

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 223 final.

Brussels, 17 May 1976

RECOMMENDATION FOR A DECISION OF THE COUNCIL AND OF THE
REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES
MEETING IN THE COUNCIL AUTHORIZING THE COMMISSION TO
OPEN NEGOTIATIONS WITH THE DEMOCRATIC REPUBLIC OF SAO
TOME AND PRINCIPE

RECOMMENDATION FOR A DECISION OF THE COUNCIL AND OF THE
REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES
MEETING IN THE COUNCIL AUTHORIZING THE COMMISSION TO
OPEN NEGOTIATIONS WITH THE REPUBLIC OF CAPE VERDE

D R A F T

INTERNAL AGREEMENT AMENDING THE INTERNAL AGREEMENT ON
THE FINANCING AND ADMINISTRATION OF COMMUNITY AID SIGNED
ON 11 JULY 1975

(submitted to the Council by the Commission)

ACCESSION TO THE ACP-EEC CONVENTION OF LOMÉ BY SÃO TOMÉ E PRÍNCIPE
AND CAPE VERDE

(Commission Communication to the Council concerning the opening of negotiations)

1. The Democratic Republic of São Tomé e Príncipe and the Republic of Cape Verde made formal requests for accession to the Lomé Convention, under Article 90 of the Convention, on 16 August and 11 October 1975 respectively.

Without waiting for these requests to be formally approved by the ACP-EEC Council of Ministers, which could not act until the Convention had entered into force, the Commission - after informing the Council of the European Communities and the ACP States - began exploratory talks with the Governments of the two countries in question. These talks were held

in December 1975 with São Tomé e Príncipe, and
in February 1976 with Cape Verde.

2. At the exploratory talks and in the course of subsequent contacts it was found that the two countries were ready to accept in principle all the obligations involved in accession to the Convention.

The only matter which might be raised by the two countries in the course of negotiations proper concerns trade, given the de facto existence of preferential arrangements with the former metropolis. Since, however, the two countries have stated that they intend in any case to abolish these preferential arrangements eventually, their existence does not seem to be a problem which cannot be resolved satisfactorily during the negotiations.

Since there are no other special problems, it would appear that the negotiations could take place in a relatively short time, leading rapidly to the signing by the Community of an accession agreement with each of the countries.

The Community would thus be responding to the desire which has been expressed for accession to the Convention at the earliest possible date.

3. The negotiations will be conducted in close contact with the ACP States, which will be kept informed by exchanges of views as necessary. The Commission considers that, although it is not a legal requirement of the Convention, when the negotiations have been completed the accession agreements should then be the subject of consultation with the ACP Group. The accession agreements would subsequently be signed and the necessary ratification procedures begun.

In any case the accession agreements will enter into force only when the requests for accession have been formally approved by the ACP-EEC Council of Ministers. It is useful to point out, however, that at the recent meetings in Georgetown and Blantyre, the ACP were favourably disposed towards these requests for accession. Arrangements should therefore be made for formal approval to be obtained:

at the first meeting of the ACP-EEC Council of Ministers,
or, if necessary, by written procedure.

4. With a view to enabling the negotiations with the two countries to be opened as soon as possible, the Commission recommends that Decisions of the Council and the Representatives of the Member States meeting in the Council be adopted, authorizing the Commission to open negotiations with:

SÃO TOMÉ E PRÍNCIPE (ANNEX I)

and

CAPE VERDE (ANNEX II)

and the relevant directives issued.

While the negotiations with the applicant States are being conducted, the Member States should agree on the provisions amending the Internal Financial Agreement in order to enable the necessary procedures for ratifying those provisions to be undertaken at the same time as those for the accession agreements (Annex III).

5. The Commission considers that as soon as the accession agreements have been signed, pending completion of the ratification procedures in the Member States, the Community and the applicant countries should agree, for the purpose of their trade, to apply autonomously the trade arrangements provided for by the agreements, as the Community and the 46 ACP States did from 1 July 1975.

Lastly, the Commission considers that, in the same spirit, transitional measures similar to those adopted between the Community and the ACP States from 1 July 1975 as regards financial and technical cooperation in particular should also be applied.

RECOMMENDATION FOR A DECISION OF THE COUNCIL AND OF THE
REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES
MEETING IN THE COUNCIL AUTHORIZING THE COMMISSION TO
OPEN NEGOTIATIONS WITH SAO TOME AND PRINCIPE

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE REPRESENTATIVES OF THE
GOVERNMENTS OF THE MEMBER STATES MEETING IN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 238 thereof,

Having regard to the recommendation from the Commission,

Whereas SAO TOME AND PRINCIPE has applied to accede to the ACP-EEC
Convention signed in Lomé on 28 February 1975;

Whereas the first paragraph of Article 90 of the Convention stipulates
that, subject to the approval of the ACP-EEC Council of Ministers, an
agreement between the Community and a State whose economic structure
and production are comparable with those of the ACP States may provide
for the accession of that State to the Convention,

HAVE DECIDED AS FOLLOWS:

Sole Article

The Commission is hereby authorized to open negotiations for the conclusion
of an agreement between the European Economic Community and

SAO TOME AND PRINCIPE on the accession of that country to the
ACP-EEC Convention of Lomé.

The Commission shall conduct these negotiations in consultation with the
Representatives of the Member States and in accordance with the directives
annexed hereto.

DIRECTIVES RELATING TO THE NEGOTIATIONS WITH

SAO TOME AND PRINCIPE FOR THE CONCLUSION OF AN AGREEMENT ON THE
ACCESSION OF THAT COUNTRY TO THE ACP-EEC CONVENTION OF LOME

1. The agreement to be concluded shall provide for the accession of
SAO TOME AND PRINCIPE to the ACP-EEC Convention of Lomé.
2. The agreement may stipulate the date on which certain of its obligations,
in particular concerning trade, would become applicable to SAO TOME
AND PRINCIPE.
3. (ECSC products).

RECOMMENDATION FOR A DECISION OF THE COUNCIL AND OF THE
REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES
MEETING IN THE COUNCIL AUTHORIZING THE COMMISSION TO OPEN
NEGOTIATIONS WITH THE REPUBLIC OF CAPE VERDE

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE REPRESENTATIVES OF THE
GOVERNMENTS OF THE MEMBER STATES MEETING IN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 238 thereof,

Having regard to the recommendation from the Commission,

Whereas Cape Verde has applied to accede to the ACP-EEC Convention signed
in Lomé on 28 February 1975;

Whereas the first paragraph of Article 90 of the Convention stipulates
that, subject to the approval of the ACP-EEC Council of Ministers, an
agreement between the Community and a State whose economic structure
and production are comparable with those of the ACP States may provide for
the accession of that State to the Convention,

HAVE DECIDED AS FOLLOWS:

Sole Article

The Commission is hereby authorized to open negotiations for the conclusion
of an agreement between the European Economic Community and the Republic
of CAPE VERDE on the accession of that country to the ACP-EEC Convention
of Lomé.

The Commission shall conduct these negotiations in consultation with the
Representatives of the Member States and in accordance with the directives
annexed hereto.

DIRECTIVES RELATING TO THE NEGOTIATIONS WITH THE REPUBLIC OF CAPE VERDE
FOR THE CONCLUSION OF AN AGREEMENT ON THE ACCESSION OF THAT COUNTRY TO
THE ACP-EEC CONVENTION OF LOME

1. The agreement to be concluded shall provide for the accession of Cape Verde to the ACP-EEC Convention of Lomé.
2. The agreement may stipulate the date on which certain of its obligations, in particular concerning trade, would become applicable to CAPE VERDE.
3. (ECSC products).

D R A F T

Internal Agreement amending the Internal Agreement on the financing and administration of Community aid signed on 11 July 1975

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN ECONOMIC COMMUNITY MEETING IN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community, hereinafter referred to as the "Treaty",

After consulting the Commission,

Whereas the Agreements between the European Economic Community and respectively signed on , hereinafter referred to as the "Accession Agreements", provide for the accession of to the ACP-EEC Convention signed in Lomé on 28 February 1975;

Whereas pursuant to Article 90 of the Convention the accession of a State must not adversely affect the advantages accruing to the ACP States signatory to the Convention, inter alia from the provisions on financial and technical cooperation and the stabilization of export earnings;

Whereas the Member States have now decided to increase by million units of account the amounts made available to the European Development Fund (1975);

Whereas the Internal Agreement on the financing and administration of Community aid signed on 11 July 1975 should therefore be amended,

HAVE AGREED AS FOLLOWS :

.../...

Article 1

Article 1 (2) and (3) of the Internal Agreement on the financing and administration of Community aid is hereby amended as follows :

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

- " Belgium million u.a.
- " Denmark million u.a.
- "Germany million u.a.
- " France million u.a.
- " Ireland million u.a.
- " Italy million u.a.
- " Luxembourg million u.a.
- " Netherlands million u.a.
- " United Kingdom million u.a.

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

- " a) million u.a. for the ACP States, comprising :
 - " million u.a. in the form of grants
 - " million u.a. in the form of special loans
 - " million u.a. in the form of risk capital
 - " million u.a. in the form of transfers pursuant to Title II of the Convention.
- " b) million u.a. for the countries and territories and the French overseas departments, comprising :
 - " million u.a. in the form of grants
 - " million u.a. in the form of special loans
 - " million u.a. in the form of risk capital
 - " million u.a. as a reserve.
- " c) million u.a. 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.

p.m. EIB loans.

.../...

Article 2

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 shall enter into force, provided that the procedures referred to in the preceding paragraph have been completed, at the same time as the Accession Agreements.

Article 3

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.