



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.09.1996
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96/0225 (AVC)

**Proposal for a
COUNCIL DECISION**

**on the conclusion of the protocol to the fourth ACP-EC Convention of Lomé
following the accession of Austria, Finland and Sweden
to the European Union**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Protocol on the accession of Austria, Finland and Sweden to the fourth ACP-EC Convention was signed in Mauritius on 3 November 1995 by the plenipotentiaries of the ACP countries and the Member States.

This proposal is for a Council Decision to bring that Protocol into force in the Community.

The Council is therefore requested to approve the Decision appended to this document.

Proposal for a Council Decision on the conclusion of the protocol to the fourth ACP-EC Convention of Lomé following the accession of Austria, Finland and Sweden to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, particularly Article 238 thereof in conjunction with the second sentence of Article 228(2) and second subparagraph of Article 228(3),

Having regard to the Commission proposal,

Having regard to the assent of Parliament,

Whereas the protocol to the fourth ACP-EC Convention should be approved following the accession of Austria, Finland and Sweden to the European Union,

HAS DECIDED AS FOLLOWS:

Article one

The protocol to the fourth ACP-EC Convention following the accession of Austria, Finland and Sweden to the European Union is hereby approved on behalf of the European Community. The text of the protocol is attached to this Decision.

Article two

The Council President, acting on behalf of the European Community, shall initiate the notification procedure set out in Article 5 of the protocol.

PROTOCOL

to the Fourth ACP-EC Convention consequent on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE HELLENIC REPUBLIC,

HIS MAJESTY THE KING OF SPAIN,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF FINLAND,

HIS MAJESTY THE KING OF SWEDEN,

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

whose States are Contracting Parties to the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Community, and

THE COUNCIL OF THE EUROPEAN UNION AND THE EUROPEAN COMMISSION,

of the one part, and

THE HEADS OF THE ACP STATES,
whose States are hereinafter referred to as "ACP States",

of the other part,

HAVING REGARD to the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989, and in particular Article 358 thereof,

WHEREAS the Republic of Austria, the Republic of Finland and the Kingdom of Sweden acceded to the European Union on 1 January 1995,

WHEREAS the requisite adjustments should therefore be made to the Convention and whereas the transitional measures to be applied to trade between the new acceding States and ACP States should be fixed,

WHEREAS it is agreed that the scope of these measures shall be confined to the period of validity of the Convention,

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

HIS MAJESTY THE KING OF THE BELGIANS:

HER MAJESTY THE QUEEN OF DENMARK:

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

THE PRESIDENT OF THE HELLENIC REPUBLIC:

HIS MAJESTY THE KING OF SPAIN:

THE PRESIDENT OF THE FRENCH REPUBLIC:

THE PRESIDENT OF IRELAND:

THE PRESIDENT OF THE ITALIAN REPUBLIC:

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA:

THE PRESIDENT OF THE PORTUGUESE REPUBLIC:

THE PRESIDENT OF THE REPUBLIC OF FINLAND:

HIS MAJESTY THE KING OF SWEDEN:

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

THE COUNCIL OF THE EUROPEAN UNION AND THE EUROPEAN COMMISSION:

THE HEADS OF THE ACP STATES:

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

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Austria, the Republic of Finland and the Kingdom of Sweden shall become Contracting Parties to the Convention and to the Declaration annexed to the Final Act signed at Lomé on 15 December 1989.

Article 2

The texts of the Convention, including the Annexes and Protocols which form an integral part thereof, as well as the Declarations annexed to the Final Act, drawn up in Finnish and Swedish, shall be authentic in the same conditions as the original texts.

Article 3

Nationals and companies of firms (within the meaning of Article 274(2) of the Convention) of Austria, Finland and Sweden, and the supplies originating in the said States, shall not be eligible to take part in the calls for tender and public contracts issued exclusively by the European Development Funds (EDF) to which the States of which they are nationals or companies have not contributed.

Article 4

This Protocol shall form an integral part of the Convention.

Article 5

This Protocol shall be approved by the Contracting Parties in accordance with their own procedures. It shall come into force on the first day of the second month following notification of the completion of the procedures by the Contracting Parties.

Article 6

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of those texts being equally authentic.

Done at Brussels,

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