

A S S O C I A T I O N
between
THE EUROPEAN ECONOMIC COMMUNITY
and the
AFRICAN AND MALGASY STATES ASSOCIATED
WITH THAT COMMUNITY

COMPILATION OF TEXTS

II / 2

1 June 1965 - 31 May 1966

THE ASSOCIATION COUNCIL

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C O N T E N T S

	Page
I. ACTS OF THE COUNCIL (1)	
Decision No. 8/66 of the Association Council delegating powers to the Association Committee to adopt its second Annual Report	1
Decision No. 9/66 of the Association Council delegating powers to the Association Committee to approve the account of the expenses of the Court of Arbitration and to order their repayment	3
Decision No. 10/66 of the Association Council on the operating expenses of the Court of Arbitration	5
Resolution No. 1/66 of the Association Council on the general pattern for financial and technical co-operation	7

II. INFORMATION

Rules of Procedure of the Court of Arbitration	23
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(1) The following Decisions appear in Compilation of Texts No. II/1:

- Decision No. 5/66 of the Association Council on the definition of the concept of "originating products" for the purpose of implementing Title I of the Convention of Association and on the methods of administrative co-operation
- Decision No. 6/66 of the Association Council defining the methods of administrative co-operation in Customs matters for the purpose of implementing the Yaoundé Convention
- Decision No. 7/66 of the Association Council delegating powers to the Association Committee to amend Decision No. 6/66 of the Association Council.

DECISION No. 8/66
of the Association Council
delegating powers to the Association Committee
to adopt its second Annual Report

THE ASSOCIATION COUNCIL,

HAVING REGARD to the Convention and, in particular, to Article 43, Article 47(2) and Article 50(2) thereof,

WHEREAS the Association Council must submit an Annual Report to the Parliamentary Conference of the Association,

WHEREAS the second Annual Report must relate to the period from 1 June 1965 to 31 May 1966,

WHEREAS the Parliamentary Conference of the Association must meet in December 1966 and is to examine the said Report at this meeting,

WHEREAS, for the smooth organization of the work of the Conference, it is important that the Council's Report should reach the Conference not later than 30 June 1966,

WHEREAS, under these conditions, it is necessary for the sake of simplicity and speed that the Council delegate to the Association Committee, pursuant to Article 47(2) of the Convention, the power to adopt its second Annual Report,

HAS DECIDED:

Article 1

The Association Council hereby delegates to the Association Committee the power to adopt its second Annual Report (1 June 1965 to 31 May 1966) and to transmit the said Report to the Parliamentary Conference of the Association.

Article 2

The Associated States, the Member States and the Community shall be required, each to the extent to which they are concerned, to take the necessary steps to implement this Decision.

This Decision shall enter into force on 18 May 1966.

Done at Tananarive, 18 May 1966
The President of the Association Council

Marcel FISCHBACH

DECISION No. 9/66
of the Association Council
delegating powers to the Association Committee
to approve the account of the expenses of the
Court of Arbitration and to order their repayment

THE ASSOCIATION COUNCIL,

HAVING REGARD to the Convention and, in particular, to Article 43,
Article 47(2) and Article 51(5) thereof,

HAVING REGARD to Protocol No. 6 to the Convention, concerning the
operating expenses of the Institutions of the Association, and in
particular to Article 3 thereof,

HAVING REGARD to Decision No. 3/64 of the Association Council
adopting the Statute of the Court of Arbitration of the Association,
and in particular to Article 25 thereof,

WHEREAS the Association Council must each year approve the account
of the sums paid to the members of the Court of Arbitration of the
Association as travel and subsistence expenses, and must order the
repayment of the said sums,

WHEREAS it is expedient, for the sake of simplicity and speed,
that the Council delegate to the Association Committee,

pursuant to Article 47(2) of the Convention, the power to approve the account of these sums and to order their repayment,

HAS DECIDED:

Article 1

The exercise of the powers laid down in the first sentence of Article 25(3) of Decision No. 3/64 of the Association Council adopting the Statute of the Court of Arbitration of the Association is hereby delegated to the Association Committee.

Article 2

The Associated States, the Member States and the Community shall be required, each to the extent to which they are concerned, to take the necessary steps to implement this Decision.

This Decision shall enter into force on 18 May 1966.

Done at Tananarive, 18 May 1966
The President of the Association Council

Marcel FISCHBACH

DECISION No. 10/66
of the Association Council
concerning the operating expenses of the Court of Arbitration

THE ASSOCIATION COUNCIL,

HAVING REGARD to the Convention of Association between the European Economic Community and the African and Malagasy States associated with that Community, and in particular to Article 51 thereof,

HAVING REGARD to Protocol No. 6 to that Convention, concerning the operating expenses of the Institutions of the Association, and in particular to Article 3 thereof,

HAVING REGARD to Decision No. 3/64 of the Association Council adopting the Statute of the Court of Arbitration of the Association, and in particular to Article 25 thereof,

HAVING REGARD to the letter of 18 May 1965 from the President of the Court of Arbitration informing the Association Council of the travel and subsistence expenses incurred by the members of the Court of Arbitration on the occasion of the session held in September 1964,

HAVING REGARD to the letter of 3 January 1966 from the President of the Co-ordinating Committee of the Associated African and Malagasy States concerning the division among these States of the share of the Court's operating expenses to be borne by them,

HAS DECIDED :

Article 1

The account of the travel and subsistence expenses incurred by the members of the Court of Arbitration in connection with the 1964 session of the Court, has been approved at the sum of 150,580 Belgian francs.

Article 2

This sum shall be repaid to the Court of Justice of the European Communities by the European Economic Community as to 75,290 Belgian francs and by the Associated States as to 75,290 Belgian francs, each of the latter States contributing 4,183 Belgian francs.

Article 3

The said repayment shall be made over to the Registry of the Court of Justice of the European Communities within two months of this Decision.

Article 4

The Associated States, the Member States and the European Economic Community shall be required, each to the extent to which they are concerned, to take the necessary steps to implement this Decision.

This Decision shall enter into force on 18 May 1966.

Done at Tananarive, 18 May 1966
The President of the Association Council

Marcel FISCHBACH

RESOLUTION No. 1/66

of the Association Council
on the general pattern for financial
and technical co-operation

At its third meeting, held at Tananarive on 18 May 1966, the Association Council laid down the general pattern for financial and technical co-operation as follows, in implementation of the Convention.

I. OBJECTIVES OF FINANCIAL AND TECHNICAL CO-OPERATION

1. Directly productive investments

While efforts to improve infrastructure should not be neglected, in directly productive sectors investment should be promoted by the widest possible application of the whole range of means available under the Yaoundé Convention. The economic and social structure of the country concerned and its degree of development should be taken into account.

2. Diversification of economies

Diversification of the Associated States' economies by means of the resources of both the European Development Fund and the European Investment Bank is one of the main objectives of financial and technical co-operation. It is to be achieved:

- (a) By widening the range of agricultural and industrial production, both for domestic consumption and for export, in order to offset in part the deterioration that has occurred in the Associated States' terms of trade ;
- (b) By developing mineral prospecting and development ;

- (c) By promoting the establishment of an industrial basis, in particular the industrial processing of local produce ;
- (d) By reforming, through aid for equipment and other means, the structures of production and marketing, in particular in agriculture, stock-raising, fisheries and craft industries ;
- (e) By developing the services sector (transport, tourism, etc.).

In this sphere badly co-ordinated measures should be avoided, for they would be likely to cause over-production and competition harmful to the interests of the Associated States.

3. Concentration of effort

In order that the Community's financial aid may have a rapid and durable effect on the structures of the Associated States, an endeavour should be made to encourage the attainment of objectives that will have a decisive significance and importance for their economic and social growth ; this necessitates in particular a concentration of effort on certain key sectors of activity or development areas. In this

connection, particular attention should be paid to schemes concerning two or more Associated States.

4. Establishment of own means of promoting development and of operating schemes

When schemes are selected, preference should be given to those that will help the Associated States concerned to establish their own means of promoting development and of operating schemes. This would help to increase the number of schemes that can be financed from local resources.

5. Encouragement of efforts made by producers themselves

Schemes must be chosen as far as possible with the aim of stimulating efforts by producers and enterprises in the countries concerned and encouraging investment of fresh local or outside capital, with a view to enlarging existing enterprises or setting up new ones.

6. Attention to regional projects

In order to promote the development of intra-African co-operation and trade, particular attention is to be paid to

regional schemes, with a view to increasing the complementary nature of the African countries' economies.

7. Harmonious and balanced economic and social development of the Associated States

In order to promote the harmonious and balanced development of the Associated States as a whole, special measures should be taken by the Community whenever it should prove necessary, account being taken of the factors which will in any case retard the E.D.F.'s contribution to the development of certain countries. The ultimate aim must be to raise the standard of living in the A.A.M.S.

The Community could also, by appropriate methods and in the framework of the Yaoundé Convention, help certain Associated States to obtain loans from the E.I.B.

8. Associated States' initiative in the selection of schemes

The initiative in submitting schemes belongs to the Associated States, who are judges of the priorities that must be established among their respective schemes when submitting them.

The contacts between the Community and the Associated States provided for in Article 22 of the Yaoundé Convention must be pursued and as far as possible intensified when schemes or programmes are examined.

9. Recurrent expenditure

When schemes are being selected, the fullest account should be taken of the recurrent expenditure, calculated realistically, which these schemes may involve, and in particular of their possible implications for the operational budgets of the beneficiary States.

II. RESOURCES FOR AND CONDITIONS OF FINANCIAL AND TECHNICAL CO-OPERATION

10. More balanced use of the financial and technical resources available

With a view to a full and balanced use of all the resources which the Convention places at the disposal of the Associated States for financing their schemes, the opportunities for financing through repayable aid (E.D.F. loans on special terms and E.I.B. loans) should be used

more often for schemes or parts of schemes which, because of their economic interest, their profitability and the capacity of the State concerned to service debts, are suitable for financing by these methods.

For this purpose the Associated States should encourage the submission of schemes satisfying these criteria.

11. Use of financial resources in the best economic conditions

The sums allocated for financing schemes or programmes must be used in the best economic conditions. With this in view, the Associated States and the Community should, within the limits of their respective competences, ensure that :

- (i) The cost of schemes and their execution is not adversely affected
 - (a) by long delays between the approval of schemes and their execution ;
 - (b) by the absence of normal conditions of competition, particularly because of regulations and administrative practices impeding the play of competition ;
- (ii) Delays in the execution of schemes already adopted should be made good as rapidly as possible.

The Associated States, furthermore, should take care that completed schemes are serviced and operated satisfactorily.

12. Associated States' own efforts

In order to enhance the value of Community aid, which is always complementary in character, the Associated States should concentrate, if need be with technical assistance from the Community, on :

- (a) Rational planning of economic development and judicious use of the various resources available ;
- (b) An economic policy which will increase the readiness to initiate action within the framework of this planning, and to increase the number of schemes, in particular private ones, undertaken in those activities which contribute to the development of the economy as a whole ;
- (c) A financial policy that will enable the State concerned to increase as far as possible the financial contribution it makes to its own development.

In addition, schemes must be such that they can :

- (i) Increase public revenue and avoid a disproportionate increase in public expenditure (account being taken of the growth of the population and economic expansion) ;

- (ii) Promote the growth of external receipts and maintain external expenditure within acceptable limits, especially where current payments are concerned, in order to maintain the balance of foreign exchange movements.

13. Resident supervisors

It might be a good move to provide a resident supervisor for each Associated State. The duties of such a supervisor should, however, be established in advance and made clear to the State concerned.

III. AIDS FOR PRODUCTION AND DIVERSIFICATION

A. AIDS FOR PRODUCTION

14. Aids for production proper

The following measures should be taken in the framework of the Convention :

- (i) Target prices should be adjusted to allow for fortuitous factors that fall outside the Associated States' powers of decision ;

- (ii) Annual instalments of support should be fixed to take into account the difference established between recorded costs and the selling price ;
- (iii) Carry-over, where economically necessary, of non-utilized credits to later instalments ;
- (iv) Arrangements by which a given product can benefit from both price support and advances to the relevant stabilization funds ;
- (v) Arrangements to ensure that interest shall not be payable on advances to stabilization funds during the agreed life of these advances.

15. Structural improvement of agriculture

In order to modernize the structure of agriculture in the Associated States, close attention should be paid to all steps taken by the A.A.M.S. to locate advisory staff in the countryside and to give information on rational production methods and new selected varieties. In this connection, the Community must give priority to the acquisition of agricultural equipment that can be used by the peasant in Africa or Madagascar, who must be the primary beneficiary of Community aid.

The Community will continue to examine opportunities for co-operation with the Euratom Commission for the purpose of studying the improvement of crops and livestock. How these studies should be followed up will be decided in due course on the initiative of the Associated States concerned.

B. AIDS FOR DIVERSIFICATION

16. Agricultural diversification

Alignment on world prices, as required by the Yaoundé Convention, implies diversification for the sole reason that in many cases world prices do not permit the production of the crops grown today to be maintained at its present level, let alone increased.

The need to be competitive on the world market, and in particular on the Community market, makes it indispensable to take the necessary measures.

The Community and the Associated States must therefore undertake agricultural research in order to determine the most suitable variety of crop plants. Attention should also be paid to any agricultural products which may bring about an improvement in the balance of the population's diet and an economy in foreign exchange for the countries concerned (rice, millet, manioc, yams, potatoes, beans, etc.).

17. Industrial diversification

With reference to industrialization studies undertaken by the Commission for the Associated States, the following points must be stressed :

- (i) The Associated States must continue to be consulted and to be associated with the Community's work, so that a fruitful dialogue may be maintained. Such co-operation would avoid divergences between the broad outlines of the various development plans and programmes based on these studies ;

- (ii) Planning will have to be in terms of an economically viable area, and those responsible must guard against the danger of non-harmonious development occurring within a region if certain criteria are not sufficiently observed ;

- (iii) Although initially industrialization will take the form of building factories to produce consumer goods, the advisability of setting up other units to manufacture the means of production should not be neglected.

IV. TECHNICAL ASSISTANCE AND CO-OPERATION

18. Technical assistance preparatory to and concurrent with investments

The States concerned must continue to be involved in the choice of consultant firms. It is recalled that such firms, whether located in the Member States or the Associated States, are selected mainly according to the

criteria of experience, efficiency and independence, and in the light of the provisions of Article 25 of the Convention.

19. Post-investment technical assistance

Because of the shortage of supervisory staff, which constitutes a serious obstacle to the launching and operating of investments financed by the Community, every attention should be paid to the opportunities offered by Article 4 of Protocol No. 5 to the Convention.

20. Training of supervisory staff and vocational training

An investment policy is valid only in so far as a programme to train staff to carry out and operate the projects is undertaken at the same time.

In this context, the particular situation of each Associated State should be borne in mind.

(a) Types of training

The training of supervisory staff, in particular medium-level administrators and civil servants, and vocational training, should be stepped up in close connection with development schemes financed by the

Community, in order to facilitate the replacement of European technical assistants and to ensure that investments are managed efficiently, especially in agriculture.

(b) Place of training

The training of medium-level supervisory staff and, as far as possible, of senior staff should be carried on in the Associated States, in accordance with the possibilities and wishes of these States.

In this connection, efforts should be made to press ahead with any steps already taken to improve the facilities for training locally and to encourage the founding of specialized establishments with complementary syllabuses ; care should be taken that there is no overlapping. These establishments should be adapted to the needs of the Associated States and should cater for one or more of these States.

(c) Co-operation between the Associated States and the Commission

The Associated States desire closer co-operation with the Commission on everything which has to do with scholarships and symposia.

21. General surveys

The general surveys financed by the Community will be carried out in close co-operation with the competent authorities of the Associated States.

The results of these surveys will continue to be notified in good time to the Associated States.

This text shall enter into force on 18 May 1966.

Done at Tananarive, 18 May 1966
The President of the Association Council

Marcel FISCHBACH

Rules of Procedure of the
Court of Arbitration

THE ADMINISTRATION OF THE COURT

Article 1

1. A register, initialled by the President, shall be kept in the Registry, under the responsibility of the official of the Court of Justice of the European Communities designated by the latter for this purpose. All procedural documents and papers submitted in support shall be recorded in the register one after another and in the order of their submission.
2. A note recording entry in the register shall be made on original documents and, on application by the parties, on copies submitted by them for this purpose.
3. The recording in the register and the noting specified in the preceding paragraph shall constitute an official record.
4. Any person having an interest in the matter may consult the register at the Registry and may obtain copies or extracts thereof on payment of the fee prescribed by the scale of Registry charges of the Court of Justice of the European Communities.

All parties to a case may furthermore obtain, at the same scale of charges, copies of procedural documents and office copies of orders and decisions.

Article 2

Subject to the directions of the President, it shall be the responsibility of the Registry to receive, send and preserve all documents, and to give such notices as may be required under these Rules.

Article 3

The official referred to in Article 1 (1) above shall be responsible for the Court archives and publications.

The Registry shall publish a record of the awards of the Court.

The functioning of the Court

Article 4

The dates and times of the sittings of the Court shall be fixed by the President.

Article 5

1. The Court shall hold its deliberations in private.
2. Should oral proceedings have taken place, only those members who took part in them shall take part in the deliberations.
3. At the request of a member, any question put to the vote of the Court shall be phrased in the official language of his choice and communicated to the Court in writing.
4. The findings reached after final discussion by the majority of the members who took part in the deliberations shall constitute the decision of the Court.

Languages

Article 6

1. The official languages of the Court shall be German, French, Italian and Dutch.
2. Each party shall use the official language of its choice.

3. Should a witness or expert state that he is unable to express himself effectively in one of the official languages, the Court shall authorize him to make his statements in another language. The Registry shall arrange for translation into the official languages used by the parties.
4. The members of the Court may use an official language other than those used by the parties. The Registry shall arrange for translation into the official languages used by the parties.
5. At the request of one of the Judges or of one of the parties, the Registry shall arrange for a translation of what is said or written during the proceedings before the Court to be made into the official language of their choice.

Article 7

The publications of the Court shall appear in the official languages.

RIGHTS AND OBLIGATIONS OF AGENTS, LEGAL ADVISERS AND LEGAL REPRESENTATIVES

Article 8

In order to enjoy the privileges and immunities referred to in Article 14 of the Statute of the Court, proof of status shall first be furnished as follows :

- (a) for agents, by an official document issued by the Community or by the State which they represent; a copy of this document shall be transmitted immediately to the Registry by the State concerned or by the Community;
- (b) for legal advisers and legal representatives, by credentials issued by the Registry. The validity of these credentials shall be limited to a fixed period, which may be extended or shortened according to the length of the proceedings.

Article 9

1. Any agent, legal adviser or legal representative whose conduct before the Court or a member of the Court is incompatible with the dignity of the Court, or who makes use of the rights which he enjoys by reason of his position to ends other than those for which they have been granted, may at any time be barred from the proceedings by an order of the Court, after due provision has been made for the person concerned to defend himself.

Such order shall be enforceable immediately.

2. Where an agent, legal adviser or legal representative has been barred from the proceedings, the proceedings shall be adjourned until the expiry of the period fixed by the President to allow the party concerned to appoint another agent, legal adviser or legal representative.
3. Decisions taken pursuant to the provisions of this Article may be rescinded.

Article 10

The provisions of Articles 8 and 9 of these Rules shall apply to the University teachers referred to in Article 13 of the Statute.

PROCEDURE

Article 11

1. The original of every procedural document, signed by the agent or legal representative duly authorized thereto, shall be deposited at the Registry.

It shall be accompanied by as many certified true copies as there are parties in the case, and by one copy to be transmitted to the Association Council.

2. Every procedural document shall, for the purpose of calculating time limits, be dated on the day of its receipt by the Registry.

The Registry shall acknowledge receipt of all procedural documents.

3. Where appropriate, a file containing supporting papers and documents, together with a schedule of such papers and documents, shall be annexed to the original and to the copies of all procedural documents.
4. If, on account of the size of a paper or document, extracts only are annexed to the procedural document, then the paper or document in its entirety, or a complete copy thereof, shall be deposited at the Registry.
5. A copy of every procedural document relating to the written proceedings shall be transmitted to the parties and to the Association Council.

Article 12

1. The petition referred to in Article 51 of the Convention of Association and in Article 16 of the Statute of the Court shall contain, in addition to a summary of the facts establishing that an amicable settlement of the dispute has not been obtained from the Association Council and that the parties have not reached an appropriate settlement of the dispute :
 - (a) the name and address for service of the petitioner;
 - (b) the description of the party against whom the petition is directed;
 - (c) a statement of the subject at dispute;
 - (d) a summary statement of the grounds on which the petitioner bases his claim;
 - (e) the petitioner's submissions;
 - (f) offers of evidence, where appropriate.

2. A legal representative assisting a party shall be required to lodge at the Registry a document certifying that he is a member of the Bar in a Member State or an Associated State.

A University teacher assisting a party shall be required to lodge at the Registry a document certifying that he has the right of audience under his domestic law.

3. Should a petition not satisfy the conditions set out in paragraphs 1 and 2 of this Article, the President shall set the petitioner a reasonable period in which to regularize the petition or to produce the above-mentioned documents. Should the petition not be regularized or the documents not be produced within the period allowed, the Court shall decide whether failure to satisfy these conditions shall lead to the petition being formally inadmissible.

Article 13

Within the period fixed by the President, the defendant shall submit a statement of defence, which shall contain :

- (a) the name and address for service of the defendant;
- (b) the grounds on which the defence is based;
- (c) the defendant's submissions;
- (d) offers of evidence where appropriate.

The provisions of Article 12 (2) of these Rules shall apply.

Article 14

The petitioner may submit a reply if he so requests within three weeks of the transmission of the defence.

The defendant may, in that case, submit a rejoinder. The time limit for submitting these pleadings shall be fixed by the President.

Article 15

The parties may also offer evidence in support of their arguments in the reply and the rejoinder. An explanation shall be given as to why such evidence was not disclosed earlier.

Article 16

After hearing the parties, the Court may at any time order the joinder, on account of their close connection, of several cases bearing on the same subject, for the purposes of the written or oral proceedings or for the purpose of the final award. The Court may subsequently order their separation.

Article 17

Once the President has noted the termination of the written proceedings, the Court shall decide, where appropriate by means of written consultation of the members, whether any inquiry is necessary.

Article 18

After the written proceedings and any inquiry have been completed the President shall decide the date for the opening of the oral proceedings, unless the parties should abandon such proceedings.

PROCEDURE OF INQUIRY

Article 19

1. The Court shall make an order setting out the measures it considers appropriate. Notice of the order shall be given to the parties.

If the Court should apply Article 23 of the Statute, the order shall fix the amount of the advances and the period within which they must be deposited with the Registry.

2. Measures of inquiry shall include :
 - (a) request for information and the production of documents;
 - (b) the calling of witnesses;
 - (c) expert opinion;
 - (d) inspection in loco situ.

3. The Court shall carry out such measures of inquiry as it orders or shall charge one or more of its members with so doing.

4. The parties may be present at the carrying out of such measures.

Article 20

1. The Court may order the hearing of witnesses, either of its own volition or at the request of the parties. The Court's order shall set out the facts to be established.

Witnesses shall be summoned by the Court, either of its own volition or at the request of the parties.

An application by one of the parties for the hearing of a witness shall indicate clearly the matters on which the witness is to be heard and the grounds justifying his being so heard.

2. Witnesses whom the Court considers it necessary to hear shall be summoned pursuant to an order of the Court which shall contain :
 - (a) the name, forenames, occupation or description, and address of each witness;
 - (b) an indication of the matters on which the witnesses are to be heard;
 - (c) where appropriate, mention of the arrangements made by the Court for the reimbursement of expenses claimed by the witnesses and of the penalties to which defaulting witnesses are liable.
3. Notice of this order shall be given to the parties and to the witnesses.
4. The Registry shall give notice to witnesses through the intermediary of the Government of the State on whose territory such notice is to take effect.
5. After verification of the identity of witnesses, they shall be informed that they will have to attest their depositions under oath.

Witnesses shall be heard by the Court or by the inquiring members, after notice has been given to the parties to be present. After the witnesses have given evidence, the President may, at the request of the parties or of his own volition, put questions to the witnesses.

The same right shall be accorded to each member.

6. After giving evidence, witnesses shall swear to having told the truth, the whole truth and nothing but the truth.

The oath shall be taken in the form prescribed by the law of the State of which the witness is a national.

The Court may, with the agreement of the parties, exempt a witness from taking an oath.

7. Under the direction of the President or of the inquiring members, a record shall be made of each deposition. After being read, such record shall be signed by the witness, the President or a member, and the official referred to in Article 1 (1) of these Rules.

Article 21

1. The Court may order an expert examination and report to be made. The order appointing the expert shall define his task and fix a time limit for the submission of his report.
2. The expert shall receive a copy of the order, together with all the documents necessary for his task. He shall be placed under the orders of a member designated to that end by the Court, who may be present at the expert's investigation and who shall be kept informed of the progress made by the expert in his task.
3. At the request of the expert, the Court may decide to hear witnesses, who shall be heard in accordance with the provisions of Article 20 of these Rules. The Court may also authorize the expert to hear third parties.
4. The expert may give his opinion only on the points expressly put to him.
5. After the report has been submitted, the Court may order the expert to be heard, after notice has been given to the parties to be present.
6. After presenting the report, the expert shall swear before the Court to having carried out his task conscientiously and with full impartiality.

The oath shall be taken in the form prescribed by the law of the State of which the expert is a national.

The Court may, with the agreement of the parties, exempt an expert from taking an oath.

Article 22

1. Should a party challenge a witness or an expert on the grounds of legal disability, disqualification or for any other reason, or should a witness or an expert refuse to give evidence or to take an oath, the Court shall give a ruling thereon.
2. Any challenge of a witness or an expert shall be made within one month of notice of the order summoning the witness or appointing the expert, by means of a written statement indicating the grounds for challenge and the offers of evidence.

Article 23

1. Witnesses and experts shall be entitled to have their travel and subsistence expenses reimbursed. The Court may give them an advance on these expenses.
2. Witnesses shall be entitled to be indemnified, and experts to be paid fees for their work.

Such payments shall be made to experts and witnesses after they have completed their depositions or their tasks.

Article 24

The parties shall be entitled to examine all records of the inquiry, and the expert's report, at the Registry, and may obtain copies thereof at their own expense.

Article 25

The President shall decide when the procedure of inquiry has been completed.

ORAL PROCEEDINGS

Article 26

1. Hearings shall be public, unless the Court should decide otherwise.
2. A decision to hear a case in camera shall entail a prohibition of publication of the records or of any other information relating to the hearing.

Article 27

In the course of the hearing, the members of the Court may put questions to the agents, legal advisers or legal representatives of the parties.

Article 28

The parties may only address the Court through their agent, legal adviser or legal representative.

Article 29

The President shall declare the oral proceedings closed.

Article 30

The Court may at any time order a measure of inquiry or require any part of the procedure of inquiry to be re-opened or taken further. It may charge one or more of its members to carry out these measures.

Article 31

The Court may order the re-opening of the oral proceedings.

AWARDS

Article 32

An award shall contain :

- (a) a statement that it has been delivered by the Court;
- (b) the date of delivery;
- (c) the names of the President and the members who have taken part in the deliberations;
- (d) the names of the agents, legal advisers and legal representatives of the parties;
- (e) a summary of the facts and of the demands of the parties;
- (f) the grounds on which the award is based;
- (g) the Court's decision including a decision as to costs.

Article 33

Awards shall be given in the official languages chosen by the parties, the text drafted in the language chosen by the petitioner being the authentic one.

Awards shall be delivered in open Court, after notice has been given to the parties to be present.

Article 34

1. The record of the award, signed by the President and by the official referred to in Article 1 (1) of these Rules, shall be sealed and deposited in the Registry; a certified true copy thereof shall be transmitted to each of the parties by the Registry.

2. The Registry shall communicate the award to the Association Council, for transmission to the Member States, the Associated States and the Community, where these are not parties to the case.
3. The date of transmission to the parties shall be noted on the record of the award.

Article 35

1. Should an obvious clerical error occur in the award, the Court may correct it, either of its own volition or at the request of one of the parties, within a month of the transmission of the award. In the latter event, the other party, after having been duly notified by the Registry, may present written observations within a period to be determined by the President.
2. Correction may be decided upon by means of written consultation of the members of the Court.
3. The record of the order prescribing the correction shall be appended to the corrected record of the award. A note of the order shall be made in the margin of the corrected record of the award.

COSTS

Article 36

1. The Court shall determine the recoverable costs to be reimbursed by the parties. If there is a dispute on the amount of the recoverable costs, the Court shall make an order at the request of the party concerned, after the other party has been given the opportunity to present its written observations.
2. The parties may, for the purposes of enforcement, request an office copy of the order.
3. The order may be made by means of written consultation of the members of the Court.

Article 37

1. The Court shall make payments in the currency of the Country in which it has its seat.

At the request of the person concerned, payment shall be made in the currency of the country in which the repayable expenses have been incurred or in which the acts were performed from which the right to indemnification arose.

2. Other debtors shall make their payments in the currency of their country of origin.
3. Currencies shall be converted in accordance with the official rate of exchange ruling on the day on which payment is made in the country in which the Court has its seat.

NOTICE

Article 38

1. Copies of the notices provided for in these Rules shall be delivered by the Registry to the place of residence of the addressee, either by registered post, acknowledged by receipt, or by delivery by hand against receipt.

Copies of the original of which notice is to be given shall be drawn up and certified as true copies by the official referred to in Article 1 (1) of these Rules, save where they come from the parties themselves, in accordance with Article 11 (1) of these Rules.

2. The post-office registration slip and the acknowledgement of receipt by post or by hand shall be appended to the original of the document.

DISCONTINUANCE

Article 39

If, before the Court has given its award, the parties come to an agreement as to the settlement of the dispute and inform the Court that they do not intend to go on with the proceedings, the Court shall order the case to be struck from the register and shall decide on any costs to be paid.

Article 40

If the petitioner gives written notice to the Court that he wishes to discontinue, the Court shall order the case to be struck from the register and shall decide on any costs to be paid.

FINAL PROVISION

Article 41

The present Rules, drawn up in the four languages specified in Article 64 of the Convention of Association, shall be transmitted to the Association Council for communication to the Member States, the Associated States and the Community. The four texts shall be authentic.

Done at Luxembourg, 15 March 1966.