges of letters to apply unilaterally from the first day of the second month following the signing of these exchanges of letters certain provisions of the ACP-EEC Convention of Lomé relating to trade, in accordance with the arrangements laid down in the Accession Agreements;

Whereas it is, therefore, necessary to take appropriate measures to this end;

Whereas, furthermore, the arrangements provided for in Article 116(1) of the Act of Accession for imports into the United Kingdom of products originating in or coming from Papua New Guinea must cease to have effect as from the date of entry into force of the new arrangements applicable under this Regulation to trade between that country and the Member States of the Community,

HAS ADOPTED THIS REGULATION:

Article 1

The following shall apply from 1 May 1977 to the States referred to in Annex I:

<sup>(1)</sup> OJ No L 141, 12. 6. 1969, p. 1.

<sup>(2)</sup> OJ No L 306, 26. 11. 1975, p. 3.

<sup>(3)</sup> OJ No C 83, 4. 4. 1977, p. 26.

<sup>(4)</sup> OJ No L 25, 30. 1. 1976, p. 1.

(a) — Articles 2, 3, 4, 9 and 10 of the ACP-EEC Convention of Lomé,

— Protocols 1, 6 and 7 annexed to the Convention,

— the joint declaration on fishing activities annexed to the Convention,

— the declarations by the Community on Article 2 of the Convention, on Article 3 of the Convention and on Article 10(2) of the Convention contained in Annexes XIV, XV and XVI to the Final Act of the Convention;

(b) Council Regulation (EEC) No 706/76 of 30 March 1976 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories<sup>(5)</sup>;

(c) Council Regulation (EEC) No 157/76 of 20 January 1976 on the safeguard measures provided for in the ACP-EEC Convention of Lomé<sup>(6)</sup>;

(d) Council Regulation (EEC) No 1464/76 of 21 June 1976 on the opening, allocation and administration of a Community tariff quota for the products falling within subheading 22.09 C I of the Common Customs Tariff originating in the ACP States<sup>(7)</sup>;

(e) Annex II to this Regulation.

Article 2

The provisions of Article 116(1) of the Act of Accession shall cease to apply.

Article 3

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

It shall apply in respect of each of the States referred to in Annex I until the entry into force of the Accession Agreement concerning it or until 31 December 1977 at the latest.

<sup>(5)</sup> OJ No L 85, 31. 3. 1976, p. 2.

<sup>(6)</sup> OJ No L 18, 27. 1. 1976, p. 1.

<sup>(7)</sup> OJ No L 165, 25. 6. 1976, p. 5.

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

Done at Luxembourg, 5 April 1977.

*For the Council*

*The President*

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ANNEX I

**List of the States referred to in Article 1**

The Democratic Republic of Sao Tome and Principe  
The Republic of Cape Verde  
Papua New Guinea

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ANNEX II

**concerning the transitional arrangements for the issue of certificates of origin**

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

- (a) a movement certificate EUR.1 issued retrospectively by the customs authorities of the exporting State, or
  - (b) a certificate of origin issued by the competent authorities in that State,
- and, in either case, any documents which provide supporting evidence of direct transport

**COUNCIL DECISION**  
**of 26 July 1977**

**on the provisional application to the Republic of Djibouti of the arrangements provided for in Decision 76/568/EEC on the association of the overseas countries and territories with the European Economic Community**

(77/474/EEC)  
(OJ L 191/77)

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 76/568/EEC of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community<sup>(1)</sup>, hereinafter referred to as the 'Decision', as amended by Decision 77/155/EEC<sup>(2)</sup>, and in particular the second subparagraph of Article 55 (2) thereof,

Whereas, pursuant to that provision of the Decision, the arrangements provided for therein may continue to apply provisionally, under conditions laid down by the Council, to countries and territories which become independent;

Whereas the Territory of the Afars and Issas mentioned in Annex I relating to the list of countries and territories referred to in the Decision has achieved independence and became the Republic of Djibouti on 27 June 1977;

Whereas it should be decided to continue to apply provisionally the arrangements provided for in the Decision to the Republic of Djibouti and to lay down the conditions for such application without prejudice to subsequent recourse to the first subparagraph of Article 55 (2) and to Article 56 thereof;

Whereas the ACP-EEC Convention of Lomé signed on 28 February 1975 is open, in accordance with the procedure laid down in Article 89 thereof, to the accession of a country or territory to which Part Four of the Treaty applies and which becomes independent; whereas such accession can take place only following a request by the State concerned and with the consent of the ACP-EEC Council of Ministers;

Whereas the Republic of Djibouti has given notice of its intention to seek accession to the ACP-EEC Convention of Lomé;

Whereas, nevertheless, the continued application of the Decision to the Republic of Djibouti should be restricted to a reasonable period,

HAS DECIDED AS FOLLOWS:

*Article 1*

The arrangements provided for in the Decision shall remain provisionally applicable to the Republic of Djibouti until the latter accedes to the ACP-EEC Convention of Lomé, and not later than 26 June 1978.

*Article 2*

Questions relating to the application of the Decision to the Republic of Djibouti shall be dealt with, as necessary, by direct contact between the competent authorities of the Republic of Djibouti and of the Community.

*Article 3*

This Decision shall be applicable as from 27 June 1977.

It shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 26 July 1977.

*For the Council*

*The President*

H SIMONET

(<sup>1</sup>) OJ No L 176, 1 7 1976, p 1

(<sup>2</sup>) OJ No L 46, 18. 2 1977, p 15



III - COMMUNITY ACTS RELATING TO THE IMPLEMENTATION  
OF THE CONVENTION OF LOME

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2. COMMUNITY REGULATIONS

B. TRADE



COUNCIL REGULATION (EEC) No 328/77

of 14 February 1977

amending the list of the countries and territories in Regulation (EEC) No 706/76 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories  
(OJ N° L 46/77)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to Council Regulation (EEC) No 1059/69 of 28 May 1969 laying down trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>(1)</sup>, as last amended by Regulation (EEC) No 3058/75<sup>(2)</sup>, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(3)</sup>,

Whereas Council Regulation (EEC) No 706/76 of 30 March 1976<sup>(4)</sup> laid down the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories,

Whereas the Comoros, Seychelles and Surinam, which appear on the list of the countries and territories

contained in Annex I to that Regulation, have become independent,

Whereas the said States acceded to the ACP-EEC Convention of Lomé<sup>(5)</sup> on 16 July, 27 August and 13 September 1976 respectively and should, consequently, be counted among the ACP States referred to in Article 1 of Regulation (EEC) No 706/76; whereas the list in Annex I should, therefore, be adjusted,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following shall be deleted in the Annex to Regulation No 706/76: 'The Comoros', 'Seychelles' and 'Surinam'

*Article 2*

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

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

Done at Brussels, 14 February 1977

*For the Council*

*The President*

J SILKIN

<sup>(1)</sup> OJ No L 141, 12.6.1969, p. 1  
<sup>(2)</sup> OJ No L 306, 26.11.1975, p. 3  
<sup>(3)</sup> OJ No C 6, 10.1.1977, p. 164  
<sup>(4)</sup> OJ No L 85, 31.3.1976, p. 2

<sup>(5)</sup> OJ No L 25, 30.1.1976, p. 2



COUNCIL REGULATION (EEC) No 1826/77  
of 5 August 1977

amending Regulation (EEC) No 1599/75 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories  
(OJ N° L 202/77)

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission, Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas Council Regulation (EEC) No 1599/75 of 24 June 1975 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories<sup>(2)</sup>, as last amended by Regulation (EEC) No 405/76<sup>(3)</sup>, provides in particular for the reduction of import levies on certain agricultural products;

Whereas some of these products are subject to the system of accession compensatory amounts in trade between the Community as originally constituted and the new Member States; whereas the application of such amounts to products benefiting from the arrangements provided for in Regulation (EEC) No 1599/75 is as a rule likely to lead to deflection of trade; whereas Article 22 of that Regulation consequently provided for measures to prevent such deflection;

Whereas, however, no risk of trade deflection can exist for the products listed in Article 8 of Regulation (EEC) No 1599/75; whereas this is due to the obliga-

tion laid down in Article 9 of that Regulation whereby the cif price, at the time of exportation from the ACP States or overseas countries and territories increased by the reduced levy, must be equal to or more than the threshold price, adjusted if necessary for the product in question, reduced by a certain amount; whereas the effect is that imports are subject to normal competition irrespective of the importing Member State, notwithstanding the application of accession compensatory amounts;

Whereas the arrangements resulting from the aforementioned Regulation should therefore be amended retroactively so that the importers concerned by the measures taken can obtain the cancellation of the effects thereof,

HAS ADOPTED THIS REGULATION :

*Article 1*

The provisions of the second subparagraph of Article 22 (1) of Regulation (EEC) No 1599/75, in force during the period 1 July to 31 December 1975, shall, at the request of those concerned, not apply to the products listed in Article 8 of that Regulation.

*Article 2*

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

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

Done at Brussels, 5 August 1977

*For the Council*  
*The President*  
H. SIMONET

<sup>(1)</sup> OJ N° C 163, 11. 7 1977, p. 65.

<sup>(2)</sup> OJ N° L 166, 28. 6 1975, p. 67

<sup>(3)</sup> OJ N° L 50, 26. 2 1976, p. 1



COUNCIL REGULATION (EEC) No 329/77

of 14 February 1977

amending Regulations (EEC) No 1464/76 and (EEC) No 1465/76 on the opening, allocation and administration of Community tariff quotas for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the ACP States and the overseas countries and territories associated with the European Economic Community

(OJ N° L 46/77)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 136 thereof,

Having regard to Council Decision 76/198/EEC on import arrangements for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community<sup>(1)</sup>, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Decision 76/198/EEC, the Council, by Regulation (EEC) No 1465/76<sup>(2)</sup>, opened a Community tariff quota for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community; whereas Surinam belonged to this group of countries, whereas, when the volume of the tariff quota was fixed, Community imports of the said products originating in Surinam were taken into account;

Whereas, on 16 July 1976, Surinam acceded to the ACP-EEC Convention of Lomé<sup>(3)</sup>, whereas the reference to Surinam was accordingly deleted by Decision 77/155/EEC<sup>(4)</sup> from the list in Annex I to Decision 76/568/EEC<sup>(5)</sup>, whereas, therefore, Surinam no longer benefits under the tariff quota, whereas, however, Surinam is now covered by Protocol 7 to the Convention of Lomé, pursuant to which Regulation (EEC) No 1464/76<sup>(6)</sup> opened a Community tariff quota for the same products originating in the ACP States,

Whereas the abovementioned Decision 76/198/EEC and Protocol 7 lay down strict rules for the fixing of the annual quota volumes for the products in question, whereas, therefore, the volumes of the tariff quotas opened by Regulations (EEC) No 1464/76 and (EEC) No 1465/76 should be adjusted; whereas, during the reference year used for the fixing of the volume of the tariff quota for the overseas countries and territories, only the Benelux countries and the Federal Republic of Germany imported quantities of the products in question originating in the said overseas countries and territories; whereas, therefore, the shares allocated to those Member States within the two tariff quotas in question should also be adjusted,

Whereas these measures do not disturb the equilibrium of the markets for the products in question and do not harm interests within the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. In Article 1 of Regulation (EEC) No 1464/76, the volume of the Community tariff quota shall be increased from 162 013 hectolitres to 171 166 hectolitres of pure alcohol.

2. The text of Article 2 of Regulation (EEC) No 1464/76 shall be replaced by the following:

Article 2

1. The tariff quota referred to in Article 1 shall be divided into two parts. The first part (125 395 hectolitres of pure alcohol) shall be for United Kingdom consumption. The second part (45 771 hectolitres of pure alcohol) shall be allocated among the other Member States.

<sup>(1)</sup> OJ No L 37, 12 I 1976, p. 24

<sup>(2)</sup> OJ No L 165, 25 6 1976, p. 7

<sup>(3)</sup> OJ No L 25, 30 1. 1976, p. 1

<sup>(4)</sup> See page 15 of this Official Journal

<sup>(5)</sup> OJ No L 176, 1 7 1976, p. 8.

<sup>(6)</sup> OJ No L 165, 25 6 1976, p. 5.

2 The shares of each of the Member States to which the second part is allocated pursuant to paragraph 1 shall consist of the following quantities:

	<i>(hectolitres of pure alcohol)</i>
Benelux	4 827
Denmark	2 700
Germany	24 643
France	12 051
Ireland	1 000
Italy	550

*Article 2*

1 In Article 1 of Regulation (EEC) No 1465/76, the volume of the Community tariff shall be fixed at 71 571 hectolitres of pure alcohol.

2 The text of Article 2 of Regulation (EEC) No 1465/76 shall be replaced by the following:

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

Done at Brussels, 14 February 1977.

*Article 2*

The Community tariff quota referred to in Article 1 shall be allocated among the Member States as follows:

	<i>(hectolitres of pure alcohol)</i>
Benelux	3 140
Denmark	160
Germany	68 147
France	8
Ireland	8
Italy	8
United Kingdom	100

*Article 3*

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

*For the Council*

*The President*

J SILKIN

COUNCIL REGULATION (EEC) No 1377/77

of 21 June 1977

on the opening, allocation and administration of a Community tariff quota for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the ACP States (1977/78)  
(OJ N° L 157/77)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas under the ACP-EEC Convention of Lomé signed on 28 February 1975, and in particular under Protocol 7 thereto, products originating in the ACP States which fall within tariff subheading 22.09 C I (rum, arrack, tafia), shall, until the entry into force of a common organization of the market in spirits, be imported into the Community free of customs duties under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States; whereas the Community shall fix each year the quantities which may be imported free of customs duties on the basis of the largest quantities imported annually from the ACP States into the Community in the last three years for which statistics are available, increased by an annual growth rate of 40 % on the market of the United Kingdom and 13 % on the other markets of the Community, these growth rates being based on foreseeable internal demand in each Member State.

Whereas, having regard to the levels reached by imports of the products concerned into the Community and the Member States during the last three years for which statistics are available, the size of the tariff quota for the period 1 July 1977 to 30 June 1978 should therefore be fixed at 173 009 hectolitres of pure alcohol;

Whereas, since the entry into force of Regulation (EEC) No 329/77 (1), Community imports of the aforementioned products originating in Surinam have been taken into account for the purposes of fixing the Community quota;

Whereas the above principles also apply to the allocation of the tariff quota;

Whereas it seems likely that arrangements for using the Community tariff quota based on allocation between the United Kingdom and the other Member States would reconcile the application of the growth

rates provided for in Protocol 7 with the uninterrupted application of the duty-free entry arrangements in respect of the said quota to all imports of the products concerned into the Member States until the quota is exhausted; whereas, in order to reflect as closely as possible the actual trends on the markets in the products concerned, such allocation should be made in accordance with the requirements of the Member States;

Whereas measures should be laid down to ensure that Protocol 7 is implemented under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States;

Whereas, owing to the special character of the products in question and their sensitivity on Community markets, exceptional provision should be made for a method of use based on a single division among Member States;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 July 1977 until 30 June 1978 rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff, originating in the ACP States, shall be imported duty free into the Community within the limits of a Community tariff quota of 173 009 hectolitres of pure alcohol.

*Article 2*

1. The tariff quota referred to in Article 1 shall be divided into two instalments. The first instalment, of 126 030 hectolitres of pure alcohol, shall be for United Kingdom consumption. The second instalment, of 46 979 hectolitres of pure alcohol, shall be allocated among the other Member States.

(1) OJ No L 46, 18. 2. 1977, p. 2.

2. The shares of each of the Member States to which the second instalment is allocated pursuant to paragraph 1 shall consist of the following quantities:

	<i>(in hl of pure alcohol)</i>
Benelux :	5 926,
Denmark :	4 000,
Germany :	24 000,
France :	11 395,
Ireland :	1 000,
Italy :	658.

*Article 3*

1. Member States shall manage the shares allocated to them in accordance with their own arrangements.

2. The extent to which the Member States have used up their shares shall be determined on the basis of the imports of the products in question, originating in the ACP States, declared at customs for clearance for home use.

*Article 4*

1. Member States shall inform the Commission each month of imports actually charged against the tariff quota.

2. The United Kingdom shall take the steps necessary to ensure that the quantities imported from the ACP States under the conditions laid down in Articles 1 and 2 are restricted to those meeting its domestic consumption requirements.

3. The Commission shall regularly inform the Member States of the extent to which the tariff quota has been used up.

4. Where necessary, consultations may be held at the request of a Member State or on the initiative of the Commission.

*Article 5*

The Commission shall take all necessary measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

*Article 6*

Council Regulation (EEC) No 157/76 of 20 January 1976 on the safeguard measures provided for in the ACP-EEC Convention of Lomé<sup>(1)</sup>, shall apply in respect of the products covered by this Regulation.

*Article 7*

This Regulation shall enter into force on 1 July 1977.

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

Done at Luxembourg, 21 June 1977

*For the Council*

*The President*

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<sup>(1)</sup> OJ No L 18, 27.1.1976, p. 1

**REGULATION (EEC) No 3376/75 OF THE COMMISSION**

of 23 December 1975

**laying down rules for the application of Council Regulation (EEC) No 3328/75  
renewing the arrangements for the reduction of import charges on beef and veal  
products originating in the African, Caribbean and Pacific States  
(OJ N° L 333/75)**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community;

Having regard to Council Regulation (EEC) No  
3328/75<sup>(1)</sup> of 18 December 1975 renewing the  
arrangements for the reduction of import charges on  
beef and veal products originating in the African,  
Caribbean and Pacific States, and in particular Article  
3 (1) and (2) thereof;

Whereas, pursuant to Article 2 (1) of Council Regula-  
tion (EEC) No 1599/75<sup>(2)</sup> of 24 June 1975 on the  
arrangements applicable to agricultural products and  
certain goods resulting from the processing of agricul-  
tural products originating in the African, Caribbean  
and Pacific States or in the overseas countries and terri-  
tories, no customs duties are applied to the imports in  
question;

Whereas the rules governing the origin of the  
products in question are those appearing in Annex II  
to Regulation (EEC) No 1598/75<sup>(3)</sup> of 24 June 1975  
on the advance implementation of certain provisions  
of the ACP-EEC Lomé Convention relating to trade  
in goods;

Whereas Article 1 (1) of Regulation (EEC) No 3328/75  
lays down that the charges on imports of beef and  
veal originating in the African, Caribbean and Pacific  
States are to be reduced, provided that a tax of corre-  
sponding amount is collected when the goods are  
exported from the country of origin;

Whereas the import charges result from the level of  
the levy applicable; whereas that levy may be adjusted  
by accession and monetary compensatory amounts;  
whereas since those amounts differ according to the  
arrangements applicable in each Member State, the  
import charges also differ;

Whereas, however, the precise application of those  
amounts would result in complex administrative  
problems and would oblige the non-member coun-  
tries concerned to levy different amounts according to

the destination within the Community; whereas provi-  
sion should therefore be made for a standard method  
of calculating the amounts, on the basis of only two  
Community regions, namely the new Member States,  
which still apply accession compensatory amounts,  
and the other Member States; whereas, in each of  
those two regions, the compensatory amounts appli-  
cable to imports in the Member State which absorbs  
most of the imports in question should be taken as a  
basis, it being possible also to consider those amounts  
as close to the average of the compensatory amounts  
applicable for each of the Member States;

Whereas there is good reason to derogate from the  
quarterly fixing of the amounts of reduction pursuant  
to Article 3 (2) of Regulation (EEC) No 3328/75  
because of the new marketing year for the beef and  
veal sector beginning 1 March 1976;

Whereas proof that the export tax has been collected  
may be supplied by entering the relevant amount on  
the movement certificate provided for in Council  
Regulation (EEC) No 1598/75;

Whereas detailed rules for the application of the  
system of import licences for the products coming  
from the beef and veal sector are specified in Com-  
mission Regulation (EEC) No 193/75<sup>(4)</sup> of 17 January  
1975, as amended by Regulation (EEC) No 2104/75<sup>(5)</sup>  
and Commission Regulation (EEC) No 2045/75<sup>(6)</sup> of  
25 July 1975; whereas there is good reason to take  
special measures for the delivery of import licences  
within the framework of the present Regulation;

Whereas the measures provided for in this Regulation  
are in accordance with the Opinion of the Manage-  
ment Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import licences shall be issued for beef and veal  
products originating in Botswana, Kenya, Madagascar  
and Swaziland, under the conditions laid down in this  
Regulation and within the limit of the quantities

<sup>(1)</sup> OJ No L 329, 23.12.1975, p. 4

<sup>(2)</sup> OJ No L 166, 28.6.1975, p. 67

<sup>(3)</sup> OJ No L 166, 28.6.1975, p. 1

<sup>(4)</sup> OJ No L 25, 31.1.1975, p. 10

<sup>(5)</sup> OJ No L 214, 12.8.1975, p. 20

<sup>(6)</sup> OJ No L 213, 11.8.1975, p. 21

expressed in metric tons of boned meat as fixed in Regulation (EEC) No 3328/75:

Botswana	8 680 metric tons,
Kenya	65 metric tons,
Madagascar	3 478 metric tons,
Swaziland	1 543 metric tons

100 kg of boned meat shall be equivalent to 130 kg of unboned meat.

#### Article 2

1. Applications for import licences may be submitted to the competent agencies of the Member States only during the first 10 days of each month.

The country of origin shall be indicated in box 14 of the application for a licence and of the licence.

The licence entails the obligation to import from the country indicated.

2. On the working day following the last working day of the period for the submission of applications, Member States shall inform the Commission, by telex, of the total quantity for each of the non-member countries which are the subject of the applications referred to in paragraph 1.

The Commission shall decide, for each non-member country concerned, which applications can be accepted. If the quantities of products originating in a non-member country in respect of which licences are applied for exceed the quantity available from that non-member country, the Commission shall fix a single percentage for the reduction of the quantities applied for.

3. If the total quantity forming the subject of applications relating to a non-member country is lower than the quantity available from that non-member country, the Commission shall decide what shall be done with the remaining quantity.

4. The import licences shall be valid only until 30 June 1976.

5. The licences shall be issued on the 21st day following the first day of the period for the submission of applications.

6. Subject to the provisions of Article 18 of Regulation (EEC) No 193/75, the security shall be released immediately for a quantity in respect of which no import licence has been issued.

#### Article 3

Importation to benefit from the system of import charge reductions may take place only if the origin of the products concerned is certified by the competent authorities of the exporting countries in conformity

with the rules of origin applicable to the products in question in accordance with the provisions of Annex II to Regulation (EEC) No 1598/75.

#### Article 4

1. The amount provided for in Article 1 (1) of Regulation (EEC) No 3328/75 for each product intended for importation into Ireland or the United Kingdom shall be equal to 90 % of the amount resulting from the levy reduced by the accession compensatory amount applicable to imports into the United Kingdom from non-member countries and by the monetary compensatory amounts, valid for imports into that Member State during the week:

- (a) beginning 5 January 1976, for imports to be effected in January and February 1976;
- (b) beginning 1 March 1976, for imports to be effected in March 1976;
- (c) beginning 22 March 1976, for imports to be effected in the second quarter of 1976.

2. The amount provided for in Article 1 (1) of Regulation (EEC) No 3328/75 for each product intended for importation into a Member State other than those mentioned in paragraph 1 shall be equal to 90 % of the amount resulting from the levy corrected, if such should be the case, by any monetary compensatory amount applicable for France during the week:

- (a) beginning 5 January 1976, for imports to be effected in January and February 1976;
- (b) beginning 1 March 1976, for imports to be effected in March 1976;
- (c) beginning 22 March 1976, for imports to be effected in the second quarter of 1976.

#### Article 5

1. The import charges shall be reduced by the amount fixed in accordance with Article 4 only if the model of the certificate for the movement of goods EUR 1 contained in Annex 5 to Annex II to Regulation (EEC) No 1598/75 indicates:

- (a) in box 5, the group of countries of destination, by means of the figure '1' for the Member States referred to in Article 4 (1) and by means of the figure '2' for the Member States referred to in paragraph 2 of that Article;
- (b) in box 7, the amount of the export tax collected per 100 kg,
- (c) in box 8, the subheading of the Common Customs Tariff for the product in question.

A separate certificate shall be drawn up for each subheading of the Common Customs Tariff.

2. The application of this Regulation may not in any event give rise to the granting of an amount.

3. The export tax to be collected shall be that in force at the date of completion of the customs export formalities.

The amount by which the import charges shall be reduced shall be that valid on the day of completion of the customs import formalities in the Community region indicated in box 5 of the certificate.

*Article 6*

**This Regulation shall enter into force on 1 January 1976.**

**It shall apply until 30 June 1976.**

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

Done at Brussels, 23 December 1975.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

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COMMISSION REGULATION (EEC) No 1501/76

of 25 June 1976

amending Regulation (EEC) No 3376/75 as regards the arrangements for the reduction of import charges on beef and veal products originating in the African, Caribbean and Pacific States in the second half of 1976

(OJ L 167/76)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3328/75 of 18 December 1975 renewing the arrangements for the reduction of import charges on beef and veal products originating in the African, Caribbean and Pacific States<sup>(1)</sup>, as amended by Regulation (EEC) No 1466/76<sup>(2)</sup>, and in particular Article 3 (1) thereof,

Whereas Commission Regulation (EEC) No 3376/75 of 23 December 1975<sup>(3)</sup> laid down the rules for the application of Regulation (EEC) No 3328/75,

Whereas following the extension of the import arrangements for beef and veal originating in certain African, Caribbean and Pacific States, certain provisions of Regulation (EEC) No 3376/75 require amendment,

Whereas, furthermore, the Lomé Convention entered into force on 1 April 1976; whereas the rules regarding origin are henceforth governed by Protocol 1 concerning the definition of the concept 'originating products' and methods of administrative cooperation<sup>(4)</sup>,

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EEC) No 3376/75 the following is hereby deleted:

'Botswana	8 680 metric tons,
Kenya	65 metric tons,
Madagascar	3 478 metric tons,
Swaziland	1 543 metric tons.'

<sup>(1)</sup> OJ No L 329, 23. 12. 1975, p. 4.

<sup>(2)</sup> OJ No L 165, 25. 6. 1976, p. 9.

<sup>(3)</sup> OJ No L 333, 30. 12. 1975, p. 44.

<sup>(4)</sup> OJ No L 25, 30. 1. 1976, p. 41.

*Article 2*

In Articles 3 and 5 (1) of the said Regulation the phrase 'Annex II to Regulation (EEC) No 1598/75' is hereby replaced by 'Protocol 1 to the Lomé Convention'.

*Article 3*

In Article 4 (1) and (2) of the said Regulation there is hereby added:

'(d) beginning 21 June 1976, for imports to be effected in the third quarter of 1976;

(e) beginning 20 September 1976, for imports to be effected in the fourth quarter of 1976.'

*Article 4*

In Article 2 (4) and the second paragraph of Article 6 of the said Regulation the date '30 June 1976' is hereby replaced by '31 December 1976'.

*Article 5*

On application by the holder before 1 August 1976, an import licence issued under Article 2 of the said Regulation shall be replaced.

The application shall be made to the issuing authority which shall retain the original licence and any extracts and shall issue a replacement licence.

The replacement licence:

— shall be issued for the same quantity of products as the original licence less, if applicable, the quantities already entered on the licence and any extracts,

— shall contain in Section 14 the name of the country of origin shown on the original licence,

— shall be valid only until 31 December 1976.

*Article 6*

This Regulation shall enter into force on 1 July 1976.

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

Done at Brussels, 25 June 1976.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

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COMMISSION REGULATION (EEC) No 3136/76

of 22 December 1976

amending for the second time Regulation (EEC) No 3376/75 as regards the arrangements for the reduction of import charges on beef and veal products originating in the African, Caribbean and Pacific States in 1977

(OJ L 353/76)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3328/75 of 18 December 1975 renewing the arrangements for the reduction of import charges on beef and veal products originating in the African, Caribbean and Pacific States<sup>(1)</sup>, as last amended by Regulation (EEC) No 2841/76<sup>(2)</sup>, and in particular Article 3 (1) thereof,

Whereas Commission Regulation (EEC) No 3376/75 of 23 December 1975<sup>(3)</sup>, as amended by Regulation (EEC) No 1501/76<sup>(4)</sup>, laid down the rules for the application of Regulation (EEC) No 3328/75; whereas following the extension of the import arrangements for beef and veal originating in certain African, Caribbean and Pacific States, certain provisions of Regulation (EEC) No 3376/75 require amendment;

Whereas, in order to avoid abuses, provision should be made for charging the full amount of the levies fixed in accordance with Articles 10 to 13 of Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(5)</sup>, as last amended by Regulation (EEC) No 568/76<sup>(6)</sup>, in respect of the quantities imported pursuant to Article 2 (4) of Commission Regulation (EEC) No 193/75 of 17 January 1975 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products<sup>(7)</sup>, as last amended by Regulation (EEC) No 2219/76<sup>(8)</sup>;

Whereas because of the geographical situation and the climate of the States concerned, particularly Botswana, beef and veal production is concentrated at the beginning of the year; whereas accordingly the dates for the submission of applications for import licences and for the issue of licences for January 1977 should be brought forward;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2 (4) of Regulation (EEC) No 3376/75 is hereby amended to read as follows:

'4. The import licences shall be valid only until 31 December of the year of issue.'

*Article 2*

Article 4 of Regulation (EEC) No 3376/75 is hereby amended to read as follows:

*Article 4*

1. The amount provided for in Article 1 (1) of Regulation (EEC) No 3328/75 for each product intended for importation into Ireland or the United Kingdom shall be equal to 90 % of the amount resulting from the levy reduced by the accession compensatory amount applicable to imports into the United Kingdom from non-member countries and by the monetary compensatory amount which are valid for imports into that Member State during the week preceding that in which commences the quarter for which the amount of the reduction is calculated.

2. The amount provided for in Article 1 (1) of Regulation (EEC) No 3328/75 for each product intended for importation into a Member State other than those mentioned in paragraph 1 shall be equal to 90 % of the amount resulting from the levy adjusted, where appropriate, by the monetary compensatory amount applicable for France during the week preceding that in which commences the quarter for which the amount of the reduction is calculated.'

(1) OJ No L 329, 23. 12. 1975, p. 4

(2) OJ No L 327, 26. 11. 1976, p. 1

(3) OJ No L 333, 30. 12. 1975, p. 44.

(4) OJ No L 167, 26. 6. 1976, p. 35.

(5) OJ No L 148, 28. 6. 1968, p. 24.

(6) OJ No L 67, 15. 3. 1976, p. 28.

(7) OJ No L 25, 31. 1. 1975, p. 10.

(8) OJ No L 250, 14. 9. 1976, p. 5.

*Article 3*

There shall be added to Regulation (EEC) No 3376/75 the following Article 5a:

*Article 5a*

For the quantities imported pursuant to Article 2 (4) of Regulation (EEC) No 193/75, the full amount of the levies fixed in accordance with Articles 10 to 13 of Regulation (EEC) No 805/68 shall be charged.

*Article 4*

In the second paragraph of Article 6 of Regulation (EEC) No 3376/75 the date '31 December 1976' is hereby replaced by '31 December 1977'.

*Article 5*

By way of derogation from Article 2 (1) and (5) of Regulation (EEC) No 3376/75, in January 1977 applications for import licences may be submitted to the competent agencies of the Member States during the first five days of the month. The licences shall be issued in that month on the twelfth day following the first day of the period for the submission of applications.

*Article 6*

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 22 December 1976.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

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COMMISSION REGULATION (EEC) No 931/77

of 29 April 1977

derogating from Regulation (EEC) No 3376/75 as regards the calculation of the amount of the reduction of import charges for beef and veal products from the African, Caribbean and Pacific States for the period beginning 2 May 1977  
(OJ L 109/77)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3328/75 of 18 December 1975 renewing the arrangements for the reduction of import charges on beef and veal products originating in the African, Caribbean and Pacific States<sup>(1)</sup>, as last amended by Regulation (EEC) No 2841/76<sup>(2)</sup>, and in particular Article 3 (2) thereof,

Whereas Article 4 of Commission Regulation (EEC) No 3376/75 of 23 December 1975 laying down rules for the application of Council Regulation (EEC) No 3328/75 renewing the arrangements for the reduction of import charges on beef and veal products originating in the African, Caribbean and Pacific States<sup>(3)</sup>, as last amended by Regulation (EEC) No 3136/76<sup>(4)</sup>, stipulates that the amount of the reduction of the import charges referred to in Article 1 (1) of Regulation (EEC) No 3328/75 shall be calculated taking into account the levies and the monetary and accession compensatory amounts that are valid during the week preceding that in which commences the quarter for which the amount of the reduction is calculated;

Whereas Article 3 (2) of Regulation (EEC) No 3328/75 provides for a possible derogation from the rules concerning the quarterly fixing and the reference period for the calculation of that amount, especially when the transition from one marketing year to the

next makes it necessary; whereas it is important to take into account the levies and compensatory amounts, both accession and monetary, calculated on the basis of the new price;

Whereas the beginning of the 1977/78 marketing year has been fixed for 2 May 1977 by Council Regulation (EEC) No 649/77 of 29 March 1977 extending the 1976/77 marketing year for beef and veal<sup>(5)</sup>, as amended by Regulation (EEC) No 869/77<sup>(6)</sup>;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from Article 4 of Regulation (EEC) No 3376/75 the amount of the reduction of import charges for beef and veal products originating in the African, Caribbean and Pacific States, as referred to in Article 1 (1) of Regulation (EEC) No 3328/75, shall be fixed for the period beginning 2 May 1977 and calculated on the basis of the levies and compensatory amounts, both accession and monetary, applicable from that date.

*Article 2*

This Regulation shall enter into force on 2 May 1977.

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

Done at Brussels, 29 April 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No L 329, 23. 12. 1975, p. 4.

<sup>(2)</sup> OJ No L 327, 26. 11. 1976, p. 1.

<sup>(3)</sup> OJ No L 333, 30. 12. 1975, p. 44.

<sup>(4)</sup> OJ No L 353, 23. 12. 1976, p. 40.

<sup>(5)</sup> OJ No L 82, 31. 3. 1977, p. 1.

<sup>(6)</sup> OJ No L 106, 29. 4. 1977, p. 1.



COUNCIL REGULATION (EEC) No 2841/76

of 23 November 1976

amending Regulation (EEC) No 1466/76 extending the arrangements laid down in Regulation (EEC) No 3328/75 for imports of beef and veal originating in certain African, Caribbean and Pacific States  
(OJ L 327/76)

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas Council Regulation (EEC) No 3328/75 of 18 December 1975 renewing the arrangements for the reduction of import charges on beef and veal products originating in the African, Caribbean and Pacific States<sup>(2)</sup>, as amended by Regulation (EEC) No 1466/76<sup>(3)</sup>, applies only until 31 December 1976; whereas the conditions which led to the application of

these exceptional measures still exist and it is therefore necessary to extend the arrangements which result therefrom until such time as there is a change in the import conditions,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 3 of Regulation (EEC) No 1466/76 the date '31 December 1976' shall be replaced by '31 December, 1977'.

*Article 2*

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 23 November 1976.

*For the Council*

*The President*

A. P. L. M. M. van der STEE

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<sup>(1)</sup> Opinion delivered on 19 November 1976 (not yet published in the Official Journal).

<sup>(2)</sup> OJ No L 324, 23. 12. 1975, p. 4.

<sup>(3)</sup> OJ No L 165, 25. 6. 1976, p. 9.



COUNCIL REGULATION (EEC) No 1929/76

of 3 August 1976

on the application of Decision 3/76 of the ACP-EEC Council of Ministers derogating from the concept of 'originating products' to take account of the special situation of Mauritius with regard to certain products of the textile industry  
(OJ L 210/76)

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the ACP-EEC Council of Ministers set up under the ACP-EEC Convention of Lomé<sup>(1)</sup> signed on 28 February 1975, hereinafter called 'the Convention', adopted, pursuant to Article 9 (2) of the Convention, Decision 3/76 of 14 July 1976 derogating from the concept of 'originating products' to take account of the special situation of Mauritius with regard to certain products of the textile industry;

Whereas it is necessary, in accordance with Article 74 (3) of the Convention, to take the measures required to implement that Decision,

HAS ADOPTED THIS REGULATION:

*Article 1*

Decision 3/76 of the ACP-EEC Council of Ministers annexed to this Regulation shall apply in the Community.

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

Done at Brussels, 3 August 1976.

*Article 2*

Member States shall manage their shares in the quota in accordance with their own relevant provisions.

Member States shall ensure that importers of the product in question established in their territory have free access to the shares allocated to them.

The extent to which each Member State has used up its share shall be determined on the basis of the imports of the products in question entered with the customs authorities for home use.

Member States shall forward to the Commission, no later than the fifteenth of each month, a statement of all imports of the products in question effected during the previous month.

*Article 3*

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

It shall apply from 1 August 1976 to 31 July 1977.

*For the Council*

*The President*

M. van der STOEL

<sup>(1)</sup> OJ No L 25, 30. 1. 1976, p. 2.



III - COMMUNITY ACTS RELATING TO THE IMPLEMENTATION  
OF THE CONVENTION OF LOME

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2. COMMUNITY REGULATIONS

C. SUGAR



COUNCIL REGULATION (EEC) No 1394/77

of 27 June 1977

on the conclusion of the Agreement<sup>\*</sup> 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 and the Republic of Uganda concerning the agreed quantities of cane sugar for certain ACP States  
(JO L 158/77)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas, having regard to the initial difficulties inherent in implementing Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé<sup>(1)</sup> and Annex IV to the Council Decision of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community<sup>(2)</sup>, it is appropriate that an Agreement be approved in the form of an exchange of letters between the European Economic Community and the States referred to in the said Protocol and the Republic of Surinam, in order to restore the agreed quantities originally provided for in the said Protocol in respect of the People's Republic of the Congo, the Republic of Kenya and the Republic of Uganda and in respect of the Republic of Surinam in the context of the said Decision,

HAS ADOPTED THIS REGULATION :

*Article 1*

The 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 and the Republic of Uganda concerning the agreed quantities of cane sugar for certain ACP States, is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement referred to in Article 1 so that it shall be binding on the Community.

*Article 3*

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

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

Done at Luxembourg, 27 June 1977.

*For the Council*

*The President*

J. SILKIN

(1) OJ No L 25, 30 1. 1976, p. 1.

(2) OJ No L 176, 1. 7. 1976, p. 8.



COUNCIL REGULATION (EEC) No 1508/77

of 5 July 1977

on the conclusion of the Agreements in the form of exchanges 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 also the Republic of India, on the guaranteed prices for cane sugar for 1977/78

(OJ L 168/77)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission.

Whereas Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé<sup>(1)</sup>, and the Agreement between the European Economic Community and the Republic of India on cane sugar<sup>(2)</sup>, are implemented in the context of the management of the common organization of the sugar market;

Whereas it is appropriate to approve the Agreements in the form of exchanges of letters between the European Economic Community and the States referred to in Protocol 3 on ACP sugar and the Republic of Surinam, and also the Republic of India, on the guaranteed prices for cane sugar for 1977/78,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreements in the form of exchanges of letters between the European Economic Community and

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

Done at Brussels, 5 July 1977.

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 and the Republic of Uganda, on the guaranteed prices for cane sugar for 1977/78, and the Agreement in the form of an exchange of letters between the the European Economic Community and the Republic of India on the guaranteed prices for cane sugar 1977/78, are hereby approved on behalf of the Community.

The texts of these Agreements are annexed to this Regulation

*Article 2*

The President of the Council is authorized to designate the person empowered to sign the Agreements referred to in Article 1 so as to bind the Community

*Article 3*

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

*For the Council*

*The President*

H. SIMONET

(1) OJ No L 25, 30.1.1976, p. 1

(2) OJ No L 190, 23.7.1975, p. 36

ACP-EEC COUNCIL OF MINISTERS  
• BRUSSELS