

The Convention was
previously published as
European Communities
No. 128 (1975),
Cmd. 6220.

EUROPEAN
COMMUNITIES



Treaty Series No. 105 (1979)

ACP-EEC Convention
of Lomé
and
Agreement on Products within the
Province of the European Coal and
Steel Community
Lomé, 28 February 1975
(with related documents)

[The Convention entered into force on 1 April 1976]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
December 1979*

LONDON
HER MAJESTY'S STATIONERY OFFICE

£4 net

Cmd. 7751

✓ This publication reproduces the text of the Convention and related documents as signed in Lomé on 28 February 1975. It has been modified subsequently and, in particular in Protocol I, List A in Annex II, List B in Annex III, amendments, corrections and modifications have been introduced as indicated in Council Regulation (EEC) No. 1484/78 of 19 June 1978 (OJ. EC. L177 of 30 June 1978).

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ACP-EEC CONVENTION OF LOMÉ

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⁽¹⁾ (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 the Bahamas, The Head of State of Barbados, The President of the Republic of Botswana, The President of the Republic of Burundi, The President of the United Republic of Cameroon, The President of the Central African Republic, The President of the People's Republic of the Congo, The President of the Republic of the Ivory Coast, The President of the Republic of Dahomey, The President of the Provisional Administrative Military Council, President of the Government of Ethiopia, Her Majesty the Queen of Fiji, The President of the Gabonese Republic, The President of the Republic of the Gambia, The President of the National Redemption Council of the Republic of Ghana, The Head of State of Grenada, The President of the Republic of Guinea, The President of the Council of State of Guinea Bissau, The President of the Republic of Equatorial Guinea, The President of the Cooperative Republic of Guyana, The President of the Republic of Upper Volta, The Head of State of Jamaica, The President of the Republic of Kenya, The King of the Kingdom of Lesotho, The President of the Republic of Liberia, The President of the Republic of Malawi, The Head of State and of Government of the Malagasy Republic, The President of the Military Council of National Liberation of Mali, Head of State, President of the Government, Her Majesty the Queen of Mauritius, The President of the Islamic Republic of Mauritania, The President of the Republic of Niger, The Head of the Federal Military Government of Nigeria, The President of the Republic of Rwanda, The President of the Republic of Senegal, The President of the Republic of Sierra Leone, The President of the Somali Democratic Republic, President of the Supreme Revolutionary Council, The President of the Democratic Republic of the Sudan, The King of the Kingdom of Swaziland, The President of the United Republic of Tanzania, The President of the Republic of Chad, The President of the Republic of Togo, The Head of State of Tonga, The Head of State of Trinidad and Tobago, The President of the Republic of Uganda, The Head of State of Western Samoa, The President of the Republic of Zaïre, The President of the Republic of Zambia, whose States are hereinafter called the "ACP States", of the other part,

⁽¹⁾ Treaty Series No. 1 1973—Part II, Cmnd. 5179—II now re-issued as Treaty Series No. 15 (1979), Cmnd. 7460.

Having regard to the Treaty establishing the European Economic Community;

Anxious to establish, on the basis of complete equality between partners, close and continuing co-operation, in a spirit of international solidarity;

Resolved to intensify their efforts together for the economic development and social progress of the ACP States;

Wishing to demonstrate their common desire to maintain and develop the friendly relations existing between their countries, according to the principles of the United Nations Charter;

Resolved to promote, having regard to their respective levels of development, trade co-operation between the ACP States and the Community and to provide a sound basis therefor in conformity with their international obligations;

Conscious of the importance of developing co-operation and trade among the ACP States;

Resolved to establish a new model for relations between developed and developing States, compatible with the aspirations of the international community towards a more just and more balanced economic order;

Desirous of safeguarding the interests of the ACP States whose economies depend to a considerable extent on the exportation of commodities;

Anxious to promote the industrial development of the ACP States by wider co-operation between these States and the Member States of the Community;

Have decided to conclude this Convention, and to this end have designated as their Plenipotentiaries :

His Majesty the King of the Belgians :
Renaat Van Elslande,
Minister for Foreign Affairs;

Her Majesty the Queen of Denmark :
Jens Christensen,
State Secretary for Foreign Affairs, Ambassador;

The President of the Federal Republic of Germany :
Hans-Jürgen Wischniewski,
Minister of State for Foreign Affairs;

The President of the French Republic:
Pierre Abelin,
Minister for Co-operation;

The President of Ireland :
Garret Fitzgerald, T.D.,
Minister for Foreign Affairs;

The President of the Italian Republic:

Francesco Cattanei,
State Secretary for Foreign Affairs;

His Royal Highness the Grand Duke of Luxembourg:

Jean Dondelinger,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

Her Majesty the Queen of the Netherlands:

Prof. Mr. L. J. Brinkhorst,
State Secretary for Foreign Affairs;

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

The Rt. Hon. Judith Hart, M.P.,
Minister for Overseas Development;

The Council of the European Communities:

Garret Fitzgerald,
President in office of the Council of the European Communities;
François-Xavier Ortoli,
President of the Commission of the European Communities;
Claude Cheysson,
Member of the Commission of the European Communities;

The Head of State of the Bahamas:

A. R. Braynen,
High Commissioner for the Bahamas;

The Head of State of Barbados:

Stanley Leon Taylor,
Permanent Representative of the Ministry of Trade, Industry and Commerce;

The President of the Republic of Botswana:

The Hon. Dr. Gaositwe Keagakwa Tibe Chiepe,
Minister of Commerce and Industry;

The President of the Republic of Burundi:

Gilles Bimazubute,
Minister for Foreign Affairs and Co-operation;

The President of the United Republic of Cameroon:

Maikano Abdoulaye,
Minister for Planning and Regional Development;

The President of the Central African Republic:

Jean Paul Mokodopo,
Minister for Planning;

- The President of the People's Republic of the Congo :
Commandant Alfred Raoul,
Ambassador Extraordinary and Plenipotentiary,
Representative of the Congo to the European Economic
Community;
- The President of the Republic of the Ivory Coast :
Henri Konan Bedie,
Minister of Economic Affairs and Finance;
- The President of the Republic of Dahomey :
Captain André Atchade,
Minister for Industry, Trade and Tourism;
- The President of the Provisional Administrative Military Council,
President of the Government of Ethiopia :
Ato Gebre Kidan Alula,
Trade Representative of Ethiopia to the European Economic
Community;
- Her Majesty the Queen of Fiji :
The Rt. Hon. Ratu K. T. Mara, K.B.E.,
Prime Minister and Minister for Foreign Affairs;
- The President of the Gabonese Republic :
Emile Kassa Mapsi,
Minister of State;
- The President of the Republic of the Gambia :
Alhaji the Hon. Ibrahim Garba Jahumpa,
Minister of Finance and Trade;
- The President of the National Redemption Council of the Republic of
Ghana :
Lieutenant Colonel Felli,
Minister Commissioner for Economic Planning;
- The Head of State of Grenada :
Senator Derek Knight,
Minister without Portfolio;
- The President of the Republic of Guinea :
Seydou Keita,
Ambassador Extraordinary of the Republic of Guinea for Western
Europe;
- The President of the Council of State of Guinea Bissau :
Dr. Vasco Cabral,
State Commissioner for Economic and Financial Affairs;
- The President of the Republic of Equatorial Guinea :
Agelmasie Ntumu,
State Secretary;

- The President of the Cooperative Republic of Guyana :
 The Hon. S. S. Ramphal, S.C., M.P.,
 Minister for Foreign Affairs and Industry;
- The President of the Republic of Upper Volta :
 Leonard Kalmogo,
 State Secretary for Planning;
- The Head of State of Jamaica :
 Perceval J. Patterson,
 Minister of Industry, Tourism and Foreign Trade;
- The President of the Republic of Kenya :
 Dr. J. G. Kiano,
 Minister of Trade and Industry;
- The King of the Kingdom of Lesotho :
 E. R. Sekhonyana,
 Minister of Finance;
- The President of the Republic of Liberia :
 The Hon. D. Franklin Neal,
 Minister of Planning and Economic Affairs;
- The President of the Republic of Malawi :
 The Hon. D. T. Matenje,
 Minister of Trade, Industry and Tourism, Minister of Finance;
- The Head of State and of Government of the Malagasy Republic :
 Jules Razafimbahiny,
 Ambassador Extraordinary and Plenipotentiary,
 Representative to the European Economic Community;
- The President of the Military Council of National Liberation of Mali :
 Head of State, President of the Government :
 Lieutenant Colonel Charles Samba Cissokho,
 Minister for Foreign Affairs and Co-operation;
- Her Majesty the Queen of Mauritius :
 Sir Seewoosagur Ramgoolam,
 Prime Minister;
- The President of the Islamic Republic of Mauritania :
 Sidi Ould Cheikh Abdallah,
 Minister for Planning and Industrial Development;
- The President of the Republic of Niger :
 Captain Moumouni Djermakoye Adamou,
 Minister for Foreign Affairs and Co-operation;
- The Head of the Federal Military Government of Nigeria :
 Gabriel Chukwuemika,
 Federal Commissioner for Trade;
- The President of the Republic of Rwanda :
 Nduhungirehe,
 Minister for Finance and Economic Affairs;

- The President of the Republic of Senegal :
 Babacar Ba,
 Minister for Finance and Economic Affairs;
- The President of the Republic of Sierra Leone :
 The Hon. Francis M. Minah,
 Minister for Trade and Industry;
- The President of the Somali Democratic Republic, President of the
 Supreme Revolutionary Council :
 Jaale Mohamed Warsame Ali,
 Adviser to the Economic Committee of the Supreme Revolutionary
 Council;
- The President of the Democratic Republic of the Sudan :
 Sharif el Khatim,
 Deputy Minister of Finance and National Economy;
- The King of the Kingdom of Swaziland :
 The Hon. Simon Sishayi Nxumalo,
 Minister of Industry and Mines;
- The President of the United Republic of Tanzania :
 Daniel Narcis Mtonga Mloka,
 Ambassador to the Federal Republic of Germany;
- The President of the Republic of Chad :
 Ngarhodjina Adoum Moundari,
 State Secretary for Modern Economy;
- The President of the Republic of Togo :
 Benissan Tete-Tevi,
 Minister for Trade and Industry;
- The Head of State of Tonga :
 His Royal Highness Prince Tupoutoa;
- The Head of State of Trinidad and Tobago :
 The Hon. Dr. Cuthbert Joseph,
 Minister in the Ministry of External and West Indian Affairs;
- The President of the Republic of Uganda :
 The Hon. Edward Athiyo,
 Minister of Trade;
- The Head of State of Western Samoa :
 The Hon. Falesa P. S. Saili,
 Minister of Finance;
- The President of the Republic of Zaire :
 Kanyinda Tshimpumpu,
 State Commissioner for Trade;
- The President of the Republic of Zambia :
 Rajah Kunda,
 Minister of Commerce;

Who, having exchanged their full powers, found in good and due form,
Have agreed as follows:

TITLE I

TRADE CO-OPERATION

ARTICLE 1

In the field of trade co-operation, the object of this Convention is to promote trade between the Contracting Parties, taking account of their respective levels of development, and, in particular, of the need to secure additional benefits for the trade of ACP States, in order to accelerate the rate of growth of their trade and improve the conditions of access of their products to the market of the European Economic Community (hereinafter called the "Community"), so as to ensure a better balance in the trade of the Contracting Parties.

To this end the Contracting Parties shall apply Chapters 1 and 2 of this Title.

CHAPTER 1

Trade arrangements

ARTICLE 2

1. Products originating in the ACP States shall be imported into the Community free of customs duties and charges having equivalent effect, but the treatment applied to these products may not be more favourable than that applied by the Member States among themselves.

For the purposes of the first subparagraph the transitional provisions in force relating to the residual customs duties and charges having equivalent effect resulting from the application of Articles 32, 36 and 59 of the Act concerning the Conditions of Accession and the Adjustments to the Treaties shall have no application.

2. (a) Products originating in the ACP States:

listed in Annex II to the Treaty when they come under a common organization of the market within the meaning of Article 40 of the Treaty; or

subject, on importation into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy;

shall be imported into the Community notwithstanding the general arrangements applied in respect of third countries, in accordance with the following provisions:

- (i) those products shall be imported free of customs duties for which Community provisions in force at the time of importation do not provide, apart from customs duties, for the application of any other measure relating to their importation;

(ii) for products other than those referred to under (i), the Community shall take the necessary measures to ensure, as a general rule, more favourable treatment than the general treatment applicable to the same products originating in third countries to which the most-favoured-nation clause applies.

(b) These arrangements shall enter into force at the same time as this Convention and shall remain applicable for its duration.

If, however, during the application of this Convention, the Community, subjects one or more products to common organization of the market or to specific rules introduced as a result of the implementation of the common agricultural policy, it reserves the right to adapt the import treatment for these products originating in the ACP State, following consultations within the Council of Ministers. In such cases, paragraph 2 (a) shall be applicable;

modifies the common organization of the market in a particular product or the specific rules introduced as a result of the implementation of the common agricultural policy, it reserves the right to modify the arrangements laid down for products originating in the ACP States, following consultations within the Council of Ministers. In such cases, the Community undertakes to ensure that products originating in the ACP States continue to enjoy an advantage comparable to that previously enjoyed in relation to products originating in third countries benefiting from the most-favoured-nation clause.

ARTICLE 3

1. The Community shall not apply to imports of products originating in the ACP States any quantitative restrictions or measures having equivalent effect other than those which the Member States apply among themselves.

2. Paragraph 1, however, shall not prejudice the import treatment applied to the products referred to in the first indent of Article 2 (2) (a).

The Community shall inform the ACP States when residual quantitative restrictions are eliminated in respect of any of these products.

3. This Article shall not prejudice the treatment that the Community applies to certain products in implementation of world commodity agreements to which the Community and the ACP States concerned are signatory.

ARTICLE 4

Nothing in this Convention shall preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals and plants; the protection of national treasures possessing artistic, historic or archaeological value or the protection of industrial and commercial property.

Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade.

ARTICLE 5

Where new measures or measures stipulated in programmes adopted by the Community for the approximation of laws and regulations in order to facilitate the movement of goods are likely to affect the interests of one or more ACP States the Community shall, prior to adopting such measures, inform the ACP States thereof through the Council of Ministers.

In order to enable the Community to take into consideration the interests of the ACP States concerned, consultations shall be held at the request of the latter with a view to reaching a satisfactory solution.

ARTICLE 6

1. Where existing rules or regulations of the Community adopted in order to facilitate the movement of goods or where the interpretation, application or administration thereof affect the interests of one or more ACP States, consultations shall be held at the request of the latter with a view to reaching a satisfactory solution.

2. With a view to finding a satisfactory solution, the ACP States may also bring up within the Council of Ministers any other problems relating to the movement of goods which might result from measures taken or to be taken by the Member States.

The competent institutions of the Community shall to the greatest possible extent inform the Council of Ministers of such measures.

ARTICLE 7

1. In view of their present development needs, the ACP States shall not be required, for the duration of this Convention, to assume, in respect of imports of products originating in the Community, obligations corresponding to the commitments entered into by the Community in respect of imports of the products originating in the ACP States, under this Chapter.

2. (a) In their trade with the Community, the ACP States shall not discriminate among the Member States, and shall grant to the Community treatment no less favourable than the most-favoured-nation treatment.

(b) The most-favoured-nation treatment referred to in subparagraph (a) shall not apply in respect of trade or economic relations between ACP States or between one or more ACP States and other developing countries.

ARTICLE 8

Each Contracting Party shall communicate its customs tariff to the Council of Ministers within a period of three months following the entry into force of this Convention. It shall also communicate any subsequent amendments to that tariff as and when they occur.

ARTICLE 9

1. The concept of "originating products" for the purposes of implementing this Chapter, and the methods of administrative co-operation relating thereto, are laid down in Protocol No. 1.

2. The Council of Ministers may adopt any amendment to Protocol No. 1.

3. Where the concept of "originating products" has not been defined for a given product in implementation of paragraphs 1 or 2, each Contracting Party shall continue to apply its own rules.

ARTICLE 10

1. If, as a result of applying the provisions of this Chapter, serious disturbances occur in a sector of the economy of the Community or of one or more of its Member States, or jeopardize their external financial stability, or if difficulties arise which may result in a deterioration in a sector of the economy of a region of the Community, the latter may take, or may authorize the Member State concerned to take, the necessary safeguard measures. These measures and the methods of applying them shall be notified immediately to the Council of Ministers.

2. For the purpose of implementing paragraph 1, priority shall be given to such measures as would least disturb the trade relations between the Contracting Parties and the attainment of the objectives of this Convention. These measures shall not exceed the limits of what is strictly necessary to remedy the difficulties that have arisen.

ARTICLE 11

In order to ensure effective implementation of the provisions of this Convention in the field of trade co-operation, the Contracting Parties agree to inform and consult each other.

Consultations shall take place, at the request of the Community or of the ACP States, in accordance with the conditions provided for in the rules of procedure in Article 74, particularly in the following cases:

1. Where Contracting Parties envisage taking any trade measures affecting the interests of one or more Contracting Parties under this Convention, they shall inform the Council of Ministers thereof. Consultations shall take place, where the Contracting Parties concerned so request, in order to take into account their respective interests.
2. Where the Community envisages concluding a preferential trade agreement it shall inform the ACP States thereof. Consultations shall take place, where the ACP States so request, in order to safeguard their interests.
3. Where the Community or the Member States take safeguard measures in accordance with Article 10, consultations on these measures may take place within the Council of Ministers, where the Contracting Parties concerned so request, notably with a view to ensuring compliance with Article 10 (2).

4. If, during the application of the Convention, the ACP States consider that agricultural products covered by Article 2 (2) (a), other than those subject to special treatment, call for special treatment, consultations may take place within the Council of Ministers.

CHAPTER 2

Trade promotion

ARTICLE 12

With a view to attaining the objectives they have set themselves as regards trade and industrial co-operation the Contracting Parties shall carry out trade promotion activities which will be aimed at helping the ACP States to derive maximum benefit from Title I, Chapter I, and Title III and to participate under the most favourable conditions in the Community, regional and international markets.

ARTICLE 13

The trade promotion activities provided for in Article 12 shall include:

- (a) improving the structure and working methods of organizations, departments or firms contributing to the development of the foreign trade of ACP States, or setting up such organizations, departments or firms;
- (b) basic training or advanced vocational training of staff in foreign trade and trade promotion;
- (c) participation by the ACP States in fairs, exhibitions, specialized international shows and the organization of trade events;
- (d) improving co-operation between economic operators in the Member States and the ACP States and establishing links to promote such co-operation;
- (e) carrying out and making use of market research and marketing studies;
- (f) producing and distributing trade information in various forms within the Community and the ACP States with a view to developing trade.

ARTICLE 14

Applications for financing of trade promotion activities shall be presented to the Community by the ACP State or ACP States concerned under the conditions laid down in Title IV.

ARTICLE 15

The Community shall participate, under the conditions laid down in Title IV and in Protocol No. 2, in financing trade promotion activities for promoting the development of exports of ACP States.

TITLE II
EXPORT EARNINGS FROM COMMODITIES

CHAPTER 1

Stabilization of export earnings

ARTICLE 16

With the aim of remedying the harmful effects of the instability of export earnings and of thereby enabling the ACP States to achieve the stability, profitability and sustained growth of their economies, the Community shall implement a system for guaranteeing the stabilization of earnings from exports by the ACP States to the Community of certain products on which their economies are dependent and which are affected by fluctuations in price and/or quantity.

ARTICLE 17

1. Export earnings to which the stabilization system applies shall be those accruing from the exportation by the ACP States to the Community of the products on the following list, drawn up taking account of factors such as employment, deterioration of the terms of trade between the Community and the ACP State concerned, the level of development of the State concerned and the particular difficulties of the least developed, landlocked or island ACP States listed in Article 24 :

- (a) Groundnut products
 - (aa) groundnuts, shelled or not
 - (ab) groundnut oil
 - (ac) groundnut oilcake
- (b) Cocoa products
 - (ba) cocoa beans
 - (bb) cocoa paste
 - (bc) cocoa butter
- (c) Coffee products
 - (ca) raw or roasted coffee
 - (cb) extracts, essences or concentrates of coffee
- (d) Cotton products
 - (da) cotton, not carded or combed
 - (db) cotton linters
- (e) Coconut products
 - (ea) coconuts
 - (eb) copra
 - (ec) coconut oil
 - (ed) coconut oilcake

- (f) Palm, palm nut and kernel products
 - (fa) palm oil
 - (fb) palm nut and kernel oil
 - (fc) palm nut and kernel oilcake
 - (fd) palm nuts and kernels
- (g) Raw hides, skins and leather
 - (ga) raw hides and skins
 - (gb) bovine cattle leather
 - (gc) sheep and lamb skin leather
 - (gd) goat and kid skin leather
- (h) Wood products
 - (ha) wood in the rough
 - (hb) wood roughly squared or half-squared, but not further manufactured
 - (hc) wood sawn lengthwise, but not further prepared
- (i) Fresh bananas
- (k) Tea
- (l) Raw sisal
- (m) Iron ore

Iron ores and concentrates and roasted iron pyrites

The statistics used for implementation of the system shall be those obtained by cross-checking the statistics of the ACP States and of the Community, account being taken of the f.o.b. values.

The system shall be implemented in respect of the products listed above where they are:

- (a) released for home use in the Community;
- (b) brought under the inward processing arrangements there in order to be processed.

2. The system shall apply to an ACP State's export earnings from the products listed above if, during the year preceding the year of application, earnings from the export of the product or products to all destinations represented at least 7.5% of its total earnings from merchandise exports: for sisal, however, the percentage shall be 5%. For the least developed, landlocked or island ACP States listed in Article 24 the percentage shall be 2.5%.

3. Nonetheless if, not sooner than 12 months following the entry into force of this Convention, one or more products not contained in this list, but upon which the economies of one or more ACP States depend to a considerable extent, are affected by sharp fluctuations, the Council of Ministers may decide whether the product or products should be included in the list, without prejudice to Article 18 (1).

4. For certain special cases the system shall apply to exports of the products in question irrespective of destination.

5. The ACP States concerned shall certify that the products to which the stabilization system applies have originated in their territory.

ARTICLE 18

1. For the purposes specified in Article 16 and for the duration of this Convention, the Community shall allocate to the stabilization system a total amount of 375 million units of account to cover all its commitments under the said system. This amount shall be managed by the Commission of the European Communities (hereinafter the "Commission").

2. This total amount shall be divided into five equal annual instalments. Every year except the last, the Council of Ministers may authorize, where required, the use in advance of a maximum of 20% of the following year's instalment.

3. Whatever balance remains at the end of each year of the first four years of the application of this Convention shall be carried forward automatically to the following year.

4. On the basis of a report submitted to it by the Commission, the Council of Ministers may reduce the amount of the transfers to be made under the stabilization system.

5. Before the expiry of this Convention, the Council of Ministers shall decide on the use to which any balance remaining from the total amount referred to in paragraph 1 is to be put and also on the terms to be laid down for the further use of amounts still to be paid by the ACP States, under Article 21, after the expiry of this Convention.

ARTICLE 19

1. In order to implement the stabilization system a reference level shall be calculated for each ACP State and for each product.

This reference level shall correspond to the average of export earnings during the four years preceding each year of application.

2. An ACP State shall be entitled to request a financial transfer if, on the basis of the results of a calendar year, its actual earnings, as defined in Article 17, from each of the products considered individually, are at least 7.5% below the reference level. For the least developed, landlocked or island ACP States listed in Article 24 this percentage shall be 2.5%.

3. The request from the ACP State concerned shall be addressed to the Commission, which shall examine it in the light of the volume of resources available.

The difference between the reference level and actual earnings shall constitute the basis of transfer.

4. However,

(a) should examination of the request, to be undertaken by the Commission in conjunction with the ACP State concerned, show that the fall

in earnings from exports to the Community of the products in question is the result of a trade policy measure of the ACP State concerned adversely affecting exports to the Community in particular, the request shall not be admissible;

(b) should examination of the total exports of the requesting ACP State show a significant change, consultations shall take place between the Commission and the requesting State to determine whether such changes are likely to have an effect on the amount of the transfer, and if so to what extent.

5. Except in the case referred to in paragraph 4 (a) the Commission shall, in conjunction with the requesting ACP State, draw up a draft decision to make a transfer.

6. All necessary steps shall be taken to ensure that transfers are made rapidly, for example by means of advances, normally six-monthly.

ARTICLE 20

The recipient ACP State shall decide how the resources will be used. It shall inform the Commission annually of the use to which it has put the resources transferred.

ARTICLE 21

1. The amounts transferred shall not bear interest.

2. The ACP States which have received transfers shall contribute, in the five years following the allocation of each transfer, towards the reconstitution of the resources made available for the system by the Community.

3. Each ACP State shall help reconstitute the resources when it is found that the trend of its export earnings will so permit.

To this effect, the Commission shall determine, for each year and for each product, and on the conditions specified in Article 17(1), whether the unit value of the exports is higher than the reference unit value; the quantity actually exported to the Community is at least equal to the reference quantity,

If the two conditions are met at the same time, the recipient ACP State shall pay back into the system, within the limit of the transfers it has received, an amount equal to the reference quantity multiplied by the difference between the reference unit value and the actual value.

4. If, on expiry of the five-year period referred to in paragraph 2, the resources have not been fully reconstituted, the Council of Ministers, taking into consideration in particular the situation of and prospects for the balance of payments, exchange reserves and foreign indebtedness of the ACP States concerned, may decide that :

the sums outstanding are to be reconstituted wholly or in part, in one or more instalments;

rights to repayment are to be waived.

5. Paragraphs 2, 3 and 4 shall not apply to the ACP States listed in Article 48.

ARTICLE 22

For each transfer a "transfer agreement" shall be drawn up and concluded between the Commission and the ACP State concerned.

ARTICLE 23

1. In order to ensure that the stabilization system functions efficiently and rapidly, statistical and customs co-operation shall be instituted between the Community and the ACP States. The detailed arrangements for such co-operation shall be established by the Council of Ministers.

2. The ACP States and the Commission shall adopt by mutual agreement any practical measures facilitating the exchange of necessary information and the submission of requests for transfers, for example by producing a form for requesting transfers.

ARTICLE 24

The least developed, landlocked or island ACP States referred to in Article 17 (1) and (2) and Article 19 (2) are as follows :

The Bahamas	Malawi
Barbados	Mali
Botswana	Mauritania
Burundi	Mauritius
Central African Republic	Niger
Chad	Rwanda
Dahomey	Somalia
Equatorial Guinea	Sudan
Ethiopia	Swaziland
Fiji	Tanzania
The Gambia	Togo
Grenada	Tonga
Guinea	Trinidad and Tobago
Guinea-Bissau	Uganda
Jamaica	Upper Volta
Lesotho	Western Samoa
Madagascar	Zambia

CHAPTER 2

Specific provisions concerning sugar

ARTICLE 25

1. Notwithstanding any other provisions of this Convention the Community undertakes for an indefinite period to purchase and imports, at guaranteed prices, specific quantities of cane sugar, raw or white, which originate in the ACP States producing and exporting cane sugar and which those States undertake to deliver to it.

2. Protocol No. 3 annexed to this Convention determines the conditions of implementation of this Article.

TITLE III

INDUSTRIAL CO-OPERATION

ARTICLE 26

The Community and the ACP States, acknowledging the pressing need for the industrial development of the latter, agree to take all measures necessary to bring about effective industrial co-operation.

Industrial co-operation between the Community and the ACP States shall have the following objectives :

- (a) to promote the development and diversification of industry in the ACP States and to help bring about a better distribution of industry both within those States and between them;
- (b) to promote new relations in the industrial field between the Community, the Member States and the ACP States, in particular the establishment of new industrial and trade links between the industries of the Member States and those of the ACP States;
- (c) to increase the links between industry and the other sectors of the economy, in particular agriculture;
- (d) to facilitate the transfer of technology to the ACP States and to promote the adaptation of such technology to their specific conditions and needs, for example by expanding the capacity of the ACP States for research, for adaptation of technology and for training in industrial skills at all levels in these States;
- (e) to promote the marketing of industrial products of the ACP States in foreign markets in order to increase their share of international trade in those products;
- (f) to encourage the participation of nationals of ACP States, in particular that of small and medium-sized industrial firms, in the industrial development of those countries;
- (g) to encourage Community firms to participate in the industrial development of the ACP States, where those States so desire and in accordance with their economic and social objectives.

ARTICLE 27

In order to attain the objectives set in Article 26, the Community shall help to carry out, by all the means provided for in this Convention, programmes, projects and schemes submitted to it on the initiative or with the agreement of the ACP States in the fields of industrial infrastructures and ventures, training, technology and research, small and medium-sized firms, industrial information and promotion, and trade co-operation.

ARTICLE 28

The Community shall contribute to the setting up and the extension of the infrastructure necessary for industrial development, particularly in the field of transport and communications, energy and industrial research and training.

ARTICLE 29

The Community shall contribute to the setting up and the extension in the ACP States of industries processing raw materials and industries manufacturing finished and semi-finished products.

ARTICLE 30

At the request of the ACP States and on the basis of the programmes submitted by the latter, the Community shall contribute to the organization and financing of the training, at all levels, of personnel of the ACP States in industries and institutions within the Community.

In addition, the Community shall contribute to the establishment and expansion of industrial training facilities in the ACP States.

ARTICLE 31

With a view to helping the ACP States to overcome obstacles encountered by them in matters of access to and adaption of technology, the Community is prepared in particular to:

- (a) keep the ACP States better informed on technological matters and assist them in selecting the technology best adapted to their needs;
- (b) facilitate their contacts and relations with firms and institutions in possession of the appropriate technological know-how;
- (c) facilitate the acquisition, on favourable terms and conditions, of patents and other industrial property, in particular through financing and/or through other suitable arrangements with firms and institutions within the Community;
- (d) contribute to the establishment and expansion of industrial research facilities in the ACP States with particular reference to the adaption of available technology to the conditions and needs of those States.

ARTICLE 32

The Community shall contribute to the establishment and development of small and medium-sized industrial firms in the ACP States through financial and technical co-operation schemes adapted to the specific needs of such firms and covering *inter alia* :

- (a) the financing of firms;
- (b) the creation of appropriate infrastructure and industrial estates;
- (c) vocational and advanced training;
- (d) the setting up of specialized advisory services and credit facilities.

The development of these firms shall, as far as possible, be conducive to the strengthening of the complementary relationship between small and medium-sized industrial firms and of their links with large industrial firms.

ARTICLE 33

Industrial information and promotion schemes shall be carried out in order to secure and intensify regular information exchanges and the necessary contacts in the industrial field between the Community and the ACP States.

These schemes could have the following aims :

- (a) to gather and disseminate all relevant information on the trends in industry and trade in the Community and on the conditions of and possibilities of industrial development in the ACP States;
- (b) to organize and facilitate contacts and meetings of all kinds between Community and ACP States' industrial policy-makers, promoters and firms;
- (c) to carry out studies and appraisals aimed at pinpointing the practical opportunities for industrial co-operation with the Community in order to promote the industrial development of the ACP States;
- (d) to contribute, through appropriate technical co-operation schemes, to the setting up, launching and running of the ACP States' industrial promotion bodies.

ARTICLE 34

In order to enable the ACP States to obtain full benefit from trade and other arrangements provided for in this Convention, trade promotion schemes shall be carried out to encourage the marketing of industrial products of ACP States both in the Community as well as in other external markets. Furthermore, programmes shall be drawn up jointly between the Community and the ACP States in order to stimulate and develop the trade of industrial products among the said States.

ARTICLE 35

1. A Committee on Industrial Co-operation shall be established. It shall be supervised by the Committee of Ambassadors.

2. The Committee on Industrial Co-operation shall:

- (a) see to the implementation of this Title;
- (b) examine the problems in the field of industrial co-operation submitted to it by the ACP States and/or by the Community, and suggest appropriate solutions;
- (c) guide, supervise and control the activities of the Centre for Industrial Development referred to in Article 36 and report to the Committee of Ambassadors and, through it, to the Council of Ministers;
- (d) submit from time to time reports and recommendations which it considers appropriate to the Committee of Ambassadors;
- (e) perform such other functions as may be assigned to it by the Committee of Ambassadors.

3. The composition of the Committee on Industrial Co-operation and the details for its operation shall be determined by the Council of Ministers.

ARTICLE 36

A Centre for Industrial Development shall be set up. It shall have the following functions:

- (a) to gather and disseminate in the Community and the ACP States all relevant information on the conditions of and opportunities for industrial co-operation;
- (b) to have, at the request of the Community and the ACP States, studies carried out on the possibilities and potential for industrial development of the ACP States, bearing in mind the necessity for adaptation of technology to their needs and requirements, and to ensure their follow-up;
- (c) to organize and facilitate contacts and meetings of all kinds between Community and ACP States' industrial policy-makers, promoters, and firms and financial institutions;
- (d) to provide specific industrial information and support services;
- (e) to help to identify, on the basis of needs indicated by ACP States, the opportunities for industrial training and applied research in the Community and in the ACP States, and to provide relevant information and recommendations.

The Centre's Statutes and rules of operation shall be adopted by the Council of Ministers on a proposal from the Committee of Ambassadors upon the entry into force of this Convention.

ARTICLE 37

Programmes, projects or schemes undertaken in the field of industrial co-operation and involving Community financing shall be implemented in accordance with Title IV, taking into account the particular characteristics of intervention in the industrial sector.

ARTICLE 38

1. Each ACP State shall endeavour to give as clear an indication as possible of its priority areas for industrial co-operation and the form it would like such co-operation to take. It will also take such steps as are necessary to promote effective co-operation within the framework of this Title with the Community and the Member States or with firms or nationals of Member States who comply with the development programmes and priorities of the host ACP State.

2. The Community and the Member States, for their part, shall endeavour to set up measures to attract the participation of their firms and nationals in the industrial development efforts of the ACP States concerned, and shall encourage such firms and nationals to adhere to the aspirations and development objectives of those ACP States.

ARTICLE 39

This Title shall not prevent any ACP State or group of ACP States from entering into specific arrangements for the development in ACP States of agricultural, mineral, energy and other specific resources with a Member State or States of the Community, provided that these arrangements are compatible with this Convention. Such arrangements must be complementary to the efforts on industrialization and must not operate to the detriment of this Title.

TITLE IV

FINANCIAL AND TECHNICAL CO-OPERATION

ARTICLE 40

1. The purpose of economic, financial and technical co-operation is to correct the structural imbalances in the various sectors of the ACP States' economies. The co-operation shall relate to the execution of projects and programmes which contribute essentially to the economic and social development of the said States.

2. Such development shall consist in particular in the greater well-being of the population, improvement of the economic situation of the State, local authorities and firms, and the introduction of structures and factors whereby such improvement can be continued and extended by their own means.

3. This co-operation shall complement the efforts of the ACP States and shall be adapted to the characteristics of each of the said States.

ARTICLE 41

1. The Council of Ministers shall examine at least once a year whether the objectives referred to in Article 40 are being attained and shall also examine the general problems resulting from the implementation of financial and technical co-operation. It shall take stock, on the basis of information gathered both by the Community and the ACP States, of action undertaken in this context by the Community and by the ACP States. This stock-taking shall also cover regional co-operation and measures in favour of the least developed States.

As regards the Community, the Commission shall submit to the Council of Ministers an annual report on the management of Community financial and technical aid. This report shall be drawn up in collaboration with the European Investment Bank (hereinafter called the "Bank") for the parts of the report which concern it. It shall in particular show the position as to the commitment, implementation and utilization of the aid, broken down by type of financing and by recipient State.

The ACP States for their part shall submit to the Council of Ministers any observations, information or proposals on the problems concerning the implementation, in their respective countries, of the economic, financial and technical co-operation, and also on the general problems of this co-operation.

The work on the annual stock-taking of financial and technical co-operation shall be prepared by the experts of the Community and of the ACP States who are responsible for the implementation of that co-operation.

2. On the basis of the information submitted by the Community and the ACP States and of the examination referred to in paragraph 1, the Council of Ministers shall define the policy and guidelines of financial and technical co-operation and shall formulate resolutions on the measures to be taken by the Community and the ACP States in order to ensure that the objectives of such co-operation are attained.

ARTICLE 42

For the duration of this Convention, the overall amount of the Community's aid shall be 3,390 million units of account.

This amount comprises :

1. 3,000 million units of account from the European Development Fund (hereinafter called the "Fund"), allocated as follows :

(a) for the purposes set out in Article 40,
2,625 million units of account, consisting of :

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;

(b) for the purposes set out in Title II, up to 375 million units of account, likewise from the Fund, in the form of transfers for the stabilization of export earnings.

2. For the purposes set out in Article 40, up to 390 million units of account in the form of loans from the Bank, made from its own resources on the terms and conditions provided for in its Statute, and supplemented, as a general rule, by a 3% interest rate subsidy, under the conditions laid down in Article 5 of Protocol No. 2.

The total cost of the interest rate subsidies shall be charged against the amounts of aid provided for in 1(a) above.

ARTICLE 43

1. The method or methods of financing which may be contemplated for each project or programme shall be selected jointly by the Community and the ACP State or ACP States concerned with a view to the best possible use being made of the resources available and by reference to the level of development and the economic and financial situation of the ACP State or ACP States concerned. Moreover, account shall be taken of the factors which ensure the servicing of repayable aid.

The definitive choice of methods of financing for projects and programmes shall be made only at an appropriate stage in the appraisal of such projects and programmes.

2. Account shall also be taken of the nature of the project or programme, of its prospects of economic and financial profitability and of its economic and social impact.

In particular, productive capital projects in the industrial, tourism and mining sectors shall be given priority financing by means of loans from the Bank and risk capital.

ARTICLE 44

1. Where appropriate, a number of methods may be combined for financing a project or programme.

2. With the agreement of the ACP State or ACP States concerned, financial aid from the Community may take the form of co-financing with participation by, in particular, credit and development agencies and institutions, firms, Member States, ACP States, third countries or international finance organizations.

ARTICLE 45

1. Grants and special loans may be made available to or through the ACP State concerned.

2. Where these funds are on-lent through the ACP State concerned, the terms and procedure for the onlending by the intermediate recipient to the final borrower shall be laid down between the Community and the State concerned in an intermediate financing agreement.

3. Any benefits accruing to the intermediate recipient, either because that recipient receives a grant or a loan for which the interest rate or the repayment period is more favourable than that of the final loan, shall be employed by the intermediate recipient for the purposes and on the terms set out in the intermediate financing agreement.

ARTICLE 46

1. The financing of projects and programmes comprises the means required for their execution, such as:

capital projects in the fields of rural development, industrialization, energy, mining, tourism, and economic and social infrastructure;
schemes to improve the structure of agricultural production;
technical co-operation schemes, in particular in the fields of training and technological adaptation or innovation;
industrial information and promotion schemes;
marketing and sales promotion schemes;
specific schemes to help small and medium-sized national firms;
microprojects for grassroots development, in particular in rural areas.

2. Financial and technical co-operation shall not cover current administrative, maintenance and operating expenses.

3. Financial aid may cover import costs and local expenditure required for the execution of projects and programmes.

ARTICLE 47

1. In the implementation of financial and technical co-operation, the Community shall provide effective assistance for attaining the objectives which the ACP States set themselves in the context of regional and inter-regional co-operation. This assistance shall aim to:

- (a) accelerate economic co-operation and development both within and between the regions of the ACP States;
- (b) accelerate diversification of the economies of the ACP States;
- (c) reduce the economic dependence of the ACP States on imports by maximizing output of those products for which the ACP States in question have real potential;
- (d) create sufficiently wide markets within the ACP States and neighbouring States by removing the obstacles which hinder the development and integration of those markets in order to promote trade between the ACP States;
- (e) maximize the use of resources and services in the ACP States.

2. To this end approximately 10% of the total financial resources provided for in Article 42 for the economic and social development of the ACP States shall be reserved for financing their regional projects.

ARTICLE 48

1. In the implementation of financial and technical co-operation, special attention shall be paid to the needs of the least developed ACP States so as to reduce the specific obstacles which impede their development and prevent them from taking full advantage of the opportunities offered by financial and technical co-operation.

2. The following ACP States shall be eligible, according to their particular needs, for the special measures established under this Article:

- | | |
|---------------------------|----------------|
| —Botswana | —Mauritania |
| —Burundi | —Niger |
| —Central African Republic | —Rwanda |
| —Chad | —Somalia |
| —Dahomey | —Sudan |
| —Ethiopia | —Swaziland |
| —The Gambia | —Tanzania |
| —Guinea | —Togo |
| —Guinea-Bissau | —Tonga |
| —Lesotho | —Uganda |
| —Malawi | —Upper Volta |
| —Mali | —Western Samoa |

3. The list of ACP States in paragraph 2 may be amended by decision of the Council of Ministers:

where a third State in a comparable economic situation accedes to this Convention;

where the economic situation of an ACP State undergoes a radical and lasting change either so as to necessitate the application of special measures or so that this treatment is no longer warranted.

ARTICLE 49

1. The following shall be eligible for financial and technical co-operation:

- (a) the ACP States;
- (b) the regional or interstate bodies to which the ACP States belong and which are authorized by the said States;
- (c) the joint bodies set up by the Community and the ACP States and authorized by the latter to attain certain specific objectives, notably in the field of industrial and trade co-operation.

2. Subject to the agreement of the ACP State or ACP States concerned, the following shall also be eligible for such co-operation in respect of projects or programmes approved by the latter:

- (a) local authorities and public or semi-public development agencies of the ACP States, in particular their development banks;
- (b) private bodies working in the countries concerned for the economic and social development of the population of those ACP States;

- (c) firms carrying out their activities, in accordance with industrial and business management methods, which are formed as companies or firms of an ACP State within the meaning of Article 63;
- (d) groups of producers that are nationals of the ACP States or like bodies, and, where no such groups or bodies exist, the producers themselves;
- (e) for training purposes, scholarship holders and trainees.

ARTICLE 50

1. There shall be close co-operation between the Community and the ACP States in implementing aid measures financed by the former. This co-operation shall be achieved through active participation by the ACP State or group of ACP States concerned in each of the various stages of a project: the aid programming, the submission and appraisal of projects, the preparation of financing decisions, execution of projects and final evaluation of the results, in accordance with the various procedures laid down in Articles 51 to 57.

2. As regards project financing for which the Bank is responsible, application of the principles defined in Articles 51 to 58 may be adapted, in concert with the ACP State or ACP States concerned, to take account of the nature of the operations financed and of the Bank's procedures under its statute.

ARTICLE 51

1. Community aid, which is complementary to the ACP States' own efforts, shall be integrated in the economic and social development plans and programmes of the said States so that projects undertaken with the financial support of the Community dovetail with the objectives and priorities set by those States.

2. At the beginning of the period covered by this Convention, Community aid shall be programmed, in conjunction with each recipient State in such a way that the latter can obtain as clear an idea as possible of the aid, in particular as regards the amount and terms, it can expect during that period and especially of specific objectives which this aid may meet. This programme shall be drawn up on the basis of proposals made by each ACP State, in which it has fixed its objectives and priorities. Projects or programmes already identified on an indicative basis may be the subject of a provisional timetable as regards preparation.

3. The Community indicative aid programme for each ACP State shall be drawn up by mutual agreement by the competent bodies of the Community and those of the ACP State concerned. It shall then be the subject of an exchange of views, at the beginning of the period covered by this Convention, between the representatives of the Community and those of the ACP State concerned.

This exchange of views shall enable the ACP State to set out its development policy and priorities.

4. The aid programmes shall be sufficiently flexible to enable account to be taken of changes occurring in the economic situation of the various ACP States, and by any modifications of their initial priorities. Therefore, each programme may be reviewed whenever necessary during the period covered by this Convention.

5. These programmes shall not cover the exceptional aid referred to in Article 59 or the measures for stabilizing export earnings referred to in Title II.

ARTICLE 52

1. Preparation of the projects and programmes which come within the framework of the Community aid programme drawn up by mutual agreement shall be the responsibility of the ACP States concerned or of other beneficiaries approved by them. The Community may, where those States so request, provide technical assistance for drawing up the dossiers of projects or programmes.

2. Such dossiers shall be submitted to the Community as and when they are ready by the beneficiaries specified in Article 49 (1), or, with the express agreement of the ACP State or ACP States concerned, by those specified in Article 49 (2).

ARTICLE 53

1. The Community shall appraise projects and programmes in close collaboration with the ACP States and any other beneficiaries. The technical, social, economic, trade, financial, organizational and management aspects of such projects or programmes shall be reviewed systematically.

2. The aim of appraisal is:

- (a) to ensure that the projects and programmes stem from economic or social development plans or programmes of the ACP States;
- (b) to assess, as far as possible by means of an economic evaluation, the effectiveness of each project or programme by setting the effects it is expected to produce against the resources to be invested in it. In each project the expected effects shall be the practical expression of a number of specific development objectives of the ACP State or ACP States concerned.

On this basis, appraisal shall ensure that, as far as possible, the measures selected constitute the most effective and profitable method of attaining these objectives, taking into account the various constraints on each ACP State;

- (c) to verify that the conditions guaranteeing the successful conclusion and the viability of the projects or programmes are met, which involves:

verifying that the projects as conceived are suitable for bringing about the effects sought and that the means to be used are commensurate with the circumstances and resources of the ACP State or region concerned;

and furthermore guaranteeing that the staff and other means, particularly financial, necessary for operating and maintaining the investments and for covering incidental project costs are actually available. Particular attention shall be paid here to the possibility of the project being managed by national personnel.

ARTICLE 54

1. Financing proposals, which summarize the conclusions of the appraisal and are submitted to the Community's decision-making body, shall be drawn up in close collaboration between the competent departments of the Community and those of the ACP State or ACP States concerned.

The final version of each financing proposal shall be transmitted by the competent departments of the Community simultaneously to the Community and to the ACP States concerned.

2. All projects or programmes put forward officially in accordance with Article 52 by an ACP State or ACP States, whether or not selected by the competent departments of the Community, shall be brought to the attention of the Community body responsible for taking financing decisions.

3. Where the Community body responsible for delivering an opinion on project fails to deliver a favourable opinion, the competent departments of the Community shall consult the representatives of the ACP State or ACP States concerned on further action to be taken, in particular on the advisability of submitting the dossier afresh, possibly in a modified form, to the relevant Community body.

Before that body gives its final opinion, the representatives of the ACP State or ACP States concerned may request a hearing by the representatives of the Community in order to be able to state their grounds for the project.

Should the final opinion delivered by that body not be favourable, the competent departments of the Community shall consult afresh with the representatives of the ACP State or ACP States concerned before deciding whether the project should be submitted at its stands to the Community's decision-making bodies or whether it should be withdrawn or modified.

ARTICLE 55

The ACP States, or the other beneficiaries authorized by them, shall be responsible for the execution of projects financed by the Community.

Accordingly, they shall be responsible for negotiating and concluding works and supply contracts and technical co-operation contracts.

ARTICLE 56

1. As regards operations financed by the Community, participation in tendering procedures and other procedures for the award of contracts shall be open on equal terms to all natural and legal persons of the Member States and ACP States.

2. Paragraph 1 shall be without prejudice to measures intended to assist construction firms or manufacturing firms of the ACP States concerned, or of another ACP State, to take part in the execution of works contracts or supply contracts.

3. Paragraph 1 does not mean that the funds paid over by the Community must be used exclusively for the purchase of goods or for the remuneration of services in the Member States and in the ACP States.

Any participation by certain third countries in contracts financed by the Community must, however, be of an exceptional nature and be authorized case-by-case by the competent body of the Community, account being taken in particular of a desire to avoid excessive increases in the cost of projects attributable either to the distances involved and transport difficulties or to the delivery dates.

Participation by third countries may also be authorized where the Community participates in the financing of regional or international co-operation schemes involving third countries and in the joint financing of projects with other providers of funds.

ARTICLE 57

1. The effects and results of completed projects, and the physical state of the work carried out, shall be evaluated regularly and jointly by the competent departments of the Community and of the ACP State or ACP States concerned in order to ensure that the objectives set are attained under the best conditions.

Evaluations may also be made of projects in progress where this is warranted by their nature, importance or difficulty of execution.

2. The competent institutions of the Community and of the ACP States concerned shall, each for their respective parts, take the measures which evaluation shows to be necessary. The Council of Ministers shall be kept informed of such measures by the Commission and each ACP State for the purposes of Article 41.

ARTICLE 58

1. The management and maintenance of work carried out within the context of financial and technical co-operation shall be the responsibility of the ACP States or other beneficiaries.

2. Exceptionally, and by way of derogation from Article 46 (2), in particular under the circumstances specified in Article 10 of Protocol No. 2, supplementary aid may 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 State concerned and the running of which temporarily constitutes a truly excessive burden for the ACP State or other beneficiaries.

ARTICLE 59

1. Exceptional aid may be accorded to ACP States faced with serious difficulties resulting from natural disasters or comparable extraordinary circumstances.

2. For the purposes of financing the exceptional aid referred to in paragraph 1, a special appropriation shall be constituted within the Fund.

3. The special appropriation shall initially be fixed at 50 million units of account. At the end of each year of application of this Convention this appropriation shall be restored to its initial level.

The total amount of monies transferred from the Fund to the special appropriation during the period of application of this Convention may not exceed 150 million units of account.

Upon expiry of this Convention any monies transferred to the special appropriation which have not been committed for exceptional aid shall be returned to the Fund proper for financing other schemes falling within the field of application of financial and technical co-operation, unless the Council of Ministers decides otherwise.

In the event of the special appropriation being exhausted before the expiry of this Convention, the Community and the ACP States shall adopt, within the relevant joint bodies, appropriate measures to deal with the situations described in paragraph 1.

4. Exceptional aid shall be non-reimbursable. It shall be allocated on a case-by-case basis.

5. Exceptional aid shall help finance the most suitable means of remedying the serious difficulties referred to in paragraph 1.

These means may take the form of works, supplies or provisions of services, or cash payments.

6. Exceptional aid shall not be used for dealing with the harmful effects of the instability of export earnings, which are the subject of Title II.

7. The arrangements for allocating exceptional aid, for payments and for implementing the programmes shall be worked out under an emergency procedure, with account being taken of the provisions of Article 54.

ARTICLE 60

The fiscal and customs arrangements applicable in the ACP States to contracts financed by the Community shall be adopted by a decision of the Council of Ministers at its first meeting following the date of entry into force of this Convention.

ARTICLE 61

In the event of failure of an ACP State to ratify this Convention pursuant to Title VII, or denunciation of this Convention in accordance with that Title, the Contracting Parties shall be obliged to adjust the amounts of the financial aid provided for in this Convention.

TITLE V

PROVISIONS RELATING TO ESTABLISHMENT, SERVICES, PAYMENTS AND CAPITAL MOVEMENTS

CHAPTER 1

Provisions relating to establishment and services

ARTICLE 62

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

ARTICLE 63

For the purposes of this Convention "companies or firms" means companies or firms constituted under civil or commercial law, including co-operative societies and other legal persons governed by public or private law, save for those which are non-profit-making.

"Companies or firms of a Member State or of an ACP State" means companies or firms formed in accordance with the law of a Member State or ACP State and whose registered office, central administration or principal place of business is in a Member State or ACP State; however, a company or firm having only its registered office in a Member State or ACP State must be engaged in an activity which has an effective and continuous link with the economy of that Member State or ACP State.

ARTICLE 64

At the request of the Community or of the ACP States, the Council of Ministers shall examine any problems raised by the application of Articles 62 and 63. It shall also formulate any relevant recommendations.

CHAPTER 2

Provisions relating to current payments and capital movements

ARTICLE 65

With regard to capital movements linked with investments and to current payments, the Contracting Parties shall refrain from taking action in the field of foreign exchange transactions which would be incompatible with their obligations under this Convention resulting from the provisions relating to trade in goods, to services, establishment and industrial co-operation. These obligations shall not, however, prevent the Contracting Parties from adopting the necessary protective measures, should this be justified by reasons relating to serious economic difficulties or severe balance of payments problems.

ARTICLE 66

In respect of foreign exchange transactions linked with investments and current payments, the ACP States on the one hand and the Member States on the other shall avoid, as far as possible, taking discriminatory measures *vis-à-vis* each other or according more favourable treatment to third States, taking full account of the evolving nature of the international monetary system, the existence of specific monetary arrangements and balance of payments problems.

To the extent that such measures or treatment are unavoidable they will be maintained or introduced in accordance with international monetary rules and every effort will be made to minimize any adverse effects on the Parties concerned.

ARTICLE 67

Throughout the duration of the loans and risk capital operations provided for in Article 42, each of the ACP States undertakes:

to place at the disposal of the beneficiaries referred to in Article 49 the currency necessary for the payment of interest and commission on and amortization of loans and quasi-capital aid granted for the implementation of aid measures on their territory;

to make available to the Bank the foreign exchange necessary for the transfer of all sums received by it in national currency which represent the net revenue and proceeds from transactions involving the acquisition by the Community of holdings in the capital of firms.

ARTICLE 68

At the request of the Community or of the ACP States, the Council of Ministers shall examine any problems raised by the application of Articles 65 to 67. It shall also formulate any relevant recommendations.

TITLE VI

INSTITUTIONS

ARTICLE 69

The Institutions of this Convention are the Council of Ministers, assisted by the Committee of Ambassadors, and the Consultative Assembly.

ARTICLE 70

1. The Council of Ministers shall be composed, on the one hand, of the members of the Council of the European Communities and of members of the Commission of the European Communities and, on the other hand, of a member of the Government of each of the ACP States.

2. Any member of the Council of Ministers unable to attend may be represented. The representative shall exercise all the rights of the accredited member.

3. The proceedings of the Council of Ministers shall be valid only if half the members of the Council of the European Communities, one member of the Commission and two-thirds of the accredited members representing the Governments of the ACP States are present.

4. The Council of Ministers shall lay down its rules of procedure.

ARTICLE 71

The office of President of the Council of Ministers shall be held alternately by a member of the Council of the European Communities and a member of the Government of an ACP State, the latter to be designated by the ACP States.

ARTICLE 72

1. Meetings of the Council of Ministers shall be called once a year by its President.

2. The Council of Ministers shall, in addition, meet whenever necessary, in accordance with the conditions laid down in its rules of procedure.

ARTICLE 73

1. The Council of Ministers shall act by mutual agreement between the Community on the one hand and the ACP States on the other.

2. The Community on the one hand and the ACP States on the other shall each, by means of an internal protocol, determine the procedure for arriving at their respective positions.

ARTICLE 74

1. The Council of Ministers shall define the broad outlines of the work to be undertaken in the context of the application of this Convention.

2. The Council of Ministers shall periodically review the results of the arrangements under this Convention and shall take such measures as may be necessary for the attainment of the objectives of this Convention.

3. Where provided for in this Convention, the Council of Ministers shall have the power to take decisions; such decisions shall be binding on the Contracting Parties, which must take such measures as are required to implement these decisions.

4. The Council of Ministers may likewise formulate such resolutions, recommendations or opinions as it may deem necessary to attain the common objectives and to ensure the smooth functioning of the arrangements of this Convention.

5. The Council of Ministers shall publish an annual report and such other information as it considers appropriate.

6. The Council of Ministers may make all the arrangements that are appropriate for ensuring the maintenance of effective contacts, consultations and co-operation between the economic and social sectors of the Member States and of the ACP States.

7. The Community or the ACP States may raise in the Council of Ministers any problems arising from the application of this Convention.

8. Where provided for in this Convention, consultations shall take place, at the request of the Community or of the ACP States, within the Council of Ministers, in accordance with the conditions laid down in the rules of procedure.

9. The Council of Ministers may set up committees or groups and *ad hoc* working groups, to undertake such activities as it may determine.

10. At the request of one of the Contracting Parties, exchanges of view may take place on questions having direct repercussions on the matters covered by this Convention.

11. By agreement among the Parties, exchanges of views may take place on other economic or technical questions which are of mutual interest.

ARTICLE 75

The Council of Ministers may, where necessary, delegate to the Committee of Ambassadors any of its powers. In this event, the Committee of Ambassadors shall give its decisions in accordance with the conditions laid down in Article 73.

ARTICLE 76

The Committee of Ambassadors shall be composed, on the one hand, of one representative of each Member State and one representative of the Commission and, on the other, of one representative of each ACP State.

ARTICLE 77

1. The Committee of Ambassadors shall assist the Council of Ministers in the performance of its functions and shall carry out any mandate entrusted to it by the Council of Ministers.

2. The Committee of Ambassadors shall exercise such other powers and perform such other duties as are assigned to it by the Council of Ministers.

3. The Committee of Ambassadors shall keep under review the functioning of this Convention and the development of the objectives as defined by the Council of Ministers.

4. The Committee of Ambassadors shall account for its actions to the Council of Ministers particularly in matters which have been the subject of delegation of powers. It shall also submit to the Council of Ministers any pertinent proposal and such resolutions, recommendations or opinions as it may deem necessary or consider appropriate.

5. The Committee of Ambassadors shall supervise the work of all the committees and all other bodies or working groups, whether standing or *ad hoc*, established or provided for by or under this Convention and submit periodical reports to the Council of Ministers.

ARTICLE 78

The office of Chairman of the Committee of Ambassadors shall be held alternately by a representative of a Member State designated by the Community and a representative of an ACP State designated by the ACP States.

The Committee of Ambassadors shall lay down its rules of procedure which shall be submitted to the Council of Ministers for approval.

ARTICLE 79

The secretariat duties and other work necessary for the functioning of the Council of Ministers and the Committee of Ambassadors or other joint bodies shall be carried out on a basis of parity and in accordance with the conditions laid down in the rules of procedure of the Council of Ministers.

ARTICLE 80

1. The Consultative Assembly shall be composed on a basis of parity of members of the Assembly on the side of the Community and of the representatives designated by the ACP States on the other.

2. The Consultative Assembly shall appoint its Bureau and shall adopt its own rules of procedure.

3. The Consultative Assembly shall meet at least once a year.

4. Each year, the Council of Ministers shall submit a report on its activities to the Consultative Assembly.

5. The Consultative Assembly may set up *ad hoc* consultative committees to undertake such specific activities as it may determine.

6. The Consultative Assembly may adopt resolutions on matters concerning or covered by this Convention.

ARTICLE 81

1. Any dispute which arises between one or more Member States or the Community on the one hand, and one or more ACP States on the other, concerning the interpretation or the application of this Convention may be placed before the Council of Ministers.

2. Where circumstances permit, and subject to the Council of Ministers being informed, so that any parties concerned may assert their rights, the Contracting Parties may have recourse to a good offices procedure.

3. If the Council of Ministers fails to settle the dispute at its next meeting, either Party may notify the other of the appointment of an arbitrator; the other Party must then appoint a second arbitrator within two months. For the application of this procedure, the Community and the Member States shall be deemed to be one Party to the dispute.

The Council of Ministers shall appoint a third arbitrator.

The decisions of the arbitrators shall be taken by majority vote.

Each Party to the dispute must take the measures required for the implementation of the arbitrators' decision.

ARTICLE 82

The operating expenses of the Institutions of this Convention shall be defrayed in accordance with the terms set out in Protocol No. 4 to this Convention.

ARTICLE 83

The privileges and immunities for the purposes of this Convention shall be as laid down in Protocol No. 5 to this Convention.

TITLE VII

GENERAL AND FINAL PROVISIONS

ARTICLE 84

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

ARTICLE 85

1. This Convention shall apply to the European territories to which the Treaty establishing the European Economic Community applies, in accordance with the conditions set out in that Treaty, on the one hand, and to the territories of the ACP States on the other.

2. Title I of this Convention shall also apply to the relations between the French Overseas Departments and the ACP States.

ARTICLE 86

1. As regards the Community, this Convention 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 conformity with their respective constitutional requirements.

2. The instruments of ratification and the act of notification of the conclusion of this Convention shall be deposited, as concerns the ACP States, 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 87

1. This Convention 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 at least two thirds of the ACP States, and of the act of notification of the conclusion of the Convention by the Community.⁽²⁾

(2) The Convention entered into force on 1 April 1976.

2. Any ACP State which has not completed the procedures set out in Article 86 by the date of the entry into force of this Convention as specified in paragraph 1 may do so only within the twelve months following such entry into force and shall be able to proceed with these procedures only during the twelve months following such entry into force, unless before the expiry of this period it gives notice to the Council of Ministers of its intention to complete these procedures not later than six months after this period and on condition that it undertakes the deposit of its instrument of ratification within the same time-limit.

3. As regards those ACP States which have not completed the procedures set out in Article 86 by the date of entry into force of this Convention as specified in paragraph 1, this Convention shall become applicable on the first day of the second month following the completion of the said procedures.

4. Signatory ACP States which ratify this Convention in accordance with the conditions laid down in paragraph 2 shall recognize the validity of all measures taken in implementation of this Convention between the date of its entry into force and the date when its provisions become applicable to them. Subject to any extension which may be granted to them by the Council of Ministers they shall, not later than six months following the completion of the procedures referred to in Article 86, carry out all the obligations which devolve upon them under the terms of this Convention or of implementing decisions adopted by the Council of Ministers.

5. The rules of procedure of the Institutions set up under this Convention shall lay down whether and under what conditions the representatives of Signatory States which, on the date of entry into force of this Convention have not yet completed the procedures referred to in Article 86, shall sit in those Institutions as observers. The arrangements thus adopted shall be effective only until the date on which this Convention becomes applicable to these States; such arrangements shall in any case cease to apply on the date on which, pursuant to paragraph 2, the State concerned may no longer ratify this Convention.

ARTICLE 88

1. The Council of Ministers shall be informed of any request by any State for membership of, or association with, the Community.

2. The Council of Ministers shall be informed of any request made by any State wishing to become a member of an economic grouping composed of ACP States.

ARTICLE 89

1. Any request for accession to this Convention by a country or territory to which Part Four of the Treaty applies, and which becomes independent, shall be referred to the Council of Ministers.^(?)

(?) See page 45.

With the approval of the Council of Ministers, the country in question shall accede to this Convention by depositing an instrument of accession with the Secretariat of the Council of the European Communities which shall transmit a certified copy to the Secretariat of the ACP States and shall give notice thereof to the Signatory States.

2. That State shall then enjoy the same rights and be subject to the same obligations as the ACP States. Such accession shall not adversely affect the advantages accruing to the ACP States signatory to this Convention from the provisions on financial and technical co-operation and on the stabilization of export earnings.

ARTICLE 90

Any request for accession to this Convention submitted by a State whose economic structure and production are comparable with those of the ACP States shall require approval by the Council of Ministers. The State concerned may accede to this Convention by concluding an agreement with the Community.⁽⁹⁾

That State shall then enjoy the same rights and be subject to the same obligations as the ACP States.

The agreement may however stipulate the date on which certain of these rights and obligations shall become applicable to that State.

Such accession shall not, however, adversely affect the advantages accruing to the ACP States signatory to this Convention from the provisions on financial and technical co-operation, the stabilization of export earnings and industrial co-operation.

ARTICLE 91

This Convention shall expire after a period of five years from the date of its signature, namely 1 March 1980.

Eighteen months before the end of this period the Contracting Parties shall enter into negotiations in order to examine what provisions shall subsequently govern relations between the Community and the Member States and the ACP States.

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

ARTICLE 92

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

ARTICLE 93

The Protocols annexed to this Convention shall form an integral part thereof.

ARTICLE 94

This Convention, drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages,⁽⁴⁾ all texts being equally authentic, shall be deposited in the archives of the General 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.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Convention.

Done at Lomé on the twenty-eighth day of February in the year one thousand nine hundred and seventy-five.

SIGNATURES AND RATIFICATIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of ratification</i>
Belgium	} 28 Feb. 1975	29 Dec. 1975
Denmark		3 July 1975
European Economic Community		17 Feb. 1976
France		31 Dec. 1975
Germany, Federal Republic of*		30 Dec. 1975
Ireland, Republic of		28 Jan. 1977
Italy		17 Feb. 1976
Luxembourg		30 Dec. 1975
Netherlands		30 Dec. 1975
United Kingdom		31 Dec. 1975
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Bahamas	} 28 Feb. 1975	3 Feb. 1976
Barbados		7 Jan. 1976
Botswana		9 Oct. 1975
Burundi		17 Sept. 1975
Cameroon		6 Oct. 1975
Central African Republic**		31 July 1975
Chad		27 Oct. 1975
Congo, People's Republic of		29 July 1975
Dahomey†		4 Sept. 1975
Equatorial Guinea		16 Mar. 1976
Ethiopia		12 Jan. 1976
Fiji		8 July 1975
Gabon		15 Dec. 1975
Gambia, The		15 July 1975
Ghana	7 Aug. 1975	
Grenada	14 Oct. 1975	

(4) For texts in Danish, Dutch, French, German and Italian, see "ACP-EEC Convention of Lomé signed on 28 February 1975 and related documents" published by the Office for Official Publications of the European Communities, Boîte Postale 1003, Luxembourg, and available through Agency Section, Her Majesty's Stationery Office, P.O. Box 569, London, SE1 9NY—Tel: 01-928 6977, ext. 410.

SIGNATURES AND RATIFICATIONS (continued)

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of ratification</i>
Guinea	10 Apr. 1975	29 Aug. 1975
Guinea Bissau	16 May 1975	12 June 1975
Guyana	} 28 Feb. 1975	5 Dec. 1975
Ivory Coast		15 Jan. 1976
Jamaica		17 June 1975
Kenya		17 Feb. 1976
Lesotho		6 Nov. 1975
Liberia		7 Nov. 1975
Malawi		27 May 1975
Malagasy Republic†		26 Nov. 1975
Mali		9 Dec. 1975
Mauritius		29 July 1975
Mauritania		23 Feb. 1976
Niger		26 Sept. 1975
Nigeria		24 Apr. 1975
Rwanda		9 Sept. 1975
Senegal		22 July 1975
Sierra Leone		3 Oct. 1975
Somali Democratic Republic		17 July 1975
Sudan		30 July 1975
Swaziland		19 Dec. 1975
Tanzania		15 Oct. 1975
Togo	17 June 1975	
Tonga	16 Mar. 1976	
Trinidad and Tobago	30 June 1975	
Uganda	18 Nov. 1975	
Upper Volta	7 Nov. 1975	
Western Samoa	27 Nov. 1975	
Zaire	18 Nov. 1975	
Zambia	16 Mar. 1976	

of the other part.

* Includes Berlin (West).

** Now known as Central African Empire.

† Now known as Benin.

‡ Now known as Madagascar.

ACCESSIONS
(under Article 89)

<i>State</i>	<i>Date</i>
Comoro State	13 Sept. 1976
Dominica	26 Feb. 1979
Jibuti	2 Feb. 1978
Saint Lucia	7 July 1979
Seychelles	27 Aug. 1976
Solomon Islands	27 Sept. 1978
Surinam	15 July 1976
Tuvalu	17 Jan. 1979

ACCESSIONS
(under Article 90)

<i>State</i>	<i>Date</i>
Cape Verde ⁽⁵⁾	} 1 Nov. 1978
Sao Tome and Principe ⁽⁶⁾	
Papua New Guinea ⁽⁷⁾	

(⁵) European Communities No. 30 (1977), Cmnd. 6955.

(⁶) European Communities No. 31 (1977), Cmnd. 6957.

(⁷) European Communities No. 32 (1977), Cmnd. 6958.

PROTOCOL No. 1

concerning the definition of the concept of "originating products" and methods of administrative co-operation

TITLE I

DEFINITION OF THE CONCEPT OF ORIGINATING PRODUCTS

ARTICLE 1

1. For the purpose of implementing the Convention and without prejudice to paragraphs 3 and 4, the following products shall be considered as products originating in an ACP State, under the condition that they were transported directly, within the meaning of Article 5:

- (a) products wholly obtained in one or more ACP States,
- (b) products obtained in one or more ACP States in the manufacture of which products other than those referred to in (a) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 3.

2. For the purpose of implementing paragraph 1, the ACP States are considered as being one territory.

3. When products wholly obtained in the Community or in the countries and territories defined in Explanatory Note 9 undergo working or processing in one or more ACP States, they shall be considered as having been wholly produced in that or those ACP States, under the condition that the products were transported directly within the meaning of Article 5.

4. Working and processing carried out in the Community or in the "countries and territories", shall be considered as having been carried out in one or more ACP States, when the final products undergo working or processing in one or more ACP States, under the condition that the products were transported directly within the meaning of Article 5.

5. For the purpose of implementing the previous paragraphs, and provided that all the conditions laid down in those paragraphs are fulfilled, the products obtained in one or more ACP States shall be considered as products originating in the ACP State where the last working or processing took place. For this purpose the working or processing listed in Article 3 (3) (a), (b), (c) and (d) shall not be considered as working or processing, nor shall a combination of such working or of such processing.

6. The products in List C in Annex IV shall be temporarily excluded from the scope of this Protocol.

ARTICLE 2

The following shall be considered as wholly obtained either in one or more ACP States, in the Community or in the "countries and territories" within the meaning of Article 1 (1) (a) and (3):

- (a) mineral products extracted from their soil or from their seabed;
- (b) vegetable products harvested therein;

- (c) live animals born and raised therein;
- (d) products from live animals raised therein;
- (e) products obtained by hunting or fishing conducted therein;
- (f) products of sea fishing and other products taken from the sea by their vessels;
- (g) products made aboard their factory ships exclusively from products referred to in subparagraph (f);
- (h) used articles collected there fit only for the recovery of raw materials;
- (i) waste and scrap resulting from manufacturing operations conducted there;
- (j) goods produced there exclusively from products specified in subparagraphs (a) to (i).

ARTICLE 3

1. For the purpose of implementing Article 1 (1) (b) the following shall be considered as sufficient working or processing:

- (a) working or processing as a result of which the goods obtained receive a classification under a tariff heading other than that covering each of the products worked or processed, except, however, working or processing specified in List A in Annex II, where the special provisions of that list apply;
- (b) working or processing specified in List B in Annex III.

“Sections”, “Chapters” and “tariff headings” shall mean the Sections, Chapters and headings in the Brussels Nomenclature for the Classification of Goods in Customs Tariffs.⁽⁸⁾

2. When, for a given product obtained, a percentage rule limits in List A and in List B the value of the materials and parts which can be used, the total value of these materials and parts, whether or not they have changed tariff heading in the course of the working, processing or assembly within the limits and under the conditions laid down in each of those two lists, may not exceed, in relation to the value of the product obtained, the value corresponding either to the common rate, if the rates are identical in both lists, or to the higher of the two if they are different.

3. For the purpose of implementing Article 3(1)(a) the following shall always be considered as insufficient working or processing to confer the status of originating products, whether or not there is a change of tariff heading:

- (a) operations to ensure the preservation of merchandise in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);

⁽⁸⁾ Treaty Series No. 29 (1960), Cmnd. 1070.

- (b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;
- (c) (i) changes of packing and breaking up and assembly of consignments;
- (ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards, etc., and all other simple packing operations;
- (d) affixing marks, labels or other like distinguishing signs on products or their packaging;
- (e) simple mixing of products, whether or not of different kinds, where one or more components of the mixtures do not meet the conditions laid down in this Protocol to enable them to be considered as originating either in the Community, in an ACP State or in the "countries and territories";
- (f) simple assembly of parts of articles to constitute a complete article;
- (g) a combination of two or more operations specified in subparagraphs (a) to (f);
- (h) slaughter of animals.

ARTICLE 4

Where the Lists A and B referred to in Article 3 provide that goods obtained in an ACP State shall be considered as originating therein only if the value of the products worked or processed does not exceed a given percentage of the value of the goods obtained, the values to be taken into consideration for such percentage shall be :

on the one hand, as regards products whose importation can be proved : their customs value at the time of importation; as regard products of undetermined origin : the earliest ascertainable price paid for such products in the territory of the Contracting Party where manufacture takes place; and on the other hand, the ex-works price of the goods obtained, less internal taxes refunded or refundable on exportation.

ARTICLE 5

1. For the purpose of implementing Article 1(1), (3) and (4), originating products whose transport is effected without entering into the territory other than that of the parties concerned are considered as transported directly from the ACP States to the Community or from the Community or the "countries and territories" to the ACP States. Originating goods constituting one single consignment may be transported through territory other than that of the Community or the ACP States or the "countries and territories", with, should the occasion arise, transshipment or temporary warehousing in such territory, provided that the crossing of the latter territory is justified for geographical reasons or the needs of transport and that the products have not entered into commerce or been delivered for home use and have not undergone operations other than unloading, reloading or any operation designed to preserve them in good condition.

Interruptions or changes in the method of transport due to *force majeure* or consequent upon conditions at sea shall not affect the application of the preferential treatment laid down in this Protocol, provided that the goods have not, during these interruptions or changes, entered into commerce or been delivered for home use and have not undergone any operations other than those designed to preserve them in good condition.

2. Evidence that the conditions referred to in paragraph 1 have been fulfilled shall be supplied to the responsible customs authorities in the Community by the production of:

- (a) a through bill of lading issued in the exporting beneficiary country covering the passage through the country of transit;
- (b) or a certificate issued by the customs authorities of the country of transit:
 - giving an exact description of the goods,
 - stating the dates of unloading and re-loading of the goods or of their embarkation or disembarkation, identifying the ships used,
 - certifying the conditions under which the goods remained in the transit country,
- (c) or failing these, substantiating documents.

TITLE II

ARRANGEMENTS FOR ADMINISTRATIVE CO-OPERATION

ARTICLE 6

1. Evidence of originating status, within the meaning of this Protocol, of products is given by a movement certificate EUR. 1 of which a specimen is given in Annex V to this Protocol.

However, the evidence of originating status, within the meaning of this Protocol, of products which form the subject of postal consignments (including parcels), provided that they consist only of originating products and that the value does not exceed 1,000 units of account per consignment, is given by a form EUR. 2, of which a specimen is given in Annex VI to this Protocol.

2. Without prejudice to Article 3 (3), where, at the request of the person declaring the goods at the customs a dismantled or non-assembled article falling within Chapter 84 or 85 of the Brussels Nomenclature is imported by instalments on the conditions laid down by the competent authorities, it shall be considered to be a single article and a movement certificate may be submitted for the whole article upon importation of the first instalment.

3. Accessories, spare parts and tools despatched with a piece of equipment, machine, apparatus or vehicle which are part of the normal equipment and included in the price thereof or are not separately invoiced are regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

ARTICLE 7

1. A movement certificate EUR. 1 shall be issued by the customs authorities of the exporting ACP State when the goods to which it relates are exported. It shall be made available to the exporter as soon as actual exportation has been affected or ensured.

2. In exceptional circumstances a movement certificate EUR. 1 may also be issued after exportation of the goods to which it relates if it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances. In this case, the certificate shall bear a special reference to the conditions in which it was issued.

3. A movement certificate EUR. 1 shall be issued only on application having been made in writing by the exporter. Such application shall be made on a form, of which a specimen is given in Annex V to this Protocol, which shall be completed in accordance with this Protocol.

4. A movement certificate EUR. 1 may be issued only where it can serve as the documentary evidence required for the purpose of implementing the Convention.

5. Applications for movement certificates EUR. 1 must be preserved for at least three years by the customs authorities of the exporting country.

ARTICLE 8

1. The movement certificate EUR. 1 shall be issued by the customs authorities of the exporting ACP State, if the goods can be considered "originating products" within the meaning of this Protocol.

2. For the purpose of verifying whether the conditions stated in paragraph 1 have been met, the customs authorities shall have the right to call for any documentary evidence or to carry out any check which they consider appropriate.

3. It shall be the responsibility of the customs authorities of the exporting State to ensure that the forms referred to in Article 9 are duly completed. In particular, they shall check whether the space reserved for the description of the goods has been completed in such a manner as to exclude all possibility of fraudulent additions. To this end, the description of the goods must be indicated without leaving any blank lines. Where the space is not completely filled a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

4. The date of issue of the movement certificate must be indicated in the part of the certificate reserved for the customs authorities.

ARTICLE 9

Movement certificates EUR. 1 shall be made out on the form of which a specimen is given in Annex V to this Protocol. This form shall be printed in one or more of the languages in which the Convention is drawn up. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State; if they are handwritten, they shall be completed in ink and in capital letters.

Each certificate shall measure 210 × 297 mm, a tolerance of up to plus 8 mm or minus 5 mm in the length may be allowed. The paper used must be white-sized writing paper not containing mechanical pulp and weighing not less than 25 g/m². It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.

The exporting States may reserve the right to print the certificates themselves or may have them printed by approved printers. In the latter case, each certificate must include a reference to such approval. Each certificate must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.

ARTICLE 10

1. Under the responsibility of the exporter, he or his authorized representative shall request the issue of a movement certificate EUR. 1.

2. The exporter or his representative shall submit with his request any appropriate supporting document proving that the goods to be exported are such as to qualify for the issue of a movement certificate EUR. 1.

ARTICLE 11

1. A movement certificate EUR. 1 must be submitted, within five months of the date of issue by the customs authorities of the exporting State, to the customs authorities of the importing State where the goods are entered.

2. When the products enter territories other than those of the ACP State, the Community or the "countries and territories", the time limit laid down in paragraph 1 for the submission of the certificate is extended to ten months.

ARTICLE 12

Movement certificates EUR. 1 shall be submitted to customs authorities in the importing State, in accordance with the procedures laid down by that State. The said authorities may require a translation of a certificate. They may also require the import declaration to be accompanied by a statement from the importer to the effect that the goods meet the conditions required for the implementation of the Convention.

ARTICLE 13

1. A movement certificate EUR. 1 which is submitted to the customs authorities of the importing State after the final date for presentation specified in Article 11 may be accepted for the purpose of applying preferential treatment, where the failure to submit the certificate by the final date set is due to reasons of *force majeure* or exceptional circumstances.

In other cases of belated presentation, the customs authorities of the importing State may accept the certificates where the goods have been submitted to them before the said final date.

ARTICLE 14

The discovery of slight discrepancies between the statements made in the movement certificate EUR. 1 and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the goods shall not *ipso facto* render the certificates null and void if it is duly established that the certificate does not correspond to the goods submitted.

ARTICLE 15

Form EUR. 2, a specimen of which is given in Annex VI, shall be completed by the exporter. It shall be made out in one of the languages in which the Convention is drawn up and in accordance with the provisions of the domestic law of the exporting State. If it is handwritten it must be completed in ink and in capital letters.

Forms EUR. 2 shall be composed of two parts, each part being 210×148 mm. The paper used shall be white-sized writing paper not containing mechanical pulp and weighing not less than 64 g/m^2 .

The exporting States may reserve the right to print the forms themselves or may have them printed by printers they have approved. In the latter case, each form must include a reference to such approval. In addition, each part must bear the distinctive sign attributed to the approved printer and a serial number, either printed or not, by which it can be identified.

A form EUR. 2 shall be completed for each postal consignment. After completing and signing the two parts of the form, the exporter shall, in the case of consignment by parcel post, attach the two parts to the despatch note. In the case of consignments by letter post, the exporter shall attach Part I firmly to the consignment and inset Part 2 inside it.

These provisions do not exempt exporters from complying with any other formalities required by customs or postal regulations.

ARTICLE 16

1. Goods sent as small packages to private persons or forming part of travellers' personal luggage shall be admitted as originating products without requiring the production of a movement certificate EUR. 1 or the completion of a form EUR. 2, provided that such goods are not imported by way of trade and have been declared as meeting the conditions required for the application of these provisions, and where there is no doubt as to the veracity of such declaration.

2. Importations which are occasional and consist solely of goods for the personal use of the recipients or travellers or their families shall not be considered as importations by way of trade if it is evident from the nature and quantity of the goods that no commercial purpose is in view. Furthermore, the total value of these goods must not exceed 60 units of account in the case of small packages or 200 units of account in the case of the contents of travellers' personal luggage.

ARTICLE 17

1. Goods sent from an ACP State for exhibition in a country other than an ACP State, a Member State or one "country or territory" and sold after the exhibition for importation into the Community shall benefit on importation from the provisions of the Convention on condition that the goods meet the requirements of this Protocol entitling them to be recognized as originating in an ACP State and provided that it is shown to the satisfaction of the customs authorities that:

- (a) an exporter has consigned these goods from an ACP State to the country in which the exhibition is held and has exhibited them there;
- (b) the goods have been sold or otherwise disposed of by that exporter to someone in the Community;
- (c) the goods have been consigned during the exhibition or immediately thereafter to the Community in the State in which they were sent for exhibition;
- (d) the goods have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A movement certificate EUR. 1 must be produced to the customs authorities in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the nature of the goods and the conditions under which they have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organized for private purposes in shops or business premises with a view to the sale of foreign goods, and during which the goods remain under customs control.

ARTICLE 18

1. When a certificate is issued within the meaning of Article 7(2) of this Protocol after the goods to which it relates have actually been exported, the exporter must in the application referred to in Article 7(3) of this Protocol:

indicate the place and date of exportation of the goods to which the certificate relates;

certify that no movement certificate EUR. 1 was issued at the time of exportation of the goods in question, and state the reasons.

2. The customs authorities may issue a movement certificate EUR. 1 retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.

Certificates issued retrospectively must be endorsed with one of the following phrases: "NACHTRÄGLICH AUSGESTELLT", "DELIVRE A POSTERIORI", "RILASCIATO A POSTERIORI", "AFGEGEVEN A POSTERIORI", "ISSUED RETROSPECTIVELY", "UDSTEDT EFTERFØLGENDE".

ARTICLE 19

In the event of the theft, loss or destruction of a movement certificate EUR. 1, the exporter may apply to the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession. The duplicate issued in this way must be endorsed with one of the following words: "DUPLIKAT", "DUPLICATA", "DUPLICATO", "DUPLICAAT", "DUPLICATE".

ARTICLE 20

1. When paragraphs 2, 3 and 4 of Article 1 are applied, for the issue of a movement certificate EUR. 1, the competent customs office in the ACP State requested to issue the certificate for products in the manufacture of which products coming from other ACP States, the Community or "countries or territories" are used, shall take into consideration the declaration, of which a specimen is given in Annex VII, given by the exporter in the State, country or territory from which it came, either on the commercial invoice applicable to these products, or on a supporting document to that invoice.

2. The submission of the information certificate, issued under the conditions set out in Article 21 and of which a specimen is given in Annex VIII, may however be requested of the exporter by the customs office concerned, either for checking the authenticity and accuracy of information given on the declaration provided for in paragraph 1, or for obtaining additional information.

ARTICLE 21

The information certificate concerning the products taken into use shall be issued at the request of the exporter of these products, either in the circumstances envisaged in Article 20(2), or at the initiative of this exporter, by the competent customs office in the State, country or territory from which these goods were exported. It shall be made out in duplicate. One copy shall be given to the exporter who has requested it, who shall send it either to the exporter of the final products or to the customs office where the issue of the movement certificate EUR. 1 for these products has been requested. The second copy shall be preserved by the office which has issued it for at least three years.

ARTICLE 22

The ACP States shall take all necessary steps to ensure that goods traded under cover of a movement certificate EUR. 1, and which in the course of transport use a free zone situated in their territory, are not replaced by other goods and that they do not undergo handling other than normal operations designed to prevent their deterioration.

ARTICLE 23

In order to ensure the proper application of this Title, the Member States, the "countries and territories" and the ACP States shall assist each other, through their respective customs administrations, in checking the authenticity of movement certificates EUR. 1 and the accuracy of the information concerning the actual origin of the products concerned and the declarations by exporters on forms EUR. 2 and the authenticity and accuracy of the information certificates envisaged in Article 20.

ARTICLE 24

Penalties shall be imposed on any person who draws up or causes to be drawn up either a form EUR. 2 or a document which contains incorrect particulars for the purpose of obtaining a movement certificate EUR. 1 enabling goods to be accepted as eligible for preferential treatment.

ARTICLE 25

1. Subsequent verifications of movement certificates EUR. 1 and of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubt as to the authenticity of the document or the accuracy of the information regarding the true origin of the goods in question.

2. For the purpose of implementing paragraph 1, the customs authorities of the importing State shall return the movement certificate EUR. 1 or Part 2 of form EUR. 2, or a photocopy thereof, to the customs authorities of the exporting State, giving, where appropriate, the reasons of form or substance for an inquiry. The invoice, if it has been submitted, or a copy thereof shall be attached to Part 2 of form EUR. 2 and the customs authorities shall forward any information that has been obtained suggesting that the particulars given on the said certificate or the said form are inaccurate.

If the customs authorities of the importing State decide to suspend execution of the Convention while awaiting the results of the verification, they shall offer to release the goods to the importer subject to any precautionary measures judged necessary.

3. The customs authorities of the importing State shall be informed of the results of the verification within 3 months. These results must be such as to make it possible to determine whether the disputed movement certificate EUR. 1 or form EUR. 2 applies to the goods actually exported, and whether these goods can, in fact, qualify for the application of the preferential arrangements.

When such disputes cannot be settled between the customs authorities of the importing State and those of the exporting State, or when they raise a question as to the interpretation of this Protocol, they shall be submitted to the Customs Co-operation Committee provided for in Article 28.

In all cases the settlement of disputes between the importer and the customs authorities of the importing State shall be under the legislation of the said State.

ARTICLE 26

The subsequent verification of the information certificate referred to in Article 20 shall be carried out in the circumstances envisaged in Article 25 following a similar procedure to that envisaged in that Article.

ARTICLE 27

The Council of Ministers shall examine annually the application of the provisions of this Protocol and their economic effects with a view to making any necessary changes. This examination may be carried out at more frequent intervals at the request either of the Community or the ACP States, notably when the development of existing industries or the creation of new industries necessitates derogations from this Protocol. In those cases, the ACP States concerned shall notify the Community of the particulars of the case and the reasons justifying the need for such derogation.

The Council of Ministers, on the basis of a report by the Committee referred to in Article 28, shall, immediately after, arrange for the examination of the application(s) and take every step to ensure that a decision is reached as early as possible, at any rate not later than six months after receipt of the application(s).

ARTICLE 28

1. A Customs Co-operation Committee is set up, charged with carrying out administrative co-operation with a view to the correct and uniform application of this Protocol and with carrying out any other task in the customs field which may be entrusted to it, notably in preparing the decisions of the Council of Ministers for the implementation of Article 27.

2. The Committee shall be composed on the one hand of the customs experts of the Member States and of officials of the departments of the Commission of the European Communities who are responsible for customs questions, and on the other hand of customs experts representing the ACP States, and/or officials of regional groupings of the ACP States who are responsible for customs questions.

ARTICLE 29

The Annexes to this Protocol shall form an integral part thereof.

ARTICLE 30

The Community and the ACP States shall each take the steps necessary to implement this Protocol.

ARTICLE 31

1. For goods which conform to Title I and which, at the time of the entry into force of the Convention are either being transported or being held in the Community or in an ACP State in temporary storage, in bonded warehouses or in free zones, the proof of originating status within the meaning of this Protocol is given by the submission, within four months of that date, to the customs authorities of the importing State 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, or
- (c) a movement certificate of the model previously used in the context of preferential trade between, on the one hand, the Community and the African and Malagasy States or the Republic of Tanzania, the Republic of Uganda and the Republic of Kenya, on the other hand, or
- (d) for goods destined for importation into Ireland or the United Kingdom of Great Britain and Northern Ireland, a certificate of the type previously used in the context of Commonwealth preferences.

2. The movement certificates mentioned in paragraph 1(c) may continue to be used, under the conditions laid down in this Protocol, until 31 December 1975.

3. Until 1 July 1977, Article 1 (3) and (4) shall not be applicable in respect of products obtained in one or more ACP States from:

products of one or more Member States of the Community as originally constituted and exported to one or more new Member States; or

products of one or more new Member States and exported to one or more Member States of the Community as originally constituted;

where the products referred to in the two above indents have been the subject only of working or processing within the meaning of Article 3 (3).

ANNEX I

EXPLANATORY NOTES

Note 1. Articles 1 and 2

The terms "one or more ACP States", "the Community" and "countries and territories" shall also cover their territorial waters.

Vessels operating on the high seas, including factory ships, on which the fish caught is worked or processed shall be considered as part of the territory of the ACP States, the Community or the "countries and territories" to which they belong, provided that they satisfy the conditions set out in Explanatory Note 6.

Note 2. Article 1 (1) (b), (3) and (4)

In order to determine whether goods originate in one or more of the ACP States, the Community or in "countries and territories", it shall not be necessary to establish whether the power and fuel, plant and equipment, and machines and tools used to obtain such goods originate in third countries or not.

Note 3. Article 1

Where a percentage rule is applied in determining originating status of a product obtained in an ACP State, the value added by the working or processing referred to in Article 1 shall correspond to the ex-works price of the product obtained less the customs value of third products imported into the Community, the ACP States or the "countries and territories".

Note 4. Article 3 (1) and (2) and Article 4

The percentage rule constitutes, where the product obtained appears in List A, a criterion additional to that of change of tariff heading for any non-originating product used.

Note 5. Article 1

Packing shall be considered as forming a whole with the goods contained therein. This provision, however, shall not apply to packing which is not of the normal type for the article packed and which has intrinsic utilization value and is of a durable nature, apart from its function as packing.

Note 6

The term "their vessels" shall apply only to vessels:

which are registered or recorded in a Member State or an ACP State;

which sail under the flag of a Member State or an ACP State;

which are owned to an extent of at least 50% by nationals of States party to the Convention or by a company with its head office in one of these States, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such board, are nationals of States party to the Convention and of which, in addition in the case of partnerships or limited companies, at least half the capital belongs to States party to the Convention or to public bodies or nationals of such States;

of which at least 50% of the crew, captain and officers included, are nationals of States party to the Convention.

Note 7. Article 4

"Ex-works price" shall mean the price paid to the manufacturer in whose undertaking the last working or processing is carried out, provided the price includes the value of all the products used in manufacture.

"Customs value" shall be understood as meaning the customs value laid down in the Convention concerning the Valuation of Goods for Customs Purposes signed in Brussels on 15 December 1950.⁽⁹⁾

⁽⁹⁾ Treaty Series No. 49 (1954), Cmd. 9233.

Note 8. Article 23

The authorities consulted shall furnish any information concerning the conditions under which the product has been made, indicating especially the conditions in which the rules of origin have been respected in the various ACP States, Member States or "countries and territories" concerned.

Note 9. Article 1 (3)

Within the meaning of this Protocol "countries and territories" shall mean the countries and territories referred to in Part Four of the Treaty establishing the European Economic Community⁽¹⁾ and in Article 24 of the Act of Accession.⁽²⁾

⁽¹⁾ Treaty Series No. 1 (1973)—Part I, Cmnd. 5179-I now re-issued as Treaty Series No. 18 (1979), Cmnd. 7463.

ANNEX II

LIST A

List of working or processing operations which result in a change of tariff heading without conferring the status of "originating" products on the products undergoing such operations, or conferring this status only subject to certain conditions

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked	Salting, placing in brine, drying or smoking of meat and edible meat offals of heading Nos. 02.01 and 02.04	
03.02	Fish, dried, salted or in brine, smoked fish, whether or not cooked before or during the smoking process	Drying, salting, placing in brine; smoking of fish, whether cooked or not	
04.02	Milk and cream, preserved, concentrated or sweetened	Preserving, concentrating, or adding sugar to milk or cream of heading No. 04.01	
04.03	Butter	Manufacture from milk or cream	
04.04	Cheese and curd	Manufacture from products of heading Nos. 04.01, 04.02 and 04.03	
07.02	Vegetables (whether or not cooked), preserved by freezing	Freezing of vegetables	
07.03	Vegetables, provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption	Placing in brine or in other solutions of vegetables of heading No. 07.01	
07.04	Dried, dehydrated or evaporated vegetables, whole, cut, sliced, broken or in powder, but not further prepared	Drying, dehydration, evaporation, cutting, grinding, powdering of vegetables of heading Nos. 07.01 to 07.03	
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar	Freezing of fruit	

08.11	Fruit provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption	Placing in brine or in other solutions of fruit of heading Nos. 08.01 to 08.09
08.12	Fruit, dried, other than that falling within heading No. 08.01, 08.02, 08.03, 08.04 or 08.05	Drying of fruit
11.01	Cereal flours	Manufacture from cereals
11.02	Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled, but not further prepared), except husked, glazed, polished or broken rice; germ of cereals, whole, rolled, flaked or ground	Manufacture from cereals
11.03	Fours of the leguminous vegetables falling within heading No. 07.05	Manufacture from dried leguminous vegetables
11.04	Flours of the fruits falling within any heading in Chapter 8	Manufacture from fruits of Chapter 8
11.05	Flour, meal and flakes of potato	Manufacture from potatoes
11.06	Flour and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No. 07.06	Manufacture from products of heading No. 07.06
11.07	Malt, roasted or not	Manufacture from cereals
11.08	Starches; inulin	Manufacture from cereals of Chapter 10, or from potatoes or other products of Chapter 7
11.09	Wheat gluten, whether or not dried	Manufacture from wheat or wheat flours
15.01	Lard, other pigfat and poultry fat, rendered or solvent-extracted	Manufacture from products of heading No. 02.05
15.02	Fats of bovine cattle, sheep or goats, unrendered; rendered or solvent-extracted fats (including "premier jus") obtained from those unrendered fats	Manufacture from products of heading Nos. 02.01 and 02.06

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
15.04	Fats and oils, of fish and marine mammals, whether or not refined	Manufacture from fish or marine mammals caught by fishing vessels of third countries	
15.06	Other animal oils and fats (including neat's-foot oil and fats from bones or waste)	Manufacture from products of Chapter 2	
ex 15.07	Fixed vegetable oils, fluid or solid, crude, refined or purified, but not including China-wood oil, myrtle-wax, Japan wax or oil of tung nuts, oleococca seeds or oiticia seeds; also not including oils of a kind used in machinery or mechanical appliances or for industrial purposes other than the manufacture of edible products	Manufacture from products of Chapters 7 and 12	
16.01	Sausages and the like, of meat, meat offal or animal blood	Manufacture from products of Chapter 2	
16.02	Other prepared or preserved meat or meat offal	Manufacture from products of Chapter 2	
16.04	Prepared or preserved fish, including caviar and caviar substitutes	Manufacture from products of Chapter 3	
16.05	Crustaceans and molluses, prepared or preserved	Manufacture from products of Chapter 3	
17.02	Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel	Manufacture from any product	

17.04	Sugar confectionery, not containing cocoa	Manufacture from other products of Chapter 17 the value of which exceeds 30% of the value of the finished product	
17.05	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion	Manufacture from other products of Chapter 17 the value of which exceeds 30% of the value of the finished product	
18.06	Chocolate and other food preparations containing cocoa	Manufacture from products of Chapter 17 the value of which exceeds 30% of the value of the finished product	
19.01	Malt extract	Manufacture from products of heading No. 11.07	
19.02	Preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa	Manufacture from cereals and derivatives thereof, meat and milk, or in which the value of products of Chapter 17 used exceeds 30% of the value of the finished product	
19.03	Macaroni, spaghetti and similar products		Manufacture from durum wheat
19.04	Tapioca and sago; tapioca and sago substitutes from potato or other starches	Manufacture from potato starch	
19.05	Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, cornflakes and similar products)	Manufacture from any product other than of Chapter 17 ⁽¹⁾ or in which the value of the products of Chapter 17 used exceeds 30% of the value of the finished product	
19.06	Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper, and similar products	Manufacture from products of Chapter 11	
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit	Manufacture from products of Chapter 11	
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion	Manufacture from products of Chapter 11	

⁽¹⁾ This rule does not apply where the use of maize of the "zea indurata" type or "durum wheat" is concerned.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
20.01	Vegetables and fruit prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard	Preserving vegetables, fresh or frozen or preserved temporarily or preserved in vinegar	<p>Manufacture, without added sugar or spirit, in which the value of the constituent "originating products" of heading Nos. 08.01, 08.05 and 12.01, represents at least 60% of the value of the manufactured product</p>
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid	Preserving vegetables fresh or frozen	
20.03	Fruit preserved by freezing, containing added sugar	Manufacture from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
20.04	Fruits, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallized)	Manufacturing from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
ex 20.05	Jams, fruit jellies, marmalades, fruit purées and fruit pastes, being cooked preparations, containing added sugar	Manufacture from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: A. Nuts		
	B. Other fruits	Manufactured from products of Chapter 17 of which the value exceeds 30% of the value of the finished product	

ex 20.07	Fruit juices (including grape must), whether or not containing added sugar, but unfermented and not containing spirit	Manufacture from products of Chapter 17 of which the value exceeds 30% of the value of the finished product
ex 21.01	Roasted chicory and extracts thereof	Manufacture from chicory roots, fresh or dried
21.05	Soups and broths in liquid, solid or powder forms; homogenised food preparations	Manufacture from products of heading No. 20.02
22.02	Lemonade, flavoured spa waters and flavoured aerated waters and other non-alcoholic beverages, not including fruit and vegetable juices falling within heading No. 20.07	Manufacture from fruit juices ⁽¹⁾ or in which the value of products of Chapter 17 used exceeds 30% of the value of the finished product
22.06	Vermouths, and other wines of fresh grapes flavoured with aromatic extracts	Manufacture from products of heading No. 08.04, 20.07, 22.04 or 22.05
22.08	Ethyl alcohol or neutral spirits, undenatured, of a strength of 80° or higher; denatured spirits (including ethyl alcohol and neutral spirits) of any strength	Manufacture from products of heading No. 08.04, 20.07, 22.04 or 22.05
22.09	Spirits (other than those of heading No. 22.08); liqueurs and other spirituous beverages; compound alcoholic preparations (known as "concentrated extracts") for the manufacture of beverages	Manufacture from products of heading No. 08.04, 20.07, 22.04 or 22.05
22.10	Vinegar and substitutes for vinegar	Manufacture from products of heading No. 08.04, 20.07, 22.04 or 22.05
ex 23.03	Residues from the manufacture of maize starch (excluding concentrated steeping liquors), of a protein content, calculated on the dry product, exceeding 40% dry weight	Manufacture from maize or maize flour
23.04	Oil cake and other residues (except dregs) resulting from the extraction of vegetable oils	Manufacture from various products

⁽¹⁾ This rule does not apply where fruit juices of pineapple, lime and grapefruit are concerned.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met	
Customs Tariff heading No.	Description			
23.07	Sweetened forage; other preparations of a kind used in animal feeding	Manufacture from cereals and derived products, meat, milk, sugar and molasses	Manufacture from products of heading No. 24.01 of which at least 70% by quantity are "originating products"	
ex 24.02	Cigarettes, cigars, smoking tobacco			
ex 28.38	Aluminium sulphate			Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
30.03	Medicaments (including veterinary medicaments)			Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
31.05	Other fertilisers; goods of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg			Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
32.06	Colour lakes			Manufacture from materials of heading No. 32.04 or 32.05 ⁽¹⁾
32.07	Other colouring matter; inorganic products of a kind used as luminophores			Mixing of oxides or salts of Chapter 28 with extenders such as barium sulphate, chalk barium carbonate and satin white ⁽¹⁾
33.05	Aqueous distillates and aqueous solutions of essential oils, including such products suitable for medicinal uses			Manufacture from products of heading No. 33.01 ⁽¹⁾
35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues			Manufacture from maize or potatoes

37.01	Photographic plates and film in the flat, sensitised, unexposed, of any material other than paper, paperboard or cloth	Manufacture from products of heading No. 37.02 ⁽¹⁾	
37.02	Film in rolls, sensitised, unexposed, perforated or not	Manufacture from products of heading No. 37.01 ⁽¹⁾	
37.04	Sensitised plates and film, exposed but not developed, negative or positive	Manufacture from products of heading No. 37.01 or 37.02 ⁽¹⁾	
38.11	Disinfectants, insecticides, fungicides, weed-killers, anti-sprouting products, rat poisons and similar products, put up in forms or packings for sale by retail or as preparations or as articles (for example, sulphur-treated bands, wicks and candles, fly-papers)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.12	Prepared glazings, prepared dressings and prepared mordants, of a kind used in the textile, paper, leather or like industries		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.13	Pickling preparations for metal surfaces: fluxes and other auxiliary preparations for soldering, brazing or welding; soldering, brazing or welding powders and pastes consisting of metal and other materials; preparations of a kind used as cores or coatings for welding rods and electrodes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
ex 38.14	Anti-knock preparations, oxidation inhibitors, gum inhibitors, viscosity improvers, anti-corrosive preparations and similar prepared additives for mineral oils, excluding prepared additives for lubricants		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.15	Prepared rubber accelerators		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

⁽¹⁾ These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
38.17	Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
38.18	Composite solvents and thinners for varnishes and similar products		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
ex 38.19	Chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included, excluding: <ul style="list-style-type: none"> —Fusel oil and Dippel's oil; —Naphthenic acids and their non-water-soluble salts, esters of naphthenic acids; —Sulphonaphthenic acids and their non-water-soluble salts, esters of sulphonaphthenic acids; —Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanolamines, thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts; —Mixed alkylbenzenes and mixed alkyl-naphthalenes; —Ion exchangers; —Catalysts; —Getters for vacuum tubes; —Refractory cements or mortars and similar preparations; 		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

	—Alkaline iron oxide for the purification of gas; —Carbon (excluding that in artificial graphite of heading No. 38.01) of metallo-graphite or other compounds, in the form of small plates, bars or other semi-manufactures	
ex 39.02	Polymerisation products	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
39.07	Articles of materials of the kinds described in headings Nos. 39.01 to 39.06	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
40.05	Plates, sheets and strip, of unvulcanised natural or synthetic rubber, other than smoked sheets and crepe sheets of heading No. 40.01 or 40.02; granules of unvulcanised natural or synthetic rubber compounded ready for vulcanisation; unvulcanised natural or synthetic rubber, compounded before or after coagulation either with carbon black (with or without the addition of mineral oil) or with silica (with or without the addition of mineral oil), in any form, of a kind known as masterbatch	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
41.08	Patent leather and imitation patent leather; metallized leather	Varnishing or metallizing of leather of headings Nos. 41.02 to 41.07 (other than skin leather of crossed Indian sheep and of Indian goat or kid, not further prepared than vegetable tanned, or if otherwise prepared obviously unsuitable for immediate use in the manufacture of leather articles) in which the value of the skin leather used does not exceed 50% of the value of the finished product
43.03	Articles of furskin	Making up from furskin in plates, crosses and similar forms (heading No. ex 42.02) ⁽¹⁾

⁽¹⁾ These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
44.21	Complete wooden packing cases, boxes, crates, drums and similar packings		Manufacture from boards not cut to size
45.03	Articles of natural cork		Manufacturing from products of heading No. 45.01
48.06	Paper and paperboard, ruled, lined or squared, but not otherwise printed, in rolls or sheets		Manufacture from paper pulp
48.14	Writing blocks, envelopes, letter cards, plain postcards, correspondence cards; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing only an assortment of paper stationery		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
48.15	Other paper and paperboard, cut to size or shape		Manufacture from paper pulp
48.16	Boxes, bags and other packing containers, of paper or paperboard		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
49.09	Picture postcards, Christmas and other picture greeting cards, printed by any process, with or without trimmings	Manufacture from products of heading No. 49.11	
48.10	Calendars of any kind, of paper or paperboard, including calendar blocks	Manufacture from products of heading No. 49.11	
50.04 ⁽¹⁾	Silk yarn, other than yarn of noil or other waste silk, not put up for retail sale		Manufacture from products other than those of heading No. 50.04

50.05 ⁽¹⁾	Yarn spun from silk waste other than noil, not put up for retail sale	Manufacture from products of heading No. 50.03
50.06 ⁽¹⁾	Yarn spun from noil silk, not put up for retail sale	Manufacture from products of heading No. 50.03
50.07 ⁽¹⁾	Silk yarn and yarn spun from noil or other waste silk, put up for retail sale	Manufacture from products of heading Nos. 50.01 to 50.03
ex 50.08 ⁽¹⁾	Imitation catgut of silk	Manufacture from products of heading No. 50.01 or from products of heading No. 50.03 neither carded nor combed
50.09 ⁽²⁾	Woven fabrics of silk or of waste silk other than noil	Manufacture from products of heading No. 50.02 or 50.03
50.01 ⁽²⁾	Woven fabrics of noil silk	Manufacture from products of heading No. 50.02 or 50.03
51.01 ⁽¹⁾	Yarn of man-made fibres (continuous), not put up for retail sale	Manufacture from chemical products or textile pulp
51.02 ⁽¹⁾	Monofil, strip (artificial straw and the like) and imitation catgut, of man-made fibre materials	Manufacture from chemical products or textile pulp
51.03 ⁽¹⁾	Yarn of man-made fibres (continuous), put up for retail sale	Manufacture from chemical products or textile pulp

(1) For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated.

(2) For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

- (i) to 20% where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within headings Nos. ex 51.01 and ex 58.07;
- (ii) to 30% where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
51.04 ⁽¹⁾	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No. 51.01 or 51.02		Manufacture from chemical products or textile pulp
52.01 ⁽⁴⁾	Metallized yarn, being textile yarn spun with metal or covered with metal by any process		Manufacture from chemical products, from textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste, neither carded nor combed
52.02 ⁽²⁾	Woven fabrics of metal thread or of metallized yarn, of a kind used in articles of apparel, as furnishing fabrics or the like		Manufacture from chemical products, from textile pulp or from natural textile fibres discontinuous man-made fibres or their waste
53.06 ⁽¹⁾	Yarn of carded sheep's or lambs' wool (woollen yarn), not put up for retail sale		Manufacture from products of heading No. 53.01 or 53.03
53.07 ⁽¹⁾	Yarn of combed sheep's or lambs' wool (worsted yarn), not put up for retail sale		Manufacture from products of heading No. 53.01 or 53.03
53.08 ⁽¹⁾	Yarn of fine animal hair (carded or combed), not put up for retail sale		Manufacture from raw fine animal hair of heading No. 53.02
53.09 ⁽¹⁾	Yarn or horsehair or of other coarse animal hair, not put up for retail sale		Manufacture from raw coarse animal hair of heading No. 53.02 or from raw horsehair of heading No. 05.03
53.10 ⁽¹⁾	Yarn of sheep's or lambs' wool, of horsehair or of other animal hair (fine or coarse), put up for retail sale		Manufacture from materials of headings Nos. 05.03 and 53.01 to 53.04

53.11 ⁽²⁾	Woven fabrics of sheep's or lambs' wool or of fine animal hair	Manufacture from materials of headings Nos. 53.01 to 53.05
53.12 ⁽²⁾	Woven fabrics of coarse animal hair other than horsehair	Manufacture from products of headings Nos. 53.02 to 53.05
53.13 ⁽²⁾	Woven fabrics of horsehair	Manufacture from horsehair of heading No. 05.03
54.03 ⁽¹⁾	Flax or ramie yarn, not put up for retail sale	Manufacture from products of heading No. 54.01 neither carded nor combed or from products of heading No. 54.02
54.04 ⁽¹⁾	Flax or ramie yarn, put up for retail sale	Manufacture from materials of heading No. 54.01 or 54.02
54.05 ⁽²⁾	Woven fabrics of flax or of ramie	Manufacture from materials of heading No. 54.01 or 54.02
55.05 ⁽¹⁾	Cotton yarn, not put up for retail sale	Manufacture from materials of heading No. 55.01 or 55.03
55.06 ⁽¹⁾	Cotton yarn, put up for retail sale	Manufacture from materials of heading No. 55.01 or 55.03
55.07 ⁽²⁾	Cotton gauze	Manufacture from materials of heading No. 55.01, 55.03 or 55.04
55.08 ⁽²⁾	Terry towelling and similar terry fabrics, of cotton	Manufacture from materials of heading No. 55.01, 55.03 or 55.04

- (1) For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated.
- (2) For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:
- (i) to 20% where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within headings Nos. ex 51.01 and ex 58.07;
 - (ii) to 30% where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
55.09 ⁽²⁾	Other woven fabrics of cotton		Manufacture from materials of heading No. 55.01, 55.03 or 55.04
56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.02	Continuous filament tow for the manufacture of man-made fibres (discontinuous)		Manufacture from chemical products or textile pulp
56.03	Waste (including yarn waste and pulled or garnetted rags) of man-made fibres (continuous or discontinuous), not carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning		Manufacture from chemical products or textile pulp
56.05 ⁽¹⁾	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale		Manufacture from chemical products or textile pulp
56.06 ⁽¹⁾	Yarn of man-made fibres (discontinuous or waste), put up for retail sale		Manufacture from chemical products or textile pulp
56.07 ⁽²⁾	Woven fabrics of man-made fibres (discontinuous or waste)		Manufacture from products of headings Nos. 56.01 to 56.03
57.05 ⁽¹⁾	Yarn of true hemp		Manufacture from raw true hemp

57.06 ⁽¹⁾	Yarn of jute or of other textile bast fibres of heading No. 57.03	Manufacture from raw jute, jute tow or from other raw textile bast fibres of heading No. 57.03
57.07 ⁽¹⁾	Yarn of other vegetable textile fibres	Manufacture from raw vegetable textile fibres of heading No. 57.02 or 57.04
57.08	Paper yarn	Manufacture from products of Chapter 47, from chemical products, textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste, neither carded nor combed
57.09 ⁽²⁾	Woven fabrics of true hemp	Manufacture from products of heading No. 57.01
57.10 ⁽²⁾	Woven fabrics of jute or of other textile bast fabrics of heading No. 57.03	Manufacture from raw jute, jute tow or from other raw textile bast fibres of heading No. 57.03
57.11 ⁽²⁾	Woven fabrics of other vegetable textile fibres	Manufacture from materials of heading No. 57.02 or 57.04 or from coir yarn of heading No. 57.07
57.12	Woven fabrics of paper yarn	Manufacture from paper, from chemical products, textile pulp or from textile natural fibres, discontinuous man-made fibres or their waste

- (1) For yarn composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which yarns of the other textile materials of which the mixed yarn is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated.
- (2) For fabrics composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which fabric of the other textile materials of which the mixed fabric is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:
- (i) to 20% where the material in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within headings Nos. ex 51.01 and ex 58.07;
 - (ii) to 30% where the material in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
58.01 ⁽¹⁾	Carpets, carpeting and rugs, knotted (made up or not)		Manufacture from materials of headings Nos 50.01 to 50.03, 51.01, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04
58.02 ⁽¹⁾	Other carpets, carpeting, rugs, mats and matting, and "Kelem", "Schumacks" and "Karamanie" rugs and the like (made up or not)		Manufacture from materials of headings Nos. 50.01 to 50.03, 51.01, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03, 57.01 to 57.04 or from cori yarn of heading No. 57.07
58.04 ⁽¹⁾	Woven pile fabrics and chenille fabrics (other than terry towelling or similar terry fabrics of cotton of heading No. 55.08 and fabrics of heading No. 58.05)		Manufacture from materials of headings Nos. 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03, 57.01 to 57.04 or from chemical products or textile pulp
58.05 ⁽¹⁾	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No. 58.06		Manufacture from materials of headings Nos. 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
58.06 ⁽¹⁾	Woven labels, badges and the like, not embroidered, in the piece, in strips or cut to shape or size		Manufacture from materials of headings Nos. 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.07 ⁽¹⁾	Chenille yarn (including flock chenille yarn), gimped yarn (other than metallized yarn of heading No. 53.01 and gimped horsehair yarn); braids and ornamental trimmings in the piece; tassels, pompons and the like		Manufacture from materials of headings Nos. 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
8.08 ⁽¹⁾	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), plain		Manufacture from materials of headings Nos. 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp

58.09 ⁽¹⁾	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), figured; hand or mechanically made lace, in the piece, in strips or in motifs	Manufacture from materials of headings Nos. 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or from chemical products or textile pulp
58.10	Embroidery, in the piece, in strips or in motifs	Manufacture in which the value of the product used does not exceed 50% of the value of the finished product
59.01 ⁽¹⁾	Wadding and articles of wadding: textile flock and dust and mill neps	Manufacture either from natural fibres or from chemical products or textile pulp
59.02 ⁽¹⁾	Felt and articles of felt, whether or not impregnated or coated	Manufacture either from natural fibres or from chemical products or textile pulp
ex 59.02 ⁽¹⁾	Needled felt, whether or not impregnated or coated	Manufacture from fibre or continuous polypropylene filament of which the denomination of the filaments is less than 8 denier and of which the value does not exceed 40% of the value of the finished product
59.03 ⁽¹⁾	Bonded fibre fabrics, similar bonded yarn fabrics, and articles of such fabrics, whether or not impregnated or coated	Manufacture either from natural fibres or from chemical products or textile pulp
59.04 ⁽¹⁾	Twine, cordage, ropes and cables, plaited or not	Manufacture either from natural fibres or from chemical products or textile pulp or from coir yarn of heading No. 57.07
59.05 ⁽¹⁾	Nets and netting made of twine, cordage or rope, and made up fishing nets of yarn, twine, cordage or rope	Manufacture either from natural fibres or from chemical products or textile pulp or from coir yarn of heading No. 57.07

⁽¹⁾ For products composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which products of the other textile materials of which the mixed product is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

- (i) to 20% where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within headings Nos. ex 51.01 and ex 58.07;
- (ii) to 30% where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
59.06 ⁽¹⁾	Other articles made from yarn, twine, cordage, rope or cables, other than textile fabrics and articles made from such fabrics		Manufacture either from natural fibres or from chemical products or textile pulp or from coir yarn of heading No. 57.07
59.07	Textile fabrics coated with gum or amylaceous substances of a kind used for the outer covers of books and the like; tracing cloth; prepared painting canvas; buckram and similar fabrics for hat foundations and similar uses		Manufacture from yarn
59.08	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials		Manufacture from yarn
59.09	Textile fabrics coated or impregnated with oil or preparations with a basis of drying oil		Manufacture from yarn
59.10 ⁽¹⁾	Linoleum and materials prepared on a textile base in a similar manner to linoleum, whether or not cut to shape or of a kind used as floor coverings; floor coverings consisting of a coating applied on a textile base, cut to shape or not		Manufacture either from yarn or from textile fibres
59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods		Manufacture from yarn
59.12	Textile fabrics otherwise impregnated or coated; painted canvas being theatrical scenery, studio backcloths or the like		Manufacture from yarn

59.13 ⁽¹⁾	Elastic fabrics and trimmings (other than knitted or crocheted goods) consisting of textile materials combined with rubber threads	Manufacture from single yarn
59.15 ⁽¹⁾	Textile hosepiping and similar tubing, with or without lining, armour or accessories of other materials	Manufacture from materials of headings Nos. 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
59.16 ⁽¹⁾	Transmission, conveyor or elevator belts or belting, of textile material, whether or not strengthened with metal or other material	Manufacture from materials of headings Nos. 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
59.17 ⁽¹⁾	Textile fabrics and textile articles, of a kind commonly used in machinery or plant	Manufacture from materials of headings Nos. 50.01 to 50.03, 53.01 to 53.05, 54.01, 55.01 to 55.04, 56.01 to 56.03 or 57.01 to 57.04 or from chemical products or textile pulp
ex Chapter 60 ⁽¹⁾	Knitted and crocheted goods, excluding knitted or crocheted goods obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)	Manufacture from natural fibres, carded or combed, from materials of headings Nos. 56.01 to 56.03, from chemical products or textile pulp
ex 60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic nor rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)	Manufacture from yarn ⁽²⁾

⁽¹⁾ For products composed of two or more textile materials, the conditions shown in this list must also be met in respect of each of the headings under which products of the other textile materials of which the mixed product is composed would be classified. This rule, however, does not apply to any one or more mixed textile materials whose weight does not exceed 10% of the total weight of textile materials incorporated. This percentage shall be increased:

- (i) to 20% where the product in question is yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, falling within headings Nos. ex 51.01 and ex 58.07;
- (ii) to 30% where the product in question is yarn of a width not exceeding 5 mm formed of a core consisting either of a thin strip of aluminium or of a film of artificial plastic material whether or not covered with aluminium powder, this core having been inserted and glued by means of a transparent or coloured glue between two films of artificial plastic material.

⁽²⁾ Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
ex 60.03	Stockings, under stockings, socks, anklesocks, sockettes and the like, knitted or crocheted, not elastic nor rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn ⁽¹⁾
ex 60.04	Under garments, knitted or crocheted, not elastic nor rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn ⁽¹⁾
ex 60.05	Outer garments and other articles, knitted or crocheted, not elastic nor rubberized, obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn ⁽¹⁾
ex 60.06	Other articles, knitted or crocheted, elastic or rubberized (including elastic knee-caps and elastic stockings), obtained by sewing or by the assembly of pieces of knitted or crocheted goods (cut or obtained directly to shape)		Manufacture from yarn ⁽¹⁾
61.01	Men's and boys' outer garments		Manufacture from yarn ⁽¹⁾⁽²⁾
ex 61.01	Fire resisting equipment of cloth covered by foil or aluminised polyester		Manufacture from uncoated cloth of which the value does not exceed 40% of the value of finished product ⁽¹⁾⁽²⁾
ex 61.02	Women's, girls' and infants' outer garments, not embroidered		Manufacture from yarn ⁽¹⁾⁽²⁾
ex 61.02	Fire resisting equipment of cloth covered by foil of aluminised polyester		Manufacture of uncoated cloth of which the value does not exceed 40% of the value of the finished product ⁽¹⁾⁽²⁾

ex 61.02	Women's, girls' and infants' outer garments, embroidered	Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product ⁽¹⁾
61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs	Manufacture from yarn ⁽¹⁾⁽²⁾
61.04	Women's, girls' and infants' under garments	Manufacture from yarn ⁽¹⁾⁽²⁾
ex 61.05	Handkerchiefs, not embroidered	Manufacture from unbleached single yarn ⁽¹⁾⁽²⁾⁽²⁾
ex 61.05	Handkerchiefs, embroidered	Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product ⁽¹⁾
ex 61.06	Shawls, scarves, mufflers, mantillas, veils and the like, not embroidered	Manufacture from unbleached single yarn of natural textile fibres or discontinuous man-made fibres or their waste or from chemical products or textile pulp ⁽¹⁾⁽²⁾
ex 61.06	Shawls, scarves, mufflers, mantillas, veils and the like, embroidered	Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product ⁽¹⁾
61.07	Ties, bow ties and cravats	Manufacture from yarn ⁽¹⁾⁽²⁾
ex 61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments, not embroidered	Manufacture from yarn ⁽¹⁾⁽²⁾
ex 61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments, embroidered	Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product ⁽¹⁾

⁽¹⁾ Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

⁽²⁾ These provisions do not apply where the products are obtained from printed fabric in accordance with the conditions shown in List B.

⁽³⁾ For products obtained from two or more textile materials, this rule does not apply to one or more of the mixed textile materials if its or their weight does not exceed 10% of the total weight of all the textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
61.09	Corsets, corset-belts, suspender-belts, brassieres, braces, suspenders, garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic		Manufacture from yarn ⁽¹⁾ (²)
61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods		Manufacture from yarn ⁽¹⁾ (²)
ex 61.10	Fire resistant equipment of cloth covered by foil of aluminised polyester		Manufacture of uncoated cloth of which the value does not exceed 40% of the value of the finished product ⁽¹⁾ (²)
61.11	Made up accessories for articles of apparel (for example, dress shields, shoulder and other pads, belts, muffs, sleeve protectors, pockets)		Manufacture from yarn ⁽¹⁾ (²)
62.01	Travelling rugs and blankets		Manufacture from unbleached yarn of Chapters 50 to 56 ⁽²⁾ (³)
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles; not embroidered		Manufacture from unbleached single yarn ⁽²⁾ (³)
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles; embroidered		Manufacture from fabrics, not embroidered, the value of which does not exceed 40% of the value of the finished product
62.03	Sacks and bags, of a kind used for the packing of goods		Manufacture from chemical products, textile pulp or from natural textile fibres, discontinuous man-made fibres or their waste ⁽²⁾ (³)

62.04	Tarpaulins, sails, awnings, sun-blinds, tents and camping goods		Manufacture from single unbleached yarn ⁽²⁾ ⁽³⁾
62.05	Other made up textile articles (including dress patterns)		Manufacture in which the value of the products used does not exceed 40% of the value of the finished product
64.01	Footwear with outer soles and uppers of rubber or artificial plastic material	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
64.02	Footwear with outer soles of leather or composition leather; footwear (other than footwear falling within heading No. 64.01) with outer soles of rubber or artificial plastic material	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
64.03	Footwear with outer soles of wood or cork	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
64.04	Footwear with outer soles of other materials	Manufacture from assemblies of uppers affixed to inner soles or to other sole components, but without outer soles, of any material except metal	
65.03	Felt hats and other felt headgear, being headgear made from the felt hoods and plateaux falling within heading No. 65.01, whether or not lined or trimmed		Manufacture from textile fibres

(¹) Trimmings and accessories used (excluding linings and interlining) which change tariff heading do not remove the originating status of the product obtained if their weight does not exceed 10% of the total weight of all the textile materials incorporated.

(²) These provisions do not apply where the products are obtained from printed fabric in accordance with the conditions shown in List B.

(³) For products obtained from two or more textile materials, this rule does not apply to one or more of the mixed textile materials if its or their weight does not exceed 10% of the total weight of all the textile materials incorporated.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
65.05	Hats and other headgear (including hair nets), knitted or crocheted, or made up from lace, felt or other textile fabric in the piece (but not from strips), whether or not lined or trimmed		Manufacture either from yarn or from textile fibres
66.01	Umbrellas and sunshades (including walking-stick umbrellas, umbrella tents, and garden and similar umbrellas)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
ex 70.07	Cast, rolled, drawn or blown glass (including flashed or wired glass) cut to shape other than rectangular shape, or bent or otherwise worked (for example, edge worked or engraved) whether or not surface ground or polished; multiple-walled insulating glass	Manufacture from drawn, cast or rolled glass of headings Nos. 70.04 to 70.06	
70.08	Safety glass consisting of toughened or laminated glass, shaped or not	Manufacture from drawn, cast or rolled glass of headings Nos. 70.04 to 70.06	
70.09	Glass mirrors (including rear-view mirrors), unframed, framed or backed	Manufacture from drawn, cast or rolled glass of headings Nos. 70.04 to 70.06	
71.15	Articles consisting of, or incorporating, pearls, precious or semi-precious stones (natural, synthetic or reconstructed)		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
73.07	Blooms, billets, slabs and sheet-bars (including tinsplate bars) of iron or steel; pieces roughly shaped by forging, of iron or steel	Manufacture from products of heading No. 73.06	
73.08	Iron or steel coils re-rolling	Manufacture from products of heading No. 73.07	
73.09	Universal plates of iron or steel	Manufacture from products of heading No. 73.07 or 73.08	

73.10	Bars and rods (including wire rod), of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished (including precision-made); hollow mining drill steel	Manufacture from products of heading No. 73.07	
73.11	Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished; sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements	Manufacture from products of headings Nos. 73.07 to 73.10, 73.12 to 73.13	
73.12	Hoop and strip, of iron or steel, hot-rolled or cold-rolled	Manufacture from products of headings Nos. 73.07 to 73.09 or 73.13	
73.13	Sheets and plates, of iron or steel, hot-rolled or cold-rolled	Manufacture from products of headings Nos. 73.07 to 73.09	
73.14	Iron or steel wire, whether or not coated, but not insulated	Manufacture from products of heading No. 73.10	
73.16	Railway and tramway track construction material of iron or steel, the following: rails check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bed-plates, ties and other material specialized for joining or fixing rails		Manufacture from products of heading No. 73.06
73.18	Tubes and pipes and blanks therefor, of iron (other than of cast iron) or steel, excluding high-pressure hydro-electric conduits		Manufacture from products of headings Nos. 73.06 and 73.07 or heading No. 73.15 in the forms specified in headings Nos. 73.06 and 73.07
74.03	Wrought bars, rods, angles, shapes and sections, of copper; copper wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾

⁽¹⁾ These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
74.04	Wrought plates, sheets and strip, of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.05	Copper foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.15 mm		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.06	Copper powder and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.07	Tubes and pipes and blanks therefor, of copper; hollow bars of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.08	Tube and pipe fittings (for example, joints, elbows, sockets and flanges), of copper		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.09	Reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquified gas), of copper, of a capacity exceeding 300 l, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.10	Stranded wire, cables, cordage, ropes, plaited bands and the like, of copper wire, but excluding insulated electric wires and cables		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾

74.11	Gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands), of copper wire	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.12	Expanded metal, of copper	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.13	Chain and parts thereof, of copper	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.14	Nails, tacks, staples, hook-nails, spiked cramps, studs, spikes and drawing pins, of copper, or of iron or steel with heads of copper	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.15	Bolts and nuts (including bolt ends and screw studs), whether or not threaded or tapped, and screws (including screw hooks and screw rings), of copper; rivets, cotters, cotter-pins, washers and spring washers, of copper	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.16	Springs of copper	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.17	Cooking and heating apparatus of a kind used for domestic purposes, not electrically operated, and parts thereof, of copper	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.18	Other articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of copper	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
74.19	Other articles of copper	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾

⁽¹⁾ These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
75.02	Wrought bars, rods, angles, shapes and sections, of nickel; nickel wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
75.03	Wrought plates, sheets and strip, of nickel; nickel foil; nickel powders and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
75.04	Tubes and pipes and blanks therefor, of nickel; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of nickel		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
75.05	Electro-plating anodes, of nickel, wrought or unwrought, including those produced by electrolysis		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
75.06	Other articles of nickel		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
76.02	Wrought bars, rods, angles, shapes, and sections, of aluminium; aluminium wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.03	Wrought plates, sheets and strip, of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.04	Aluminium foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.20 mm	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product	

76.05	Aluminium powders and flakes	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.06	Tubes and pipes and blanks therefor, of aluminium; hollow bars of aluminium	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.07	Tube and pipe fittings (for example, joints, elbows, sockets and flanges), of aluminium	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.08	Structures, complete or incomplete, whether or not assembled, and parts of structures (for example, hangars and other buildings, bridges and bridge-sections, towers, lattice masts, roofs, roofing frameworks, door and window frames, balustrades, pillars and columns), of aluminium; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structure, of aluminium	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.09	Reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquified gas), of aluminium, of a capacity exceeding 300 l, whether or not lined or heat insulated, but not fitted with mechanical or thermal equipment	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.10	Casks, drums, cans, boxes and similar containers (including rigid and collapsible tubular containers), of aluminium, of a description commonly used for the conveyance or packing of goods	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.11	Containers of aluminium for compressed or liquified gas	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

(4) These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met.
Customs Tariff heading No.	Description		
76.12	Stranded wire, cables, cordage, ropes, plaited bands and the like, of aluminium wire, but excluding insulated electric wires and cables		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.13	Gauze, cloth, grill, netting, reinforcing fabric and similar materials, of aluminium wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.14	Expanded metal, of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.15	Articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
76.16	Other articles of aluminium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
77.02	Wrought bars, rods, angles, shapes and sections, of magnesium; magnesium wire; wrought plates, sheets and strip, of magnesium; magnesium foil; raspings and shavings of uniform size, powders and flakes, of magnesium; tubes and pipes and blanks therefor, of magnesium; hollow bars of magnesium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
77.03	Other articles of magnesium		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

78.02	Wrought bars, rods, angles, shapes and sections, of lead; lead wire	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
78.03	Wrough plates, sheets and strip, of lead	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
78.04	Lead foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing materials), of a weight (excluding any backing) not exceeding 1,700 kg/m ² ; lead powders and flakes	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
78.05	Tubes and pipes and blanks therefor, of lead; hollow bars and tube and pipe fittings (for example, joints, elbows, sockets, flanges and S-bends)	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
78.06	Other articles of lead	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product ⁽¹⁾
79.02	Wrought bars, rods, angles, shapes and sections, of zinc; zinc wire	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
79.03	Wrought plates, sheets and strip, of zinc; zinc foil; zinc powders and flakes	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
79.04	Tubes and pipes and blanks therefor, of zinc; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of zinc	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
79.05	Gutters, roof capping, skylight frames, and other fabricated building components, of zinc	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

⁽¹⁾ These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
79.06	Other articles of zinc		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
80.02	Wrought bars, rods, angles, shapes and sections, of tin; tin wire		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
80.03	Wrought plates, sheets and strip, of tin		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
80.04	Tin foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing materials), of a weight (excluding any backing) not exceeding 1 kg/m ² ; tin powders and flakes		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
80.05	Tubes and pipes and blanks therefor, of tin; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of tin		Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
82.05	Interchangeable tools for hand tools, for machine tools or for power-operated hand tools (for example, for pressing, stamping, drilling, tapping, threading, boring, broaching, milling, cutting, turning, dressing, morticing or screwdriving), including dies for wire drawing, extrusion dies for metal, and rock drilling bits		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product ⁽¹⁾

82.06	Knives and cutting blades, for machines or for mechanical appliances	Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product ⁽¹⁾
ex Chapter 84	Boilers, machinery and mechanical appliances and parts thereof, excluding refrigerators and refrigerating equipment (electrical and other) (No. 84.15) and sewing machines, including furniture specially designed for sewing machines (ex No. 84.41)	Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
84.15	Refrigerators and refrigerating equipment (electrical and other)	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts ⁽²⁾ used are originating products
ex 84.41	Sewing machines, including furniture for sewing machines	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that: (a) at least 50% in value of the materials and parts ⁽²⁾ used for the assembly of the head (motor excluded) are originating products, and (b) the thread tension, crochet and zigzag mechanisms are originating products
ex Chapter 85	Electrical machinery and equipment; parts thereof; excluding products of heading No. 85.14 or 85.15	Working, processing or assembly in which the value of the non-originating material and parts used do not exceed 40% of the value of the finished product

⁽¹⁾ These provisions do not apply where the products are obtained from products which have acquired the status of originating products in accordance with the conditions laid down in List B.

⁽²⁾ In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of products, materials and parts other than those referred to under (a), the provisions of Article 4 of this Protocol determining:
 - (i) the value of imported products,
 - (ii) the value of products of undetermined origin.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
85.14	Microphones and stands therefor; loudspeakers; audio-frequency electric amplifiers		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that: (a) at least 50% in value of the materials and parts ⁽¹⁾ used are originating products, and (b) the value of the non-originating transistors used does not exceed 3% of the value of the finished product ⁽²⁾
85.15	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that: (a) at least 50% in value of the materials and parts ⁽¹⁾ used are originating products, and (b) the value of the non-originating transistors used does not exceed 3% of the value of the finished product ⁽²⁾
Chapter 86	Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway track fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered)		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of that finished product
ex Chapter 87	Vehicles, other than railway or tramway rolling-stock, and parts thereof, excluding products of heading No. 87.09		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product

87.09	Motor-cycles, auto-cycles and cycles fitted with an auxiliary motor, with or without side-cars; side-cars of all kinds		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the finished product, and provided that at least 50% in value of the materials and parts ⁽¹⁾ used are originating products
ex Chapter 90	Optical, photographic, cinematograph, measuring, checking, precision, medical and surgical instruments and apparatus and parts thereof, excluding products of heading No. 90.05, 90.07, 90.08, 90.12 or 90.26		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
90.05	Refracting telescopes (monocular and binocular), prismatic or not		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts ⁽¹⁾ used are originating products
90.07	Photographic cameras; photographic flash-light apparatus		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts ⁽¹⁾ used are originating products
90.08	Cinematographic cameras, projectors, sound recorders and sound reproducers; any combination of these articles		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts ⁽¹⁾ used are originating products

⁽¹⁾ In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of products, materials and parts, other than those referred to under (a), the provisions of Article 4 of this Protocol determining:
 - (i) the value of imported products,
 - (ii) the value of products of undetermined origin.

⁽²⁾ This percentage is not cumulative with the 40%.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No.	Description		
90.12	Compound optical microscopes, whether or not provided with means for photographing or projecting the image		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts ⁽¹⁾ used are originating products
90.26	Gas, liquid and electricity supply or production meters; calibrating meters therefor		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts ⁽¹⁾ used are originating products
ex Chapter 91	Clocks and watches and parts thereof, excluding products of heading No. 91.04 or 91.08		Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
91.04	Other clocks		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts ⁽¹⁾ used are originating products
91.08	Clock movements, assembled		Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts ⁽¹⁾ used are originating products

ex Chapter 92	Musical instruments; sound recorders and reproducers; television image and sound recorders and reproducers, magnetic; parts and accessories of such articles; excluding products of heading No. 92.11	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product
92.11	Gramophones, dictating machines and other sound recorders and reproducers, including record players and tape decks, with or without sound-heads; television image and sound recorders and reproducers, magnetic	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that: (a) at least 50% in value of the materials and parts ⁽¹⁾ used are originating products, and (b) the value of the non-originating transistors used does not exceed 3% of the value of the finished product ⁽²⁾
Chapter 93	Arms and ammunition; parts thereof	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
96.02	Other brooms and brushes (including brushes of a kind used as parts of machines); paint rollers; squeegees (other than roller squeegees) and mops	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
97.03	Other toys; working models of a kind used for recreational purposes	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
98.01	Buttons and button moulds, studs, cuff-links, and press-fasteners, including snap fasteners and press-studs; blanks and parts of such articles	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product
98.08	Typewriter and similar ribbons, whether or not on spools; ink-pads, with or without boxes	Manufacture in which the value of the products used does not exceed 50% of the value of the finished product

⁽¹⁾ In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of products, materials and parts other than those referred to under (a), the provisions of Article 4 of this Protocol determining:
 - (i) the value of imported products,
 - (ii) the value of products of undetermined origin.

⁽²⁾ This percentage is not cumulative with the 40%.

ANNEX III

LIST B

List of working or processing operations which do not result in a change of tariff heading, but which do confer the status of "originating" products on the products undergoing such operations

Finished products		Working or processing that confers the status of originating products
Customs Tariff heading No.	Description	
		Incorporation of non-originating materials and parts in boilers, machinery, mechanical appliances, etc., of Chapters 84 to 92, in boilers and radiators of heading No. 73.37 and in the products contained in headings No. 97.07 and No. 9.03 does not make such products lose their status of originating products, provided that the value of these products does not exceed 5% of the value of the finished product.
13.02	Shellac, seed lac, stick lac and other lacs; natural gums, resins, gum-resins and balsams	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 50% of the value of the finished product
ex 15.10	Fatty alcohols	Manufacture from fatty acids
ex 21.03	Prepared mustard	Manufacture from mustard flour
ex 22.09	Whisky of an alcoholic strength of less than 50°	Manufacture from alcohol deriving exclusively from the distillation of cereals and in which the value of the non-originating constituent products does not exceed 15% of the value of the manufactured product
ex 25.09	Earth colours, calcined or powdered	Crushing and calcination or powdering of earth colours
ex 25.15	Marble squared by sawing, of a thickness not exceeding 25 cm	Sawing into slabs or sections, polishing, grinding and cleaning of marble including marble not further worked than roughly split, roughly squared or squared by sawing, of a thickness exceeding 25 cm
ex 25.16	Granite, porphyry, basalt, sandstone and other monumental and building stone, squared by sawing, of a thickness not exceeding 25 cm	Sawing of granite, porphyry, basalt, sandstone and other building stone, including such stone not further worked than roughly split, roughly squared or squared by sawing, of a thickness exceeding 25 cm
ex 25.18	Calcined dolomite; agglomerated dolomite (including tarred dolomite)	Calcination of unworked dolomite

Finished products		Working or processing that confers the status of originating products
Customs Tariff heading No.	Description	
Chapters 28 to 37	Products of the chemical and allied industries excluding mineral or chemical fertilisers, potassic: calcined, crushed and powdered natural aluminium calcium phosphates (ex 31.03) and essential oils other than of citrus fruit, terpeneless (ex 33.01)	Working or processing in which the value of the non-originating products used does not exceed 20% of the value of the finished product
ex 31.03	Mineral or chemical fertilisers, potassic: calcined, crushed and powdered natural aluminium calcium phosphates	Crushing and powdering of calcined natural aluminium calcium phosphates
ex 33.01	Essential oils other than of citrus fruit, terpeneless	Deterpenation of essential oils other than of citrus fruit
ex Chapter 38	Miscellaneous chemical products, other than refined tall oil (ex 38.05) and sulphate turpentine, refined	Working or processing in which the value of the non-originating materials used does not exceed 20% of the value of the finished product
ex 38.05	Refined tall oil	Refining of crude tall oil
ex 38.07	Sulphate turpentine, purified	Purification consisting of the distillation or refining of raw sulphate turpentine
ex Chapter 39	Artificial plastic materials, cellulose ethers and esters, artificial resins and articles made of these materials, excepting films of ionomers (ex 39.02)	Working or processing in which the value of the non-originating materials used does not exceed 20% of the value of the finished product
ex 39.02	Ionomer film	Manufacture from a thermoplastic partial salt which is a copolymer of ethylene and metacrylic acid partly neutralized with metal ions, mainly zinc and sodium
ex 40.01	Slabs of crepe rubber for soles	Lamination of crepe sheets of natural rubber
ex 40.07	Rubber thread and cord, textile-covered	Manufacture from rubber thread or cord
ex 41.01	Sheep- and lamb-skins without the wool	Removing wool from sheep- and lamb-skins in the wool
ex 41.02	Retanned bovine cattle leather (including buffalo leather) and equine leather, except leather of heading Nos. 41.06 to 41.08	Retanning of bovine cattle leather (including buffalo leather) and equine leather, not further prepared than tanned
ex 41.03	Retanned sheep- and lamb-skin leather, except leather of heading Nos. 41.06 to 41.08	Retanning of sheep- and lamb-skin leather, not further prepared than tanned
ex 41.04	Retanned goat- and kid-skin leather, except leather of heading Nos. 41.06 to 41.08	Retanning of goat- and kid-skin leather, not further prepared than tanned

Finished products		Working or processing that confers the status of originating products
Customs Tariff heading No.	Description	
ex 41.05	Other kinds of retanned leather, except leather of heading Nos. 41.06 to 41.08.	Retanning of other kinds of leather, not further prepared than tanned
ex 43.02	Assembled furskins	Bleaching, dyeing, dressing, cutting and assembling of tanned or dressed furskins
ex 50.03	Silk waste carded or combed	Carding or combing waste silk
ex 50.09	Printed fabrics	Printing accompanied by finishing operations (bleaching, dressing, drying, steaming, burling, mending, impregnating, sanforizing, mercerizing) of fabrics the value of which does not exceed 47.5% of the value of the finished product
ex 50.10		
ex 51.04		
ex 53.11		
ex 53.12		
ex 53.13		
ex 54.05		
ex 55.07		
ex 55.08		
ex 55.09		
ex 56.07		
ex 59.14	Incandescent gas mantles	Manufacture from tubular gasmantle fabric
ex 68.03	Articles of slate, including articles of agglomerated slate	Manufacture of articles of slate
ex 68.13	Articles of asbestos; articles of mixtures with a basis of asbestos or of mixtures with a basis of asbestos and magnesium carbonate	Manufacture of articles of asbestos or of mixtures with a basis of asbestos, or of mixtures with a basis of asbestos and magnesium carbonate
ex 68.15	Articles of mica, including bonded mica splittings on a support of paper or fabric	Manufacture of articles of mica
ex 70.10	Cut-glass bottles	Cutting of bottles the value of which does not exceed 50% of the value of the finished product
70.13	Glassware (other than articles falling in heading No. 70.19) of a kind commonly used for table, kitchen, toilet or office purposes, for indoor decoration, or similar uses	Cutting of glassware the value of which does not exceed 50% of the value of the finished product or decoration, with the exception of silk-screen printing, carried out entirely by hand, of hand-blown glassware the value of which does not exceed 50% of the value of the finished product
ex 70.20	Articles made from glass fibre	Manufacture from unworked glass fibre
ex 71.02	Precious and semi-precious stones, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)	Manufacture from unworked precious and semi-precious stones
ex 71.03	Synthetic or reconstructed precious or semi-precious stones, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)	Manufacture from unworked synthetic or reconstructed precious or semi-precious stones

Finished products		Working or processing that confers the status of originating products
Customs Tariff heading No.	Description	
ex 71.05	Silver and silver alloys, including silver gilt and platinum-plated silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought silver and silver alloys
ex 71.05	Silver, including silver gilt and platinum-plated silver, unwrought	Alloying or electrolytic separation of unwrought silver and silver alloys
ex 71.06	Rolled silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought rolled silver
ex 71.07	Gold, including platinum-plated gold, semi-manufactured	Rolling, drawing, beating or grinding of unwrought gold, including platinum plated gold
ex 71.07	Gold, including platinum-plated gold, unwrought	Alloying or electrolytic separation of unwrought gold or gold alloys
ex 71.08	Rolled gold on base metal or silver, semi-manufactured	Rolling, drawing, beating or grinding of unwrought rolled gold on base metal or silver
ex 71.09	Platinum and other metals of the platinum group, semi-manufactured	Rolling, drawing, beating or grinding of unwrought platinum or other metals of the platinum group
ex 71.09	Platinum and other metals of the platinum group, unwrought	Alloying or electrolytic separation of unwrought platinum or other metals of the platinum group
ex 71.10	Rolled platinum or other platinum group metals, on base metal or precious metal, semi-manufactured	Rolling, drawing, beating or grinding of unwrought rolled platinum or other unwrought platinum group metals, on base metal or precious metal
ex 73.15	Alloy steel and high-carbon steel: —in the forms mentioned in heading Nos. 73.07 to 73.13 —in the forms mentioned in heading No. 73.14	Manufacture from products in the forms mentioned in heading No. 73.06 Manufacture from products in the forms mentioned in heading No. 73.06 or 73.07
ex 74.01	Unrefined copper (blister copper and other)	Smelting of copper matte
ex 74.01	Refined copper	Fire-refining or electrolytic refining of unrefined copper (blister copper and other), copper waste or scrap
ex 74.01	Copper alloy	Fusion and thermal treatment of refined copper, copper waste or scrap
ex 75.01	Unwrought nickel (excluding electroplating anodes of heading No. 75.05)	Refining by electrolysis, by fusion or chemically, of nickel mattes, nickel speiss and other intermediate products of nickel metallurgy
ex 75.01	Unwrought nickel except nickel alloys	Refining of waste by electrolysis, by melting or by chemical means of waste and scrap
ex 76.01	Unwrought aluminium	Manufacture by thermal or electrolytic treatment of unalloyed aluminium and scrap

Finished products		Working or processing that confers the status of originating products
Customs Tariff heading No.	Description	
ex 77.04	Beryllium, wrought	Rolling, drawing or grinding of unwrought beryllium the value of which does not exceed 50% of the value of the finished product.
ex 78.01	Refined lead	Manufacture by thermal refining from bullion lead
ex 81.01	Tungsten, wrought	Manufacture from unwrought tungsten the value of which does not exceed 50% of the value of the finished product
ex 81.02	Molybdenum, wrought	Manufacture from unwrought molybdenum the value of which does not exceed 50% of the value of the finished product
ex 81.03	Tantalum, wrought	Manufacture from unwrought tantalum the value of which does not exceed 50% of the value of the finished product
ex 81.04	Other base metals, wrought	Manufacture from other base metals, unwrought, the value of which does not exceed 50% of the value of the finished product
ex 83.06	Indoor ornaments made from base metals other than statuettes	Working or processing in which the value of the non-originating materials used does not exceed 30% of the value of the finished product
84.06	Internal combustion piston engines	Working, processing or assembly in which the value of the materials and parts used does not exceed 40% of the value of the finished product
ex 84.08	Engines and motors, excluding reaction engines and gas turbines	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that at least 50% in value of the materials and parts ⁽¹⁾ used are originating products.
84.16	Calendering and similar rolling machines (other than metal working and metal-rolling machines and glass working machines) and cylinders thereof	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 25% of the value of the finished product

⁽¹⁾ In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of other products, materials and parts, the provisions of Article 4 of this Protocol determining:
 - (i) the value of imported products.
 - (ii) the value of products of undetermined origin.

Finished products		Working or processing that confers the status of originating products
Customs Tariff heading No.	Description	
ex 84.17	Machinery, plant and similar laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature, for wood, paper pulp, paper and paperboard manufacturing industries	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 25% of the value of the finished product
84.31	Machinery for making or finishing cellulose pulp, paper or paperboard	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 25% of the value of the finished product
84.33	Paper or paperboard cutting machines of all kinds; other machinery for making up paper pulp, paper or paperboard	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 25% of the value of the finished product
ex 84.41	Sewing machines, including furniture specially designed for sewing machines	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that: (a) at least 50% of the materials and parts ⁽¹⁾ used for assembly of the head (motor excluded) are originating products, and (b) the thread tension, crochet and zig-zag mechanisms are originating products
85.14	Microphones and stands therefor; loudspeakers; audiofrequency electric amplifiers	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product and provided that at least 50% of the materials and parts used are originating products ⁽²⁾
85.15	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product and provided that at least 50% of the materials and parts used are originating products ⁽²⁾

(1) In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of other products, materials and parts, the provisions of Article 4 of this Protocol determining:
 - (i) the value of imported products.
 - (ii) the value of products of undetermined origin.

(2) The application of this rule must not have the effect of allowing the exceeding of the percentage of 3% for the originating transistors laid down in Annex A for the same tariff heading.

Finished products		Working or processing that confers the status of originating products
Customs Tariff heading No.	Description	
87.06	Parts and accessories of the motor vehicles of heading Nos. 87.01 to 87.03	Working, processing or assembly in which the value of the materials and parts used does not exceed 15% of the value of the finished product
ex 94.01	Chairs and other seats (other than those falling within heading No. 94.02) whether or not convertible into beds, made of base metals	Working, processing or assembly in which unstuffed cotton cloth is used of a weight of 300 gr/m ² or less in the form ready to use, of which the value does not exceed 25% of the value of the finished product ⁽¹⁾
ex 94.03	Other furniture of base metal	Working, processing or assembly in which unstuffed cotton cloth is used of a weight of 300 gr/m ² or less in the form ready to use, of which the value does not exceed 25% of the value of the finished product ⁽¹⁾
ex 95.01	Articles of tortoise-shell	Manufacture from worked tortoise-shell
ex 95.02	Articles of mother of pearl	Manufacture from worked mother of pearl
ex 95.03	Articles of ivory	Manufacture from worked ivory
ex 95.04	Articles of bone (excluding whalebone)	Manufacture from worked bone (excluding whalebone)
ex 95.05	Articles of horn, coral (natural or agglomerated) or of other animal carving material	Manufacture from worked horn, coral (natural or agglomerated) or other animal carving material
ex 95.06	Articles of vegetable carving material (for example, corozo)	Manufacture from worked vegetable carving material (for example, corozo)
ex 95.07	Articles of jet (and mineral substitutes for jet), amber, meerschaum, agglomerated amber and agglomerated meerschaum	Manufacture from worked jet (and mineral substitutes for jet), amber, meerschaum, agglomerated amber and agglomerated meerschaum
ex 98.11	Smoking pipes, pipe bowls, of wood, root or other materials	Manufacture from roughly shaped blocks

⁽¹⁾ This rule does not apply when the general rule of change of tariff heading is applied to the other non-originating parts which are part of the composition of the final product.

ANNEX IV

LIST C

List of products excluded from the scope of this Protocol

Customs Tariff heading No.	Description
ex 27.07	Assimilated aromatic oils as defined in Note 2 to Chapter 27, of which more than 65% by volume distils at a temperature of up to 250° C (including mixtures of petroleum spirit and benzol), for use as power or heating fuels
27.09 to 27.16	Mineral oils and products of their distillation; bituminous substances; mineral waxes
ex 29.01	<p>Hydrocarbons:</p> <ul style="list-style-type: none"> — Acyclic — Cyclanes and cyclenes, excluding azulenes — Benzene, toluene, xylenes <p>for use as power or heating fuels</p>
ex 34.03	Lubricating preparations containing petroleum oils or oils obtained from bituminous minerals, but not including preparations containing 70% or more by weight of petroleum oils or of oils obtained from bituminous minerals
ex 34.04	Waxes with a basis of paraffin, of petroleum waxes, of waxes obtained from bituminous minerals, of slack wax or of scale wax
ex 38.14	Prepared additives for lubricants

ANNEX V
MOVEMENT CERTIFICATE

1. Exporter (Name, full address, country)	EUR. I No A 000.000	
	See notes overleaf before completing this form	
3. Consignee (Optional) (Name, full address, country) (Optional)	2. Certificate used in preferential trade between and (insert appropriate countries, groups of countries or territories)	
	4. Country, group of countries or territory in which the products are considered to originate ⁽²⁾	5. Country, group of countries or territory of destination
6. Transport details (Optional)	7. Remarks	
8. Item number; marks and numbers; Number and kind of packages ⁽¹⁾ ; Description of goods	9. Gross weight (kg) or other measure (litres, m ³ , etc.)	10. Invoices (Optional)
11. CUSTOMS ENDORSEMENT Declaration certified Export document ^(?) Form.....No..... Stamp Customs office..... Issuing country or territory..... Date..... (Signature)	12. DECLARATION BY THE EXPORTER I, the undersigned, declare that the goods described above meet the conditions required for the issue of the attached certificate. Place and date..... (Signature)	

⁽¹⁾ If goods are not packed, indicate number of articles or state " in bulk " as appropriate.

^(?) Complete only where the regulations of the exporting country or territory require.

⁽²⁾ To be completed only where the exporting country is not the country in which the products are considered to originate. If this is not the case, this space must be struck through.

<p>13. REQUEST FOR VERIFICATION, to</p>	<p>14. RESULT OF VERIFICATION</p>
<p>Verification of the authenticity and accuracy of this certificate is requested.</p>	<p>Verification carried out shows that this certificate(1)</p>
<p>.....</p>	<p><input type="checkbox"/> was issued by the Customs Office indicated and that the information contained therein is accurate.</p>
<p>(Place and date) Stamp</p>	<p><input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).</p>
<p>.....</p>	<p>.....</p>
<p>(Signature)</p>	<p>(Place and date) Stamp</p>
<p>.....</p>	<p>.....</p>
<p>(Signature)</p>	<p>(Signature)</p>
<p>.....</p>	<p>(1) Insert X in the appropriate box.</p>

NOTES

1. Certificates must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialed by the person who completed the certificate and endorsed by the Customs authorities of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

APPLICATION FOR A MOVEMENT CERTIFICATE

1. Exporter (Name, full address, country)	EUR. I No A 000.000	
	See notes overleaf before completing this form	
3. Consignee (Optional) (Name, full address, country)	2. Application for a certificate to be used in preferential trade between	
	..... and	
	(insert appropriate countries, groups of countries or territories)	
	4. Country, group of countries or territory in which the products are considered to originate ^(?)	5. Country, group of countries or territory of destination
6. Transport details (Optional)	7. Remarks	
8. Item number; marks and numbers; Number and kind of packages ⁽¹⁾ ; Description of goods	9. Gross weight (kg) or other measure (litres, m ³ , etc.)	10. Invoices (Optional)

⁽¹⁾ If goods are not packed, indicate number of articles or state "in bulk" as appropriate.

^(?) To be completed only where the exporting country is not the country in which the products are considered to originate. If this is not the case, this space must be struck through.

12. DECLARATION BY THE EXPORTER
I, the undersigned, declare that the goods described above meet the conditions required for the issue of the attached certificate.

Place and date.....

.....
(Signature)

DECLARATION BY THE EXPORTER

I, the undersigned, exporter of the goods described overleaf,

DECLARE that the goods meet the conditions required for the issue of the attached certificate;

SPECIFY as follows the circumstances which have enabled these goods to meet the above conditions:

.....
.....
.....
.....

SUBMIT the following supporting documents⁽¹⁾:

.....
.....
.....
.....

UNDERTAKE to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

REQUEST the issue of the attached certificate for these goods.

.....
(Place and date)

.....
(Signature)

⁽¹⁾ For example: import documents, movement certificates, invoices, manufacturer's declarations, etc., referring to the products used in manufacture or to the goods re-exported in the same state.

10 Description of goods		11 Authorities in the exporting country responsible for verification of the declaration by the exporter	
5 Remarks(2)		7 Country, group of countries or territory in which the products are considered to originate(2)	9 Gross weight
6 Signature of exporter		8 Country of destination	
4 Place and date		3 Name and address of consignee	
2 Declaration by the exporter I, the undersigned, exporter of the goods described below and contained in this postal consignment, (exporting country) under the conditions necessary for completion of this form in accordance with the provisions governing trade between .....(1); and that the goods have the status of originating products within the meaning of the said provisions; — UNDERTAKE to submit to the appropriate authorities any supporting evidence which these authorities may require and to agree to any inspection by them of my accounts and any check by them on the processes of manufacture of the goods described below.		1 Name and address of exporter	

(Part 1)

FORM EUR. 2 No 000 000

REQUEST FOR VERIFICATION	RESULT OF VERIFICATION
The undersigned Customs officer requests that declaration by the exporter on the front of this form be verified*	Verification carried out by the undersigned Customs officer shows that:
	<input type="checkbox"/> the statements and particulars given in this form are accurate(1);
	<input type="checkbox"/> this form does not meet the requirements as to authenticity and accuracy (see remarks appended)(1)
(Place and date of signature)	(Place and date of signature)
Official stamp	Official stamp
(Signature of Customs officer)	(Signature of Customs officer)
	(1) Place an x where applicable

* Verification of the form is made on a sampling basis or whenever the customs authorities of the importing country have reasonable doubt as to the true origin of the goods in question or of constituents thereof.

The Customs authorities of the importing country must send the form to the authorities of the exporting country responsible for verification, specifying the reasons of substance or form which justify an inquiry. Wherever possible they must attach to the form the invoice submitted to them or a copy thereof, and give any information which it has been possible to obtain and which suggests that the particulars given in the form are inaccurate.

If the Customs authorities of the importing country decide to suspend the provisions of the Agreement while awaiting the results of the verification, they shall offer to release the goods to the importer subject to such safeguards as may be considered necessary.

(*) (*) (*) (See footnotes on back of part 1).

10 Description of goods		11 Authorities in the exporting country responsible for verification of the declaration by the exporter	
5 Remarks(*)	7 Country, group of countries or territory in which the products are considered to originate(*)	9 Gross weight	8 Country of destination
		6 Signature of exporter	
3 Name and address of consignee		4 Place and date	
2 Declaration by the exporter I, the undersigned, exporter of the goods described below and contained in this postal consignment, — DECLARE that the goods are situated in (exporting country) under the conditions necessary for completion of this form in accordance with the provisions governing trade between (---) (---); and that the goods have the status of originating products within the meaning of the said provisions. — UNDERTAKE to submit to the appropriate authorities any supporting evidence which these authorities may require and to agree to any inspection by them of my accounts and any check by them on the processes of manufacture of the goods described below.		1 Name and address of exporter	

FORM EUR. 2 No A 000 000 (Part 2)

Footnotes for both Forms

(1) Indicate the Contracting Parties to the transaction in respect of which the form has been completed.

(2) Refer to any verification already carried out by the appropriate authorities.

(3) To be completed only where the exporting country is not the country in which the product are considered to originate. If this is not the case, this space must be struck through.

Instructions for the completion of form EUR. 2:

A. A form EUR. 2 may be made out only for goods which in the exporting country meet the conditions specified by the provisions governing the trade referred to in space 2. Those provisions must be studied carefully before the form is completed.

B. The exporter must give the reference " EUR. 2 " followed by the serial number of the form either on green label C1 or on customs declaration C2/CP3.

C. After completing and signing the two parts of the form, the exporter must,

— in the case of a consignment by parcel post, attach the two parts to the despatch note,

— in the case of a consignment by letter post, attach Part 1 firmly to the consignment and insert Part 2 inside it.

ANNEX VII
SPECIMEN OF DECLARATION

I, the undersigned, declare that the goods listed on this invoice were obtained in

.....
(indicate the State(s) partner to the Convention in which the product were obtained)

and (as appropriate):

- (a) * satisfy the rules on the definition of the concept of " wholly produced products "
- or
- (b) * were produced from the following products:

Description	Country of origin	Value*
.....
.....
.....
.....

and have undergone the following processes:

..... (indicate processings)

in

..... (indicate the State(s) partner to the Convention in which the products were obtained)

.....
(Place and date)

.....
(Signature)

* To be completed as necessary.

ANNEX VIII

1. Supplier ⁽¹⁾	INFORMATION CERTIFICATE to facilitate the issue of a MOVEMENT CERTIFICATE for preferential trade between the <div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> EUROPEAN ECONOMIC COMMUNITY and THE ACP STATES </div> ⁽²⁾ (in block capitals)						
2. Consignee ⁽¹⁾							
3. Processor ⁽¹⁾							
6. Customs office of importation ⁽²⁾	4. State in which the working or processing has been carried out						
7. Import document ⁽²⁾ Form..... No. Series..... Date.....	5. For official use						
GOODS SENT TO THE MEMBER STATE OF DESTINATION							
8. Marks, numbers, quantity and kind of package	9. Tariff heading number and description of goods	10. Quantity ⁽³⁾					
		11. Value ⁽⁴⁾					
IMPORTED GOODS USED							
12. Tariff heading number and description	13. Country of origin	14. Quantity ⁽³⁾	15. Value ⁽²⁾ ⁽⁵⁾				
16. Nature of the working or processing carried out							
17. Remarks							
18. CUSTOMS ENDORSEMENT Declaration certified Document..... Form..... No..... Customs Office..... Date <table border="1" style="display: inline-table; border-collapse: collapse; width: 100px; height: 20px; vertical-align: middle;"> <tr> <td style="width: 25px; height: 20px;"></td> <td style="width: 25px; height: 20px;"></td> <td style="width: 25px; height: 20px;"></td> <td style="width: 25px; height: 20px;"></td> </tr> </table>						19. DECLARATION BY THE SUPPLIER I, the undersigned, declare that the information on this certificate is accurate 	
..... (Signature)	 (Signature)					

REQUEST FOR VERIFICATION

The undersigned Customs official requests verification of the authenticity and accuracy of this information certificate

.....
(Place and date)

Official
Stamp

.....
(Official's signature)

RESULT OF VERIFICATION

Verification carried out by the undersigned Customs official shows that this information certificate

- (a) was issued by the Customs office indicated and that the information contained therein is accurate*
- (b) does not meet the requirements as to authenticity and accuracy (see notes appended*)

.....
(Place and date)

Official
Stamp

.....
(Official's signature)

* Delete where not applicable.

CROSS REFERENCES

(1) Name of individual or business and full address.

(2) Optional information.

(3) Kg, hl, cu. m. or other measure.

(4) Packaging shall be considered as forming a whole with the goods contained therein. However, this provision shall not apply to packaging which is not of the normal type for the article packed, and which has a lasting utility value of its own, apart from its function as packaging.

(5) The value must be indicated in accordance with the provisions on rules of origin.

ANNEX IX

Joint declarations

1. For the purposes of applying Article 5 (2) (c) of this Protocol, the certificate of sea transport, issued in the first port of embarkation, shall be equivalent to the through bill of lading for products covered by movement certificates issued in landlocked ACP States.

2. Products exported from landlocked ACP States which are warehoused elsewhere than in the ACP States or the countries and territories referred to in explanatory note No. 9 may be the subject of movement certificates issued under the circumstances referred to in Article 7 (2).

3. For the purpose of Article 7 (1) of this Protocol, certificates EUR 1 issued by a competent authority and endorsed by the Customs authorities will be accepted.

4. For the implementation of Article 27 of this Protocol, the Community is prepared to examine any request of the ACP States in order to bring derogations to this Protocol in favour of the industries concerned. This examination shall be held in an appropriate institutional framework, from the date of signature of the Convention, with a view to allowing the derogations to enter into force at the same date as the Convention.

5. In particular, account shall be taken on a case-by-case basis of the possibility of conferring originating status on products which include products originating in neighbouring developing countries or in developing countries with which one or more ACP States have special relationships, provided that satisfactory administrative co-operation can be established.

PROTOCOL No. 2

on the application of financial and technical co-operation

CHAPTER 1

ARTICLE 1

In the context of the objectives laid down in Article 40 of the Convention, the Contracting Parties agree that the projects and programmes must help ensure all or part of the following effects:

growth of the national income of each ACP State;

improvement of the standard of living and the socio-cultural levels of populations and of the most underprivileged in particular;

the establishment of more balanced economic relations between the ACP States and other countries, their greater participation in world trade in general, including, in particular, trade in manufactured products;

improvement and control of the conditions of development, in particular physical factors and technical know-how;

diversification and integration of the structure of the economy, on both a sectoral and a geographical basis;

regional co-operation between ACP States and, where appropriate, between ACP States and other developing countries.

ARTICLE 2

Upon expiry of the Convention, any monies provided for under the third indent of point 1 (a) of Article 42 of the Convention in the form of risk capital but not committed shall be added to those provided for in the form of special loans under the second indent of the same provision; monies provided for under Article 47 (2) of the Convention for financing regional projects, but not committed for that purpose, shall be made available for financing other projects and programmes.

CHAPTER 2

Methods of financing

ARTICLE 3

1. Special loans shall serve to finance all or part of projects or programmes of general interest to the economic and social development of the ACP State or ACP States on the territory of which they are to be undertaken.

2. As a general rule, these loans shall be made for a duration of 40 years, with a grace period of 10 years. They shall bear interest at the rate of 1% per year.

ARTICLE 4

1. In order to assist the execution of industrial, mining, and tourism projects of general interest to the economy of the ACP State or ACP States concerned, the Community may grant assistance in the form of risk capital in order to step up their own resources, or resources assimilated thereto of those countries' firms, where appropriate by the acquisition of holdings in the authorized capital of those firms and, more generally, by means of quasi-capital aid.

2. Holdings acquired by the Community in the capital of firms or institutions for financing the development of the ACP States shall be in the nature of temporary minority holdings. Such operations may be undertaken jointly with a loan from the Bank or with another form of risk capital assistance. As soon as appropriate they shall be transferred, preferably to nationals or institutions of the ACP States.

3. Quasi-capital assistance may take the form of: subordinated loans, which shall be redeemed and in respect of which interest, if any, shall be paid only after the other bank claims have been settled on market terms;

conditional loans, which shall be serviced and in respect of which redemption shall be due only after fulfilment of conditions laid down when the loan is made by particular reference to the conditions in which the project is being set up.

These conditions shall indicate that the project has overcome the particular risks to which it was exposed and has achieved a certain level of profitability.

The terms of such aid shall be determined on a case-by-case basis by reference to the characteristics of the projects financed; the interest rate may not be greater than that of subsidized loans from the Bank.

4. Quasi-capital assistance shall as a general rule be accorded to industrial, mining and tourism firms and to development financing institutions where the characteristics of their activities and management so permit. It may also be accorded to the ACP States in order to enable them to acquire a holding in the capital of industrial, mining and tourism firms where such an operation comes under the financing of new productive investments and is supplemented by another financial intervention by the Community.

ARTICLE 5

1. Scrutiny by the Bank of the eligibility of projects, and the according of loans from its own resources, shall be effected in concert with the ACP State or ACP States concerned and in accordance with the rules, conditions and procedures provided for in the Bank's Statute, consideration being given to the economic and financial situation of the ACP State or ACP States concerned and to the factors which guarantee the servicing of repayable aid.

2. The duration of loans made by the Bank from its own resources shall be governed by terms stipulated on the basis of the economic and financial characteristics of the project; this period may not exceed 25 years.

3. The rate of interest shall be the rate charged by the Bank at the time of the signature of each loan contract. This rate shall generally be reduced by 3% by means of an interest rate subsidy, except where the loans are intended for investments in the oil sector, wherever these are located, or in the mining sector, unless in the latter case they are situated in one of the least developed States listed in Article 48 of the Convention, or are situated in countries or concern sectors which will be defined at the first meeting of the Council of Ministers. This interest rate subsidy shall, however, be automatically adjusted so that the interest rate actually borne by the borrower will be neither less than 5% nor more than 8%.

4. The aggregate amount of interest rate subsidies, calculated in terms of its value at the time of the signature of the loan contract at a rate and according to rules to be laid down by the Community, shall be charged against the amount of grant aid specified in the first indent of point 1 (a) of Article 42 of the Convention and shall be paid directly to the Bank.

CHAPTER 3

Technical co-operation

ARTICLE 6

1. The technical co-operation referred to in Article 46 of the Convention may be either linked with investments or of a general nature.

2. Technical co-operation linked with investments comprises:

- (a) planning and special and regional development studies;
- (b) technical, economic and commercial studies, and research and surveys required to prepare projects;
- (c) aid in the preparation of dossiers;
- (d) aid in the execution and supervision of work;
- (e) temporary aid for the establishment, launching and operation of a specific investment or of installations, including where necessary the training of personnel for the operation and maintenance of the investment or installations;
- (f) meeting the cost of technicians temporarily and providing goods necessary to the proper execution of an investment project.

3. General technical co-operation comprises:

- (a) the grant of scholarships for studies, training courses and postal tuition to provide, preferably in the ACP States, for the vocational training and further training of the nationals thereof;
- (b) the organization of specific training programmes in the ACP States, in particular for the staff of public services and institutions of the ACP States or of undertakings therein;
- (c) at the request of the ACP States, the provision of experts, advisers, technicians and instructors of the Member States or the ACP States, for specific missions and for limited periods;
- (d) the supply of instructional, experimental and demonstration equipment;
- (e) the organization of short training courses for nationals of the ACP States and further training courses for civil servants of those States;
- (f) sectoral studies;
- (g) studies of the prospects and opportunities for economic development and diversification in the ACP States, and of problems of interest to groups of ACP States or to the ACP States as a whole;
- (h) general information and documentation to promote the economic and social development of the ACP States, the development of trade between the Community and those States, and the achievement of the aims of financial and technical co-operation.

CHAPTER 4

Regional co-operation

ARTICLE 7

1. Within the meaning of the Convention, regional co-operation shall apply to relations either between two or more ACP States or between one or more ACP States on the one hand and one or more neighbouring non-ACP countries on the other.

Interregional co-operation shall apply to relations either between two or more regional organizations of which ACP States form part or between one or more ACP States and a regional organization.

2. Within the meaning of the Convention, regional projects are those which help directly to solve a development problem common to two or more countries through joint schemes or co-ordinated national schemes.

ARTICLE 8

The field of application of regional and interregional co-operation shall include:

- (a) the distribution of industries with the aim of accelerating the industrialization of the ACP States, including the setting up of regional and interregional enterprises;
- (b) transport and communications: roads, railways, air and sea transport, inland waterways, postal services and telecommunications;
- (c) the production of energy and joint exploitation of natural resources;
- (d) research and technology applied to intensifying regional and interregional co-operation;
- (e) stockbreeding, agriculture, industry and the promotion of products of these sectors;
- (f) education and training, including the establishment of joint institutions of advanced technology, in the context of training programmes to enable nationals to participate fully in economic development;
- (g) co-operation in travel and tourism, including the establishment of tourist promotion centres or the strengthening of existing ones on a regional basis in order to increase international and regional tourism;
- (h) technical assistance for the establishment of regional co-operation bodies or the development of new activities in existing regional bodies.

ARTICLE 9

An ACP State or group of ACP States participating with neighbouring non-ACP countries in a regional or interregional project may request the Community to finance that part of the project for which it is responsible.

CHAPTER 5

Special measures in favour of the least developed ACP States

ARTICLE 10

Community aid accorded to the ACP States listed in Article 48 of the Convention shall be combined with particularly favourable terms of financing, having regard to the economic situation specific to each ACP State.

Generally, such financing shall be in the form of grants and, in appropriate cases, in the form of special loans or risk capital. However, loans from the Bank's own resources may be accorded in the States concerned, having regard to the criteria defined in Article 43 of the Convention.

ARTICLE 11

1. At the request of the least developed ACP States the Community shall give special attention to the application of the following aid measures:

- (a) technical assistance necessary for identifying, preparing and carrying out their projects which come within the framework of the programming of Community aid;
- (b) training schemes for management and other staff required for the economic development services and technical departments of those States. Such training must be closely linked to the practical objectives set by the State concerned and carried out, as far as possible, in the territory of that State.

2. The following special aid measures may also be applied to those States:

- (a) support for research aimed at finding solutions to some of their specific economic and social development problems;
- (b) support for the development of small and medium-sized enterprises and for carrying out small rural development schemes.

3. By way of derogation from Article 46 (2) of the Convention and on the basis of an examination of the needs and means of each of the ACP States concerned, the Community may finance, temporarily and on a diminishing scale, the running costs of or major repairs to investments previously financed by the Community which are of special importance to the economic and social development of the State concerned. This aid shall be accorded only where such expenditure on running costs or major repairs proves too great for the State or other beneficiaries.

ARTICLE 12

The least developed ACP States shall have a priority claim to the measures for the promotion of regional co-operation specified in Article 47 of the Convention.

CHAPTER 6

Specific measures in favour of small and medium-sized national firms

ARTICLE 13

1. Within the limits of the resources provided for in Article 42 of the Convention, the Community shall finance projects in favour of small and medium-sized firms, co-operatives or local authorities in the ACP States and shall generally do so through public or semi-public financial bodies specialized in development, such as national or regional development banks approved by the Community and the ACP State or ACP States concerned.

2. To this end, the ACP State or ACP States concerned shall provide the Community with:

information on the capacity of the financing body, on the trend of and prospects for its activities in the field in question, and on the guarantees it can offer;

a programme for the promotion of small firms, indicating in particular the scope and nature of the projects, financing requirements, the existence of possible promoters and, where appropriate, the technical assistance the latter are to be provided with for the preparation and management of their projects.

3. When the Community has approved the programme in accordance with Article 54 of the Convention, it shall open for the approved financial body a line of credit financed by a suitable form of aid.

The line of credit shall be for a maximum amount of 2 million units of account, which may be used during a limited period of not more than three years. It may be renewed at the end of that period.

4. The terms governing the grant of such aid shall in each case be the subject of an agreement between the Community and the financing body. The outline rules for the implementation of the aid shall be stipulated therein, in particular as regards:

the scale of the operations, which may not exceed an amount in the order of 200,000 units of account per project;

the sectors eligible for aid;

the criteria which must be met by the potential aid recipients;

the criteria and methods of project appraisal;

the financial terms of final loans.

5. The projects shall be appraised by the financing body. This body shall decide, on its own financial responsibility, on final loans to be accorded on terms established by reference to those obtaining for this type of operation in the ACP State in question.

6. The financing body shall finance its loans by mobilizing the line of credit to the extent required. At this stage the Community shall verify that the loans fall within the agreement referred to in paragraph 4.

The financing terms accorded by the Community to the financing body shall take into consideration the latter's need to cover its administrative costs, exchange and financial risks and the cost of technical assistance given to the firms or final borrowers.

7. The financing body shall be responsible, whatever the circumstances, for repayment to the Community of that part of the line of credit actually mobilized.

It shall provide the Community annually with a report on the implementation and financing of the approved programme.

CHAPTER 7

Microprojects

ARTICLE 14

1. In order to respond concretely to the needs of local communities with regard to development, the Fund shall participate as an experiment in the financing of microprojects, without prejudice to the range of projects which ACP States may include in their national programmes for financing by the Fund.

To this end, a sum of 20 million units of account, to be deducted from the grant aid provided for in the first indent of point 1(a) of Article 42 of the Convention, may be used to cover commitments relating to this type of scheme.

2. At the end of the second year after the entry into force of the Convention, the Council of Ministers shall decide on the follow-up to this experiment.

ARTICLE 15

1. In order to be eligible for Community financing, microprojects must:

- meet a real, priority need at local level;
- ensure the active participation of the local community.

The Fund's contribution to each microproject may not exceed 75,000 units of account.

2. Microprojects shall normally be carried out in rural areas. However, the Community may also assist in the financing of microprojects in urban areas. Those projects shall include dams, wells and water supply systems, silos and warehouses for storing provisions and crops, rural service tracks and bridges, animal vaccination pens and corridors, primary schools, dispensaries, maternity homes, social assistance centres, market buildings and facilities to encourage commercial and industrial activity, and other projects which meet the criteria referred to in paragraph 1.

ARTICLE 16

Each project for which Community assistance is requested must stem from an initiative taken by the local community which will benefit therefrom.

The financing of microprojects shall in principle have a tripartite structure and shall stem from:

the community benefiting, in the form of a contribution in money or in kind adapted to its capacity to contribute:

the ACP State, in the form of financial contribution or a contribution of public works services;

the Fund.

For each project, the local community shall undertake to play its part in maintaining and running the project, in conjunction with the national authorities as appropriate.

ARTICLE 17

1. The ACP State concerned shall prepare and submit to the Commission an annual programme setting forth the broad outlines of the projects planned.

After examination by the Commission's departments, these programmes shall be submitted to the relevant bodies of the Community for financing decisions in accordance with Article 54 of the Convention.

2. Within the framework of the annual programme thus drawn up, the financing decisions relating to each microproject shall be taken by the ACP State concerned, with the agreement of the Commission which shall be deemed to be given within one month of notification of such decision, except in special cases.

CHAPTER 8

Competition and terms of preference for national firms

ARTICLE 18

1. The Commission and the relevant authorities of the ACP States shall take the necessary implementing measures to ensure equality of conditions for participation in tendering procedures and other procedures for the award of contracts financed by the Fund's resources managed by the Commission.

2. To this end, without prejudice to Article 19, care shall be taken in particular to:

(a) ensure advance publication in reasonable time of invitations to tender in the Official Journal of the European Communities and the official journals of the ACP States;

(b) eliminate any discriminatory practice or technical specification liable to stand in the way of participation on equal terms by all natural or legal persons of the Member States and ACP States;

- (c) encourage in so far as possible, especially where major works or those of a particular technical nature are to be undertaken, co-operation between the firms of the Member States and of the ACP States for example by means of preselection and the creation of groups.

ARTICLE 19

For certain operations relating to exceptional aid, and for other operations where the urgency of the situation is recognized or where the nature, minor importance or particular characteristics of certain works or supplies so warrant, the relevant authorities of the ACP States may, in agreement with the Commission, exceptionally authorize:

- the placing of contracts after restricted invitations to tender;
- the conclusion of contracts by direct agreement;
- the performance of contracts through public works departments.

Furthermore, for schemes costing under 2 million units of account recourse to public works department may be authorized where the recipient ACP State has substantial suitable equipment and qualified staff resources available in its national departments.

ARTICLE 20

To promote participation by national firms in the performance of contracts financed by the Community from the Fund's resources managed by the Commission:

- (a) an accelerated procedure for issuing invitations to tender involving shorter time-limits for the submission of tenders shall be used where the works in question, because of their scale, are mainly of interest to firms of the ACP States.

This accelerated procedure shall be applied to invitations to tender whose value is estimated at less than 2 million units of account.

It may be used only for works contracts and shall involve, for the submission of tenders, time-limits fixed in accordance with the rules in force in the ACP State concerned.

The use of an accelerated procedure for invitations to tender whose value is less than 2 million units of account shall not exclude the possibility of the Commission's proposing an international invitation to tender to the authorities of the ACP State for agreement where the works in question, because of their specialized nature, might be of interest to international competition.

- (b) for the execution of works whose value is less than 2 million units of account a 10% preference shall be taken into account in favour of firms of the ACP States where tenders of equivalent economic and technical quality are compared.

This preference shall be confined to national firms of the ACP States within the meaning of the national laws of those States provided that their residence for tax purposes and main business are established in an ACP State and that a significant share of the capital and management staff are supplied by one or more ACP States;

- (c) for the delivery of supplies a 15% preference shall be taken into account in favour of manufacturing firms of the ACP States where tenders of equivalent technical and economic quality are compared.

This preference shall be confined to national firms of the ACP States which provide a sufficient margin of value added.

ARTICLE 21

The Commission and the relevant authorities of the ACP States shall ensure that Articles 18 to 20 are observed for each operation and that the tender selected is economically the most advantageous, taking into account in particular the qualifications of and the guarantees offered by the tenderers, the nature and conditions of execution of the works or supplies, and the price, utilization costs and technical value of those works or supplies. Where two tenderers are acknowledged to be equivalent on the basis of the criteria stated above, preference shall be given to the one which permits the greatest possible utilization of the physical and human resources of the ACP States.

The Commission and the relevant authorities of the ACP States shall ensure that all the selection criteria are specified in the invitation to tender dossier.

The result of invitations to tender shall be published at the earliest possible date in the Official Journal of the European Communities.

ARTICLE 22

The general provisions and conditions applicable to the placing and performance of public works contracts financed by the Fund shall be the subject of common rules adopted, on a proposal by the Commission, by a decision of the Council of Ministers at its second meeting following the date of entry into force of the Convention.

ARTICLE 23

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 Fund shall be settled by arbitration in accordance with rules of procedure adopted by a decision of the Council of Ministers not later than its second meeting following the entry into force of the Convention.

CHAPTER 9

Drawing up, negotiation and conclusion of technical co-operation contracts

ARTICLE 24

Technical co-operation contracts shall be arranged by mutual agreement. Certain contracts may be awarded following competitive tendering, notably for important, complicated and technically difficult studies where technical, economic or financial reasons justify recourse to this procedure.

ARTICLE 25

1. For each operation of technical co-operation which will involve a mutual agreement procedure, the Commission shall compile a list of selected candidates from Member States or ACP States, selected according to criteria guaranteeing their qualifications, experience and independence and taking into account their availability for the proposed undertaking.

The ACP State concerned shall choose freely the listed candidate it wishes to deal with.

2. When competitive tendering is resorted to, the list of selected candidates shall be drawn up in close collaboration with the Commission and the ACP State concerned on the basis of the criteria set out in paragraph 1. The contract shall be awarded to the listed candidate that submits the tender judged by the Commission and the ACP State concerned to be economically the most advantageous.

3. The ACP firms which may be taken into consideration for technical co-operation actions shall be selected by mutual agreement between the Commission and the ACP State or ACP States concerned.

ARTICLE 26

In the context of the common rules provided for in Article 22 and the general conditions of payment established by agreement between the Commission and the ACP States, the technical co-operation contracts shall be prepared, negotiated and concluded by the appropriate authorities of the ACP States, in participation and agreement with the Delegate of the European Commission referred to in Article 31 (hereinafter called the "Delegate").

ARTICLE 27

The Commission shall, as far as possible, encourage co-operation between consultants and experts of Member States and ACP States, temporary partnerships, sub-contracting and the use of national experts in the teams belonging to consultants from Member States.

ARTICLE 28

When an ACP State has, within its administrative and technical staff, national personnel making up a substantial part of the work force necessary for the execution by the public works department of a technical co-operation

project the Community could, in exceptional cases, contribute to the costs of the public works department by providing certain apparatus that it lacks, or supply the required additional staff in the form of experts of another State.

The participation of the Community could only cover costs incurred by supplementary measures strictly confined to the project in question and would exclude all current operational expenditure.

CHAPTER 10

Executive agents

ARTICLE 29

1. The Commission shall appoint the Chief Authorizing Officer of the Fund, who shall ensure that financing decisions are carried out.

He shall take any adaptation measures and commitment decisions which prove necessary to ensure the proper execution of approved projects or programmes in the best economic and technical conditions.

2. Without prejudice to Article 30, the Chief Authorizing Officer shall manage the funds, and shall accordingly commit, clear and authorize expenditure and keep the accounts of commitments and authorizations.

3. The Chief Authorizing Officer shall ensure equality of conditions for participation in invitations to tender, and see to it that there is no discrimination and that the tender selected is economically the most advantageous.

ARTICLE 30

1. The Government of each ACP State shall appoint a National Authorizing Officer to represent the national authorities in all operations relating to projects financed from the Fund's resources.

2. In addition to his responsibilities in connection with the preparation, submission and appraisal of projects, the National Authorizing Officer shall, in close co-operation with the Delegate, issue invitations to tender, receive tenders, preside over the examination of tenders, establish the results of the invitations to tender, sign contracts and riders thereto and estimates and notify the Commission thereof. He shall submit the invitation to tender dossier to the Commission for agreement before issuing invitations to tender.

3. He shall transmit to the Chief Authorizing Officer for agreement the outcome of the examination of the tenders and a proposal for placing the contract.

4. As regards works contracts subject to accelerated procedure, the decisions taken by the National Authorizing Officer in implementation of paragraphs 2 and 3 shall be deemed to be approved by the Commission within a period of one month of notification thereof.

5. The National Authorizing Officer shall clear and authorize expenditure within the limits of the funds delegated to him. He shall remain financially liable until the Commission clears the operations for the execution of which he is responsible.

6. During the execution of projects and subject to his informing the Delegate as soon as possible, the National Authorizing Officer shall also decide on:

- (a) technical adjustments and alterations on matters of detail, so long as they respect the general framework of the project and contract, are an indispensable element for the performance of the contract, do not affect the technical solutions adopted and remain within the limit of the provisions for minor adjustments;
- (b) minor alterations to estimates during execution;
- (c) transfers from item to item within estimates;
- (d) changes of site for multiple-unit projects where justified on technical or economic grounds;
- (e) application or remission of penalties for delay;
- (f) acts discharging guarantors;
- (g) purchase of goods, irrespective of their origin, on the local market;
- (h) use of construction equipment and machinery not originating in the Member States or ACP States provided there is no production of comparable goods in the Member States or ACP States;
- (i) sub-contracting;
- (j) final acceptances; however, the Delegate must be present at provisional acceptances and endorse the corresponding minutes and, where appropriate, he must be present at final acceptances, in particular where the extent of the reservations recorded at the provisional acceptance necessitates major additional work.

ARTICLE 31

1. For the purposes of applying the Convention and for the purposes of the Fund's resources which the Commission manages, the Commission shall be represented in each ACP State or in each regional grouping which expressly so requests by a European Commission Delegate approved by the ACP State concerned.

2. Provided that an express request is made by an ACP State to that effect, the Delegate shall give technical assistance in preparing and appraising projects financed from the Fund's resources. To this end, he may participate in preparing dossiers for submission, in negotiating, with external technical assistance, contracts for studies, for the services of experts and for works supervision, in seeking ways to simplify project appraisal procedures, and in preparing general specifications and invitation to tender dossiers.

3. The Delegate shall, on a regular basis, and in certain cases acting on special instructions from the Commission, inform the authorities to which he is attached of Community activities which may directly concern co-operation between the Community and the ACP States.

4. The Delegate shall collaborate with the national authorities in examining completed projects regularly. Reports on the outcome of the examination shall be drawn up by him and communicated to the ACP State concerned.

5. Every six months the Delegate shall assess the Fund's operations in the ACP State or regional grouping in which he represents the Commission. Reports drawn up in this connection shall be communicated by the Commission to the ACP State or ACP States concerned.

6. The Delegate shall make sure, on behalf of the Commission, that the projects and programmes financed from the Fund's resources are executed properly from the financial and technical angles.

ARTICLE 32

1. Services provided in connection with projects financed by the Fund with grant aid shall be paid for on instructions from the Commission by drawing on the Fund's accounts.

2. For the purpose of effecting payments in the national currencies of the ACP States, accounts denominated in the currency of one or other of the Member States shall be opened in each ACP State on behalf of the Commission with a financial institution, chosen by mutual agreement between the ACP State and the Commission, which shall exercise the functions of Paying Agent.

3. These functions may be assumed by the central banks of the ACP States or by any other national public or semi-public financial institution.

4. The accounts referred to in paragraph 2 shall be replenished by the Commission by reference to actual cash requirements. Transfers shall be made in the currency of one or other of the Member States and shall be converted into the national currency of the ACP State as and when payments fall due.

5. The Paying Agent shall not be remunerated for its services; no interest shall be payable on deposited funds.

6. Within the limits of the funds available, the Paying Agent shall make the disbursements authorized after verifying that the supporting documents provided are substantively accurate and in order, and that the discharge is valid.

CHAPTER 11

Other provisions

ARTICLE 33

1. Excess expenditure incurred during the execution of a project financed from the Fund's resources managed by the Commission shall be borne by the ACP State or ACP States concerned, subject to the following provisions.

2. As soon as it appears likely that a project will involve excess expenditure, the National Authorizing Officer shall so inform the Commission through the Delegate and shall make known to it the measures he intends to take in order to cover such excess expenditure, involving either a reduction in the scale of the project or a call on national resources.

3. If it appears impossible to reduce the scale of the project or to cover the excess expenditure by drawing on national resources, the Community body responsible for taking the financing decisions may, as an exceptional measure, take a decision to commit additional funds and finance the relevant expenditure either by savings made on other projects or by implementing supplementary measures worked out jointly by the Commission and the ACP State or ACP States concerned.

4. Without prejudice to the arrangements provided for in paragraph 2 and 3, the National Authorizing Officer shall decide, in concert with the Chief Authorizing Officer, to earmark unexpended balances resulting from savings shown when the accounts of projects are closed for covering excess expenditure on another project, provided that such excess expenditure is not greater than a fixed ceiling of 15% of the total appropriation for the project in question.

ARTICLE 34

Financing and administrative expenses arising out of the administration of the Fund and the costs of supervising projects and programmes shall be covered by the Fund.

ARTICLE 35

A representative of the Bank shall be present at meetings of the Council of Ministers or Committee of Ambassadors when matters from the areas which concern the Bank are on the agenda.

PROTOCOL No. 3

on ACP sugar

ARTICLE 1

1. The Community undertakes for an indefinite period to purchase and import, at guaranteed prices, specific quantities of cane sugar, raw or white, which originate in the ACP States and which these States undertake to deliver to it.

2. The safeguard clause in Article 10 of the Convention shall not apply. The implementation of this Protocol is carried out within the framework of the management of the common organisation of the sugar market which, however, shall in no way prejudice the commitment of the Community under paragraph 1.

ARTICLE 2

1. Without prejudice to Article 7, no change in this Protocol may enter into force until a period of five years has elapsed from the date on which the Convention enters into force. Thereafter, such changes as may be agreed upon will come into force at a time to be agreed.

2. The conditions for implementing the guarantee referred to in Article 1 shall be re-examined before the end of the seventh year of their application.

ARTICLE 3

1. Quantities of can sugar referred to in Article 1, expressed in metric tons of white Sugar, hereinafter referred to as "agreed quantities", for delivery in each twelve-month period referred to in Article 4 (1), shall be as follows:

Barbados	...	...	...	...	...	...	49,300
Fiji	...	...	...	...	...	...	163,600
Guyana	...	...	...	...	...	...	157,700
Jamaica	...	...	...	...	...	...	118,300
Kenya	...	...	...	...	...	...	5,000
Madagascar	...	...	...	...	...	...	10,000
Malawi	...	...	...	...	...	...	20,000
Mauritius	...	...	...	...	...	...	487,200
People's Republic of the Congo	...	...	...	...	...	...	10,000
Swaziland	...	...	...	...	...	...	116,400
Tanzania	...	...	...	...	...	...	10,000
Trinidad and Tobago	...	...	...	...	...	...	69,000
Uganda	...	...	...	...	...	...	5,000

2. Subject to Article 7, these quantities cannot be reduced without the consent of the individual States concerned.

3. Nevertheless, in respect of the period up to 30 June 1975, the agreed quantities, expressed in metric tons of white sugar, shall be as follows:

Barbados	...	...	...	...	...	...	29,600
Fiji	...	...	...	...	...	...	25,600
Guyana	...	...	...	...	...	...	29,600
Jamaica	...	...	...	...	...	...	83,800
Madagascar	...	...	...	...	...	...	2,000
Mauritius	...	...	...	...	...	...	65,300
Swaziland	...	...	...	...	...	...	19,700
Trinidad and Tobago	...	...	...	...	...	...	54,200

ARTICLE 4

1. In each twelve-month period from 1 July to 30 June inclusive, hereinafter referred to as the "delivery period", the sugar-exporting ACP States undertake to deliver the quantities referred to in Article 3 (1), subject to any adjustments resulting from the application of Article 7. A similar

undertaking shall apply equally to the quantities referred to in Article 3 (3) in respect of the period up to 30 June 1975, which shall also be regarded as a delivery period.

2. The quantities to be delivered up to 30 June 1975, referred to in Article 3 (3), shall include supply *en route* from port of shipment or, in the case of land-locked States, across frontier.

3. Deliveries of ACP cane sugar in the period up to 30 June 1975 shall benefit from the guaranteed prices applicable in the delivery period beginning 1 July 1975. Identical arrangements may be made for subsequent delivery periods.

ARTICLE 5

1. White or raw cane sugar shall be marketed on the Community market at prices freely negotiated between buyers and sellers.

2. The Community shall not intervene if and when a Member State allows selling prices within its borders to exceed the Community's threshold price.

3. The Community undertakes to purchase, at the guaranteed price, quantities of white or raw sugar, within agreed quantities, which cannot be marketed in the Community at a price equivalent to or in excess of the guaranteed price.

4. The guaranteed price, expressed in units of account, shall refer to unpacked sugar, CIF European ports of the Community, and shall be fixed in respect of standard quality sugar. It shall be negotiated annually, within the price range obtaining in the Community, taking into account all relevant economic factors, and shall be decided at the latest by 1 May immediately preceding the delivery period to which it will apply.

ARTICLE 6

Purchase at the guaranteed price, referred to in Article 5 (3), shall be assured through the medium of the intervention agencies or of other agents appointed by the Community.

ARTICLE 7

1. If, during any delivery period a sugar-exporting ACP State fails to deliver its agreed quantity in full for reasons of *force majeure* the Commission shall, at the request of the State concerned, allow the necessary additional period for delivery.

2. If a sugar-exporting ACP State informs the Commission during the course of a delivery period that it will be unable to deliver its agreed quantity in full and that it does not wish to have the additional period referred to in paragraph 1, the shortfall shall be re-allocated by the Commission for delivery during the delivery period in question. Such re-allocation shall be made by the Commission after consultation with the States concerned.

3. If, during any delivery period, a sugar-exporting ACP State fails to deliver its agreed quantity in full for reasons other than *force majeure*, that quantity shall be reduced in respect of each subsequent delivery period by the undelivered quantity.

4. It may be decided by the Commission that in respect of subsequent delivery periods, the undelivered quantity shall be re-allocated between the other States which are referred to in Article 3. Such re-allocation shall be made in consultation with the States concerned.

ARTICLE 8

1. At the request of one or more of the States supplying sugar under the terms of this Protocol, or of the Community, consultations relating to all measures necessary for the application of this Protocol shall take place within an appropriate institutional framework to be adopted by the Contracting Parties. For this purpose the Institutions established by the Convention may be used during the period of application of the Convention.

2. In the event of the Convention ceasing to be operative, the sugar supplying States referred to in paragraph 1 and the Community shall adopt the appropriate institutional provisions to ensure the continued application of the provisions of this Protocol.

3. The periodical reviews provided for under this Protocol shall take place within the agreed institutional framework.

ARTICLE 9

Special types of sugar traditionally delivered to Member States by certain sugar-exporting ACP States shall be included in, and treated on the same basis as, the quantities referred to in Article 3.

ARTICLE 10

The provisions of this Protocol shall remain in force after the date specified in Article 91 of the Convention. After that date the Protocol may be denounced by the Community with respect to each ACP State and by each ACP State with respect to the Community, subject to two years' notice.

ANNEX

For the period from 1 February 1975 to 30 June 1976, and in respect of the quantities specified in Protocol No. 3, the guaranteed prices referred to in Article 5 (4) of the Protocol shall be as follows:

(a) for raw sugar, 25·53 units of account per 100 kilogrammes;

(b) for white sugar, 31·72 units of account per 100 kilogrammes.

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

PROTOCOL No. 4

on the operating expenditure of the Institutions

The High Contracting Parties,

Have agreed upon the following provisions, which shall be annexed to the Convention.

ARTICLE 1

The Member States and the Community on the one hand, and the ACP States on the other, shall be responsible for such expenditure as they shall incur by reason of their participation in the meetings of the Council of Ministers and its dependent bodies, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenses.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents, and the practical arrangements for meetings (premises, equipment, messengers, etc.) shall be borne by the Community or by one of the ACP States, according to whether the meetings take place in the territory of a Member State or in that of an ACP State.

ARTICLE 2

The Community and the ACP States shall be severally responsible for the travel and subsistence expenditure of their respective participants at the meetings of the Consultative Assembly.

They shall likewise be responsible for the travel and subsistence expenditure of the personnel required for such meetings and for postal and telecommunications charges.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents, and the organization of meetings (premises, equipment, messengers, etc.) shall be borne by the Community or by the ACP States, according to whether the meetings take place in the territory of a Member State or in that of an ACP State.

ARTICLE 3

The arbitrators appointed in accordance with Article 81 of the Convention shall be entitled to a refund of their travel and subsistence expenditure. The latter shall be determined by the Council of Ministers.

One half of travel and subsistence expenditure incurred by the arbitrators shall be borne by the Community and the other half by the ACP States.

Expenditure relating to any Registry set up by the arbitrators, to preparatory inquiries into disputes, and to the organization of hearings (premises, personnel, interpreting, etc.) shall be borne by the Community.

Expenditure relating to special inquiries shall be settled together with the other costs and the parties shall deposit advances as determined by an order of the arbitrators.

PROTOCOL No. 5

on privileges and immunities

The High Contracting Parties,

Desiring, by the conclusion of a Protocol on privileges and immunities, to facilitate the smooth functioning of the Convention, the preparation of its work and the implementation of the measures adopted for its application;

Whereas it is therefore necessary to specify the privileges and immunities which may be claimed by persons participating in work relating to the application of the Convention and to the arrangements applicable to official communications connected with such work, without prejudice to the provisions of the Protocol on the Privileges and Immunities of the European Communities, signed at Brussels on 8 April 1965;

Whereas it is also necessary to lay down the treatment to be accorded to the property, funds and assets of the Council of ACP Ministers and its staff;

Whereas the Protocol concerning the measures to be taken for the application of Article 73 of the Convention, signed this day by the ACP States, has established as a co-ordinating body for the ACP States a Council of ACP Ministers, composed of the ACP States' members of the Council of Ministers set up by the Convention, assisted by a Committee of ACP Ambassadors composed of the ACP States' members of the Committee of Ambassadors set up by the said Convention; whereas that Council and that Committee are to be assisted by a Secretariat of the ACP States and whereas the said Internal Protocol recognizes the Council of ACP Ministers as having legal personality,

Have agreed upon the following provisions, which shall be annexed to the Convention:

CHAPTER I

Persons taking part in the work of the Convention

ARTICLE 1

The Representatives of the Governments of the Member States and of the ACP States and the Representatives of the Institutions of the European Communities, as also their advisers and experts and the members of the staff of the Secretariat of the ACP States taking part, in the territory of the Member States or of the ACP States, in the work either of the Institutions of the Convention or of the co-ordinating bodies, or in work connected with the application of the Convention, shall enjoy the customary privileges, immunities and facilities while carrying out their duties and while travelling to or from the place at which they are required to carry out such duties.

The preceding paragraph shall also apply to members of the Consultative Assembly of the Convention, to the arbitrators who may be appointed under the Convention, to members of the consultative bodies of the economic

and social sectors which may be set up, to the officials and employees of these institutions, and also to the members of the agencies of the European Investment Bank and its staff, and also to the staff of the Industrial Development Centre.

CHAPTER 2

Property, funds and assets of the Council of ACP Ministers

ARTICLE 2

The premises and buildings occupied by the Council of ACP Ministers for official purposes shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation.

Except when required for the purposes of investigating an accident caused by a motor vehicle belonging to the said Council or being used on its account, or in the event of an infringement of road traffic regulations or of an accident caused by such a vehicle, the property and assets of the Council of ACP Ministers shall not be the subject of any administrative or legal measure of constraint without the authorization of the Council of Ministers set up under the Convention.

ARTICLE 3

The archives of the Council of ACP Ministers shall be inviolable.

ARTICLE 4

The Council of ACP Ministers, its assets, income and other property shall be exempt from all direct taxes.

The host State shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Council of ACP Ministers makes, strictly for its official use, substantial purchases, the price of which includes taxes of this kind.

No exemption shall be granted in respect of taxes, charges, duties or fees which represent charges for services rendered.

ARTICLE 5

The Council of ACP Ministers shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use; articles so imported may not be sold or otherwise disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the Government of that country.

CHAPTER 3

Official communications

ARTICLE 6

For their official communications and the transmission of all their documents, the European Economic Community, the Institutions of the Convention and the co-ordinating bodies shall enjoy in the territory of the States party to the Convention the treatment accorded to international organizations.

Official correspondence and other official communications of the European Economic Community, the Institutions of the Convention and the co-ordinating bodies shall not be subject to censorship.

CHAPTER 4

Staff of the Secretariat of the ACP States

ARTICLE 7

The Secretary (Secretaries) and Deputy Secretary (Secretaries) of the Council of ACP Ministers and the other permanent members of the staff, of senior rank, of the Council of ACP Ministers shall enjoy, in the State in which the Council of ACP Ministers is established, under the responsibility of the Chairman in Office of the Committee of ACP Ambassadors, the advantages accorded to the diplomatic staff of diplomatic missions. Their spouses and their children under age living in their household shall be entitled, under the same conditions, to advantages accorded to the spouses and children under age of such diplomatic staff.

ARTICLE 8

The State in which the Council of ACP Ministers is established shall grant immunity from legal proceedings to permanent members of the Staff of the Secretariat of the ACP States, apart from those referred to in Article 7, only in respect of acts done by them in the performance of their official duties. Such immunity shall not, however, apply to infringements of road traffic regulations by a permanent member of the staff of the Secretariat of the ACP States or to damage caused by a motor vehicle belonging to, or driven by, him.

ARTICLE 9

The names, positions and addresses of the Chairman in Office of the Committee of ACP Ambassadors, the Secretary (Secretaries) and Deputy Secretary (Secretaries) of the Council of ACP Ministers and of the permanent members of the staff of the Secretariat of the ACP States shall be communicated periodically by the President of the Council of ACP Ministers to the Government of the State in whose territory the Council of ACP Ministers is established.

CHAPTER 5

General provisions

ARTICLE 10

The privileges, immunities and facilities provided for in this Protocol shall be accorded to those concerned solely in the interests of the proper execution of their official duties.

Each Institution or body referred to in this Protocol shall be required to waive immunity wherever it considers that the waiver of such immunity is not contrary to its own interest.

ARTICLE 11

Article 81 of the Convention shall apply to disputes relating to this Protocol.

The Council of ACP Ministers and the European Investment Bank may be party to proceedings during an *ad hoc* arbitration procedure.

PROTOCOL No. 6

on bananas

The Community and the ACP States agree to the following objectives and shall take such steps as are necessary for their implementation:

(1) As regards its exports of bananas to the EEC, no ACP State shall be placed, as regards access to the markets and market advantages, in a less favourable situation than in the past or at present;

(2) A joint endeavour will be undertaken by the ACP States and the Community to devise and implement appropriate measures particularly with respect to investment encompassing all stages from production to consumption in order to enable the ACP States, particularly Somalia, to increase their banana exports to their traditional Community markets;

(3) Comparable endeavours will also be undertaken to enable the ACP States to gain a foothold in new Community markets and to extend their banana exports to those markets.

To assist in the attainment of these objectives a permanent joint group shall be established once the Convention has been signed, and without awaiting the establishment of its Institutions, to keep under continuous review the progress made and to make such recommendations as are considered appropriate.

PROTOCOL No. 7

on rum

1. Until the entry into force of a common organization of the market in spirits, products of tariff heading No. 22.09.CI. originating in the ACP States shall be imported duty free into the Community under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States.

2. (a) For the purposes of applying paragraph 1 and by derogation from Article 2(1) of the Convention, the Community shall each year fix the quantities which may be imported free of customs duties on the basis of the largest annual quantities imported 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 European Economic Community.

(b) Where the application of the provisions of the preceding subparagraph hampers the development of a traditional trade flow between the ACP States and a Member State, the Community shall take appropriate measures to remedy this situation.

(c) To the extent that the consumption of rum increases significantly in the Member States, the Community commits itself to engaging in a new examination of the annual percentage increase fixed by the present Protocol.

(d) The Community declares itself prepared to proceed to appropriate consultations before determining the measures provided for in paragraph 2 (b) of the present Protocol.

(e) The Community moreover declares itself willing to seek with the interested ACP States measures capable of allowing an expansion of their sales in non-traditional markets.

ANNEX

Joint declaration on fishing activities

1. The Community declares that it is willing to encourage, within the framework of industrial, financial and technical co-operation activities in the ACP States which so desire, the development of their fishery and related industries.

2. The ACP States declare their willingness to negotiate with any Member State bilateral agreements likely to guarantee satisfactory conditions in the fishery activities in the sea waters within their jurisdiction. In the conclusion of such agreements the ACP States shall not, under equal conditions, discriminate between or against Member States of the Community.

**AGREEMENT ON PRODUCTS WITHIN
THE PROVINCE OF THE EUROPEAN COAL & STEEL COMMUNITY**

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 Coal and Steel Community signed at Paris on 17 April 1951⁽¹⁾, whose States are hereinafter referred to as "Member States", of the one part, and

The Head of State of the Bahamas, The Head of State of Barbados, The President of the Republic of Botswana, The President of the Republic of Burundi, The President of the United Republic of Cameroon, The President of the Central African Republic, The President of the People's Republic of the Congo, The President of the Republic of the Ivory Coast, The President of the Republic of Dahomey, The President of the Provisional Administrative Military Council, President of the Government of Ethiopia, Her Majesty the Queen of Fiji, The President of the Gabonese Republic, The President of the Republic of the Gambia, The President of the National Redemption Council of the Republic of Ghana, The Head of State of Grenada, The President of the Republic of Guinea, The President of the Council of State of Guinea Bissau, The President of the Republic of Equatorial Guinea, The President of the Co-operative Republic of Guyana, The President of the Republic of Upper Volta, The Head of State of Jamaica, The President of the Republic of Kenya, The King of the Kingdom of Lesotho, The President of the Republic of Liberia, The President of the Republic of Malawi, The Head of State and of Government of the Malagasy Republic, The President of the Military Committee of National Liberation of Mali, Head of State, President of the Government, Her Majesty the Queen of Mauritius, The President of the Islamic Republic of Mauritania, The President of the Republic of Niger, The Head of the Federal Military Government of Nigeria, The President of the Republic of Rwanda, The President of the Republic of Senegal, The President of the Republic of Sierra Leone, The President of the Somali Democratic Republic, President of the Supreme Revolutionary Council, The President of the Democratic Republic of the Sudan, The King of the Kingdom of Swaziland, The President of the United Republic of Tanzania, The President of the Republic of Chad, The President of the Republic of Togo, The Head of State of Tonga, The Head of State of Trinidad and Tobago, The President of the Republic of Uganda, The Head of State of Western Samoa, The President of the Republic of Zaïre, The President of the Republic of Zambia, whose States are hereinafter called the "ACP States", of the other part,

Having regard to the Treaty establishing the European Coal and Steel Community;

Having regard to the Treaty establishing the European Economic Community⁽²⁾, and in particular Article 232 thereof;

⁽¹⁾ Treaty Series No. 2 (1973), Cmnd. 5189 now re-issued as Treaty Series No. 16 (1979), Cmnd. 7461.

Whereas the ACP-EEC Convention of Lomé, signed this day, does not apply to products falling within the province of the European Coal and Steel Community;

Desirous, however, of developing trade in these products between the Member States and the ACP States;

Have decided to conclude this Agreement and to this end have designated as Plenipotentiaries :

His Majesty the King of the Belgians :

Renaat Van Elsandé,
Minister for Foreign Affairs;

Her Majesty the Queen of Denmark :

Jens Christensen,
State Secretary for Foreign Affairs, Ambassador;

The President of the Federal Republic of Germany :

Hans-Jürgen Wischniewski,
Minister of State for Foreign Affairs;

The President of the French Republic :

Pierre Abelin,
Minister for Co-operation;

The President of Ireland :

Garret Fitzgerald, T.D.,
Minister for Foreign Affairs;

The President of the Italian Republic :

Francesco Cattanei,
State Secretary for Foreign Affairs;

His Royal Highness the Grand Duke of Luxembourg :

Jean Dondelinger,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

Her Majesty the Queen of the Netherlands :

Laurens Jan Brinkhorst,
State Secretary for Foreign Affairs;

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

The Rt. Hon. Judith Hart, M.P.,
Minister for Overseas Development;

The Head of State of the Bahamas :

A. R. Braynen,
High Commissioner for the Bahamas;

The Head of State of Barbados :

Stanley Leon Taylor,
Permanent Secretary of the Ministry of Trade, Industry and Commerce;

- The President of the Republic of Botswana :
The Hon. Dr. Gaositwe Keagakwa Tibe Chiepe,
Minister of Commerce and Industry;
- The President of the Republic of Burundi :
Gilles Bimazubute,
Minister for Foreign Affairs and Co-operation;
- The President of the United Republic of Cameroon :
Maikano Abdoulaye,
Minister for Planning and Regional Development;
- The President of the Central African Republic :
Jean Paul Mokodopo,
Minister for Planning;
- The President of the People's Republic of the Congo :
Commandant Alfred Raoul,
Ambassador Extraordinary and Plenipotentiary,
Representative of the Congo to the European Economic
Community;
- The President of the Republic of the Ivory Coast :
Henry Konan Bedie,
Minister of Economic Affairs and Finance;
- The President of the Republic of Dahomey :
Captain André Atchade,
Minister for Industry, Trade and Tourism :
- The President of the Provisional Administrative Council,
President of the Government of Ethiopia :
Ato Gebre Kidan Alula,
Trade Representative of Ethiopia to the European Economic
Community;
- Her Majesty the Queen of Fiji :
The Rt. Hon. Ratu Sir K. K. T. Mara, K.B.E.,
Prime Minister and Minister for Foreign Affairs;
- The President of the Gabonese Republic :
Emile Kassa Mapsi,
Minister of State;
- The President of the Republic of the Gambia :
Alhaji the Hon. Ibrahima Muhammadou Garba-Jahumpa,
Minister of Finance and Trade;
- The President of the National Redemption Council of the
Republic of Ghana :
Lieutenant Colonel Felli,
Minister Commissioner for Economic Planning;
- The Head of State of Grenada :
Senator Derek Knight,
Minister without Portfolio;

- The President of the Republic of Guinea :
 Seydou Keita,
 Ambassador Extraordinary of the Republic of Guinea for Western Europe;
- The President of the Council of State of Guinea Bissau :
 Dr. Vasco Cabral,
 State Commissioner for Economic and Financial Affairs;
- The President of the Republic of Equatorial Guinea :
 Agelmasie Ntumu,
 State Secretary;
- The President of the Cooperative Republic of Guyana :
 The Hon. S. S. Ramphal, S.C., M.P.
 Minister of Foreign Affairs and Industry;
- The President of the Republic of Upper Volta :
 Leonard Kalmogo,
 State Secretary for Planning;
- The Head of State of Jamaica :
 Perceval J. Patterson,
 Minister of Industry, Tourism and Foreign Trade;
- The President of the Republic of Kenya :
 Dr. J. G. Kiano,
 Minister of Trade and Industry;
- The King of the Kingdom of Lesotho :
 E. R. Sekhonyana,
 Minister of Finance;
- The President of the Republic of Liberia :
 The Hon. D. Franklin Neal,
 Minister of Planning and Economic Affairs;
- The President of the Republic of Malawi :
 The Hon. D. T. Matenje,
 Minister of Trade, Industry and Tourism,
 Minister of Finance;
- The Head of State and of Government of the Malagasy Republic :
 Bules Razafimbahiny,
 Ambassador Extraordinary and Plenipotentiary,
 Representative to the European Economic Community;
- The President of the Military Committee of National Liberation of Mali,
 Head of State, President of the Government :
 Lieutenant-Colonel Charles Samba Cissokho,
 Minister for Foreign Affairs and Co-operation;
- Her Majesty the Queen of Mauritius :
 Sir Seewoosagur Ramgoolam, P.C., Kt.,
 Prime Minister;
- The President of the Islamic Republic of Mauritania :
 Sidi Ould Cheikh Abdallah,
 Minister for Planning and Industrial Development;

- The President of the Republic of Niger :
 Captain Moumouni Djermakoye Adamou,
 Minister for Foreign Affairs and Co-operation;
- The Head of the Federal Military Government of Nigeria :
 Gabriel Chukwuemeka Akwaeze,
 Federal Commissioner for Trade;
- The President of the Republic of Rwanda :
 Nduhungirehe,
 Minister for Finance and Economic Affairs;
- The President of the Republic of Senegal :
 Babacar BA,
 Minister for Finance and Economic Affairs;
- The President of the Republic of Sierra Leone :
 The Hon. Francis M. Minah,
 Minister for Trade and Industry;
- The President of the Somali Democratic Republic,*
 President of the Supreme Revolutionary Council :
 Jaalle Mohamed Warsame Ali,
 Advisor to the Economic Committee of the Supreme Revolutionary
 Council;
- The President of the Democratic Republic of the Sudan :
 Sharif el Khatim,
 Deputy Minister of Finance and National Economy;
- The King of the Kingdom of Swaziland :
 The Hon. Simon Sishayi Nxumalo,
 Minister of Industry and Mines;
- The President of the United Republic of Tanzania :
 Daniel Narcis Mtonga Mloka,
 Ambassador to the Federal Republic of Germany;
- The President of the Republic of Chad :
 Ngarhodjina Adoum Moundari,
 State Secretary for Modern Economy;
- The President of the Republic of Togo :
 Benissan Tete-Tevi,
 Minister for Trade and Industry;
- The Head of State of Tonga :
 His Royal Highness Prince Tupoutoa;
- The Head of State of Trinidad and Tobago :
 The Hon. Dr. Cuthbert Joseph,
 Minister in the Ministry of External and West Indian Affairs;

The President of the Republic of Uganda :
The Hon. Edward Athiyo,
Minister of Trade;

The Head of State of Western Samoa :
The Hon. Falesa P. S. Saili,
Minister of Finance;

The President of the Republic of Zaïre :
Kanyinda Tshimpumpu,
State Commissioner for Trade;

The President of the Republic of Zambia :
Rajah Kunda,
Minister of Commerce;

Who, having exchanged their full powers, found in good and true form,

Have agreed as follows :

ARTICLE 1

Products within the province of the European Coal and Steel Community shall, when they originate in the ACP States, on importation into the Community be admitted free of customs duties and charges having equivalent effect; however, the treatment applied to these products shall not be more favourable than that applied by the Member States among themselves.

For the purposes of the first subparagraph, no account shall be taken of residual customs duties and charges having equivalent effect resulting from the application of Articles 32 and 36 of the Act concerning the Conditions of Accession and the Adjustments to the Treaties.

ARTICLE 2

Products referred to in Article 1 originating in the Member States shall, on importation into the ACP States, be admitted in accordance with the provisions of Title I, Chapter 1, of the ACP-EEC Convention of Lomé signed this day.

ARTICLE 3

If the offers made by firms of the ACP States are likely to be detrimental to the functioning of the Common Market and if any such detriment is attributable to a difference in the conditions of competition as regards prices, Member States may take appropriate measures, such as withdrawing concessions referred to in Article 1.

ARTICLE 4

Consultations shall take place between the parties concerned in all cases where, in the opinion of one of them, the implementation of the above provisions calls for such consultations.

ARTICLE 5

The provisions laying down the rules of origin for the application of the ACP-EEC Convention of Lomé shall also apply to this Agreement.

ARTICLE 6

This Agreement shall not affect the provisions of the Treaty establishing the European Coal and Steel Community, nor the powers of jurisdiction conferred by that Treaty.

ARTICLE 7

This Agreement shall be approved by each Signatory State in accordance with its own constitutional requirements. The Government of each State shall notify the completion of the procedures required for the entry into force of this Agreement to the Secretariat of the Council of the European Communities, in the case of the ACP States, and to the Secretariat of the ACP States, in the case of the Member State of the European Coal and Steel Community.

ARTICLE 8

This Agreement shall expire after a period of five years from the date of its signature, namely 1 March 1980. It shall cease to apply to any Signatory State which, under Article 92 of the ACP-EEC Convention of Lomé, is no longer a Party to that Convention.

ARTICLE 9

This Agreement, drawn up in two originals, 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 in the Secretariat of the ACP States, which shall both transmit a certified copy to the Government of each of the Signatory States.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Agreement.

Done at Lomé on the twenty-eighth day of February in the year one thousand nine hundred and seventy-five.

SIGNATURES AND RATIFICATIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of ratification or approval (A)</i>	
Belgium	28 Feb. 1975	28 Jan. 1976 17 Feb. 1976	
Denmark			
France			
Germany, Federal Republic of			
Ireland, Republic of			
Italy			
Luxembourg			
Netherlands			
United Kingdom	31 Dec. 1975		
of the one part and			
Bahamas	28 Feb. 1975	7 Jan. 1976 9 Oct. 1975 17 Mar. 1976 31 July 1975	
Barbados			
Botswana			
Burundi			
Cameroon			
Central African Republic*			
Chad			
Congo, People's Republic of			
Dahomey†			
Equatorial Guinea			
Ethiopia			
Fiji			5 Jan. 1976 (A)
Gabon			15 Dec. 1975
Gambia, The			
Ghana			
Grenada			
Guinea	10 Apr. 1975		
Guinea Bissau	16 May 1975		
Guyana	28 Feb. 1975	11 May 1976 9 Dec. 1975	
Ivory Coast			
Jamaica			
Kenya			
Lesotho			
Liberia			
Malawi			
Malagasy Republic‡			
Mali			
Mauritius			
Mauritania			

SIGNATURES AND RATIFICATIONS (continued)

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of ratification or approval (A)</i>
Niger	} 28 Feb. 1975	6 Nov. 1975
Nigeria		
Rwanda		
Senegal		22 July 1975
Sierra Leone		
Somali Democratic Republic		
Sudan		
Swaziland		19 Dec. 1975
Tanzania		
Togo		
Tonga		16 Mar. 1976
Trinidad and Tobago		
Uganda		10 Mar. 1976(A)
Upper Volta		
Western Samoa		
Zaire		
Zambia		

- * Now known as Central African Empire.
- † Now known as Benin.
- ‡ Now known as Madagascar.

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 Plenipotentiaries of The Head of State of the Bahamas, The Head of State of Barbados, The President of the Republic of Botswana, The President of the Republic of Burundi, The President of the United Republic of Cameroon, The President of the Central African Republic, The President of the People's Republic of the Congo, The President of the Republic of the Ivory Coast, The President of the Republic of Dahomey, The President of the Provisional Administrative Military Council, President of the Government of Ethiopia, Her Majesty the Queen of Fiji, The President of the Gabonese Republic, The President of the Republic of the Gambia, The President of the National Redemption Council of the Republic of Ghana, The Head of State of Grenada, The President of the Republic of Guinea, The President of the Council of State of Guinea Bissau, The President of the Republic of Equatorial Guinea, The President of the Co-operative Republic of Guyana,

The President of the Republic of Upper Volta, The Head of State of Jamaica, The President of the Republic of Kenya, The King of the Kingdom of Lesotho, The President of the Republic of Liberia, The President of the Republic of Malawi, The Head of State and of Government of the Malagasy Republic, The President of the Military Council of National Liberation of Mali, Head of State, President of the Government, Her Majesty the Queen of Mauritius, The President of the Islamic Republic of Mauritania, The President of the Republic of Niger, The Head of the Federal Military Government of Nigeria, The President of the Republic of Rwanda, The President of the Republic of Senegal, The President of the Republic of Sierra Leone, The President of the Somali Democratic Republic, President of the Supreme Revolutionary Council, The President of the Democratic Republic of the Sudan, The King of the Kingdom of Swaziland, The President of the United Republic of Tanzania, The President of the Republic of Chad, The President of the Republic of Togo, The Head of State of Tonga, The Head of State of Trinidad and Tobago, The President of the Republic of Uganda, The Head of State of Western Samoa, The President of the Republic of Zaïre, The President of the Republic of Zambia, of the other part,

Meeting at Lomé this twenty-eighth day of February in the year one thousand nine hundred and seventy-five for the purpose of signing the ACP-EEC Convention of Lomé, have adopted the following texts:

The ACP-EEC Convention of Lomé,

and the following Protocols and Declaration:

Protocol No. 1 concerning the definition of the concept of "originating products" and methods of administrative co-operation

Protocol No. 2 on the application of financial and technical co-operation

Protocol No. 3 on ACP sugar

Protocol No. 4 on the operating expenditure of the Institutions

Protocol No. 5 on privileges and immunities

Protocol No. 6 on bananas

Protocol No. 7 on rum

Joint declaration on fishing activities.

The Plenipotentiaries of the Member States and the Plenipotentiaries of the ACP States have also adopted the text of the Agreement on products within the province of the European Coal and Steel Community.

The Plenipotentiaries of the Member States and of the Community and the Plenipotentiaries of the ACP States have also adopted the texts of the declarations listed below and annexed to this Final Act:

1. Joint declaration on the presentation of the Convention to GATT (Annex I)
2. Joint declaration on Article 11 (4) of the Convention (Annex II)
3. Joint declaration on Article 59 (6) of the Convention (Annex III)
4. Joint declaration on Article 60 of the Convention (Annex IV)

5. Joint declaration on representation of regional economic groupings (Annex V)
6. Joint declaration on Article 89 of the Convention (Annex VI)
7. Joint declaration on Article 4 (1) of Protocol No. 2 (Annex VII)
8. Joint declaration on Article 20 (c) of Protocol No. 2 (Annex VIII)
9. Joint declaration on Article 22 of Protocol No. 2 (Annex IX)
10. Joint declaration on Article 23 of Protocol No. 2 (Annex X)
11. Joint declaration on Article 26 of Protocol No. 2 (Annex XI)
12. Joint declaration on trade between the European Economic Community and Botswana, Lesotho and Swaziland (Annex XII)
13. Joint declaration concerning possible requests for participation in Protocol No. 3 (Annex XIII)

The Plenipotentiaries of the ACP States have also taken note of the Declarations listed below and annexed to this Final Act:

1. Declaration by the Community on Article 2 of the Convention (Annex XIV)
2. Declaration by the Community on Article 3 of the Convention (Annex XV)
3. Declaration by the Community on Article 10 (2) of the Convention (Annex XVI)
4. Declaration by the Community on the unit of account referred to in Article 42 of the Convention (Annex XVII)
5. Declaration by the Community on Article 3 of Protocol No. 2 (Annex XVIII)
6. Declaration by the Community on Article 4 (3) of Protocol No. 2 (Annex XIX)
7. Declaration by the Community on any additional financing by the European Investment Bank during the implementation of the Convention (Annex XX)
8. Declaration by the Community concerning sugar originating in Belize, St. Kitts-Nevis-Anguilla and Surinam (Annex XXI)
9. Declaration by the Community on Article 10 of Protocol No. 3 (Annex XXII)
10. Declaration by the Representative of the Government of the Federal Republic of Germany concerning the definition of German nationals (Annex XXIII)
11. Declaration by the Representative of the Government of the Federal Republic of Germany concerning the application to Berlin of the ACP-EEC Convention of Lomé (Annex XXIV)

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Final Act.

Done at Lomé on the twenty-eighth day of February in the year one thousand nine hundred and seventy-five.

[For signatures see pages 147 and 148]

ANNEX I

Joint declaration on the presentation of the Convention to GATT

The Contracting Parties will consult when the provisions of the Convention that relate to trade are presented and examined under GATT.

ANNEX II

Joint declaration on Article 11 (4) of the Convention

For the purposes of applying Article 11 (4) of the Convention, the Community is prepared, for the purposes of achieving the aims set in Article 1 to begin an examination of requests by the ACP States that other agricultural products referred to in Article 2 (2) (a) of the Convention should benefit from special treatment.

This examination will cover either new agricultural productions for which there would be real possibilities of export to the EEC, or current products not covered by the provisions for implementing the treatment referred to above, insofar as these exports might assume an important position in the exports of one or more ACP States.

ANNEX III

Joint declaration on Article 59 (6) of the Convention

Article 59 (6) of the Convention may, however, cover the other harmful effects of natural disasters of comparable extraordinary circumstances, in particular serious economic difficulties resulting from a drop in production intended for the domestic market, and the reconstitution of production potential, for export purposes included.

ANNEX IV

Joint declaration on Article 60 of the Convention

Until the implementation of the decision referred to in Article 60 of the Convention, the arrangements in force on 31 January 1975 in the ACP States party to the Convention signed at Yaoundé on 29 July 1969⁽¹²⁾ shall continue to be applied, the other ACP States applying to the Community the most favourable provisions they accord to international organizations.

⁽¹²⁾ For texts in Dutch, French, German and Italian see Official Journal of the European Communities No. L 282 of 28 December 1970 and for texts in Danish and English see Official Journal of the European Communities, Special Edition—Second Series, I. External Relations (2), p. 7, of January 1974.

ANNEX V

Joint declaration on representation of regional economic groupings

Arrangements shall be made by the Council of Ministers so that the East African Community and the Caribbean Community may be represented in the Council of Ministers and the Committee of Ambassadors as observers. Requests for arrangements in respect of other regional groupings between ACP States shall be examined by the Council of Ministers on a case by case basis.

ANNEX VI

Joint declaration on Article 89 of the Convention

The Community and the ACP States are prepared to allow the countries and territories referred to in Part Four of the Treaty which have become independent to accede to the Convention, if they wish to continue their relations with the Community in this form.

ANNEX VII

Joint declaration on Article 4 (1) of Protocol No. 2

Industrial projects also cover projects for the processing of agricultural products and forestry projects of an industrial nature, excluding planting and re-forestation.

ANNEX VIII

Joint declaration on Article 20 (c) of Protocol No. 2

In order to assess the sufficient margin of value added to the products, the authorities responsible for deciding on invitations to tender will refer to the rules in force concerning origin.

ANNEX IX

Joint declaration on Article 22 of Protocol No. 2

Until the implementation of the decision referred to in Article 22 of Protocol No. 2, the placing and performance of public works contracts financed by the Fund shall be governed:

as regards the ACP States party to the Convention signed at Yaoundé on 29 July 1969 (6), by the legislation in force on 31 January 1975,

as regards the other ACP States, by their respective national laws or their established practises regarding international contracts.

ANNEX X

Joint declaration on Article 23 of Protocol No. 2

As a transitional measure and pending implementation of the decision referred to in Article 23 of Protocol No. 2 any disputes will be definitively settled in accordance with rules of conciliation and arbitration of the International Chamber of Commerce.

ANNEX XI

Joint declaration on Article 20 of Protocol No. 2

(a) Until the implementation of the decision provided for in Article 22 of Protocol No. 2, the execution of technical and financial co-operation contracts financed by the Fund is covered :

for the ACP States party to the Convention signed at Yaoundé on 29 July 1969 by the general clauses currently used in the contracts financed by the Fund,

for the other ACP States, by the general clauses currently used in the contracts financed by the Fund, or, if not agreed, by their national legislation or established practises regarding international contracts.

(b) The Community and the ACP States are agreed that the Commission shall establish and submit for the agreement of the ACP States, as soon as possible after the entry into force of the Convention, the general conditions of payment applicable to the contracts.

ANNEX XII

Joint declaration on trade between the European Economic Community and Botswana, Lesotho and Swaziland

Having regard to Part I (3) of Protocol No. 22 to the Act concerning the Conditions of Accession and Adjustments to the Treaties, the Community recognizes, and the Government of Botswana, Lesotho and Swaziland declare :

that the three Governments undertake to apply, at the entry into force of the Convention, the same customs tariff treatment to imports originating in the Community, as they apply to those originating in the other country of the customs union to which they adhere;

that this undertaking should not prejudice the different methods which may exist for financing the three Governments' budgets in relation to imports originating in the Community and those originating in the other country of the customs union to which they adhere; and

that the three Governments undertake to ensure through the provisions of their customs systems, and particularly through the application of the rules of origin established under the Convention, that no trade deflection takes place to the detriment of the Community, as a result of their participation with the other country in the customs union to which they adhere.

ANNEX XIII

Joint declaration concerning possible requests for participation in Protocol No. 3

Any request from an ACP State Contracting Party to the Convention not specifically referred to in Protocol No. 3 to participate in the provisions of that Protocol shall be examined.

ANNEX XIV

Declaration by the Community on Article 2 of the Convention

The duties which may be temporarily retained under Article 38 of the Act concerning the Conditions of Accession and the Adjustments to the Treaties shall remain generally applicable and Article 2 (1) of the Convention may not constitute an exception thereto.

ANNEX XV

Declaration by the Community on Article 3 of the Convention

Article 3 (1) of the Convention shall be without prejudice to certain quantitative restrictions and the special system applicable to imports of motor vehicles and the motor vehicle assembly industry in Ireland which are the subject of Protocols Nos. 6 and 7 to the Act concerning the Conditions of Accession and the Adjustments to the Treaties.

ANNEX XVI

Declaration by the Community on Article 10 (2) of the Convention

Were the Community to adopt the strictly necessary measures referred to in this Article, it would endeavour to seek those which, by reason of their geographical scope and/or the types of products concerned, would least disturb the exports of the ACP States.

ANNEX XVII

Declaration by the Community on the unit of account referred to in Article 42 of the Convention

The amount of the Community's aid will be the equivalent, in a European unit of account to be defined, of 3,390 million special drawing rights at their value on 28 June 1974. This provision shall not prejudice the decision which the Council of the European Communities will have to take on the question of whether special drawing rights or a basket of currencies of the Member States of the Community should be used to determine the composition of the European unit of account applicable under the Convention.

The Council's decision mentioned above should be taken as soon as possible and before the entry into force of the Convention at the latest.

As soon as the Council has adopted the definition of this unit of account it will inform the ACP States thereof.

ANNEX XVIII

Declaration by the Community on Article 3 of Protocol No. 2

The financial terms specified in this Article are the most favourable on which the special loans may be granted. They shall be of general application in the least developed countries referred to in Article 48 of the Convention.

ANNEX XIX

Declaration by the Community on Article 4 (3) of Protocol No. 2

Quasi-capital assistance may be accorded either in addition to a loan from the Bank or by itself where, in accordance with the criteria specified in Article 43 of the Convention, such a loan cannot be considered.

ANNEX XX

Declaration by the Community on any additional financing by the European Investment Bank during the implementation of the Convention

The maximum amount of financing by the European Investment Bank from its own resources is fixed in point 2 of Article 42 of the Convention.

However, during the implementation of the Convention, additional financing by the Bank from its own resources could possibly be considered under the provisions of Article 18 of the Statute of the Bank and on the basis of its resources, the amount of loans already granted, the importance of the projects to be financed and the guarantees which could accompany these additional loans.

ANNEX XXI

Declaration by the Community concerning sugar originating in Belize, St. Kitts-Nevis-Anguilla and Surinam

1. The Community undertakes to adopt the necessary measures to ensure the same treatment as provided for in Protocol No. 3 for the following quantities of cane sugar, raw or white, originating in:

Belize	...	...	...	...	39,400 metric tons
St. Kitts-Nevis-Anguilla	...	...	...	...	14,000 metric tons
Surinam	...	...	...	...	4,000 metric tons

2. Nevertheless, in respect of the period up to 30 June 1975, the quantities shall be as follows:

Belize	...	...	...	...	14,800 metric tons
St. Kitts-Nevis-Anguilla	...	...	...	...	7,900 metric tons

ANNEX XXII

Declaration by the Community on Article 10 of Protocol No. 3

The Community declares that Article 10 of Protocol No. 3 providing for the possibility of denunciation of that Protocol, under the conditions set out in that Article, is for the purpose of juridical security and does not represent for the Community any qualification or limitation of the principles enunciated in Article 1 of that Protocol.

ANNEX XXIII

Declaration by the Representative of the Government of the Federal Republic of Germany concerning the definition of German nationals

All Germans within the meaning of the Basic Law for the Federal Republic of Germany shall be deemed to be nationals of the Federal Republic of Germany.

ANNEX XXIV

Declaration by the Representative of the Government of the Federal Republic of Germany concerning the application to Berlin of the ACP-EEC Convention of Lomé

The ACP-EEC Convention of Lomé shall apply equally to Land Berlin, in so far as the Government of the Federal Republic of Germany does not make a declaration to the contrary to the other Contracting Parties within a period of three months from the entry into force of the Convention.

EXCHANGE OF LETTERS

between the President of the Council of the European Communities and the President of the Council of Ministers of the African, Caribbean and Pacific States on the occasion of the signing of the ACP-EEC Convention in Lomé on 28 February 1975,

RELATING TO THE SETTING UP OF AN INTERIM COMMITTEE AND THE ADVANCE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE CONVENTION

No. 1

Sir,

Lomé, 28 February 1975.

On the occasion of the signing of the ACP-EEC Convention in Lomé on 28 February 1975 the Contracting Parties agreed on the following with regard to the setting up of an Interim Committee and the advance implementation of certain measures under the Convention, save for measures involving financial commitments.

1. An ACP-EEC Interim Committee shall be set up, responsible for preparing as from 1 March 1975, with a view to the entry into force of the ACP-EEC Convention:

- the draft rules of procedure of the Council of Ministers and the Committee of Ambassadors;
- the details regarding the consultations on the presentation of the Convention to GATT;
- the implementation of the provisions concerning
 - trade co-operation, including administrative co-operation with regard to rules of origin;
 - industrial co-operation;
 - the Protocol on ACP sugar;
- the implementation of statistical and administrative co-operation relating to the system for the stabilization of export earnings.

The Interim Committee shall be composed of representatives designated by the European Economic Community on the one hand and the ACP States on the other. It shall adopt its own operating procedures.

2. The European Economic Community and the ACP States will unilaterally apply certain provisions of the ACP-EEC Convention from 1 July 1975, namely:

- Chapter 1 of Title I of the said Convention with the exception of certain matters for which the Council of Ministers is responsible;
- the Protocol on the concept of “originating products” and;
- the Protocols and declarations concerning Botswana, Lesotho and Swaziland, fishing activities, rum and bananas.

To this effect, each Contracting Party shall take the measures necessary, for its part, for the implementation of the said provisions. These will be applied until the entry into force of the ACP-EEC Convention or until 29 February 1976 at the latest.

Any problems arising from the unilateral implementation of the said provisions will, at the request of one of the parties, be discussed by the ACP-EEC Interim Committee.

3. The European Economic Community hereby informs the ACP States that it is in the process of studying measures in the field of financial and technical co-operation, 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 it enters into force.

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

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

For the Council of the European Communities

[Signature]

No. 2

Sir,

Lomé, 28 February 1975.

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

[As in No. 1]

I have the honour to confirm to you the agreement of the Council of Ministers of the African, Caribbean and Pacific States to the contents of this letter.

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

For the Council of Ministers of the African, Caribbean and Pacific States

[Signature]

**EXCHANGES OF LETTERS⁽¹³⁾
ON THE PROVISIONAL APPLICATION
OF PROTOCOL No. 3—ON ACP SUGAR**

No. 1

Sir,

Lomé, 28 February 1975.

On the occasion of the signing of the Convention of Lomé between the European Economic Community and the ACP States on 28 February 1975, the Community and Barbados, the People's Republic of the Congo, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda have agreed as follows: from 28 February 1975 until the date of the entry into force of the Convention of Lomé and at the latest until 30 June 1976, the provisions of the Protocol on sugar from the ACP States annexed to the said Convention shall be applied.

I should be obliged if you would kindly acknowledge receipt of this letter and confirm that this letter, together with your reply, constitutes an agreement between your Government and the Community.

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

No. 2

Your Excellency,

Lomé, 28 February 1975.

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

[As in No. 1]

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

Please accept, Your Excellency, the assurance of my highest consideration.

⁽¹³⁾ Letters in identical terms were exchanged between the Council of the European Communities and the Governments of each of the thirteen States named in Letter No. 1.

Done at Lomé, 28 February 1975

MINUTES

OF THE SIGNATURE OF THE ACP-EEC CONVENTION OF LOME

The Plenipotentiaries of the ACP States, of the European Communities and of the Member States of the Communities today signed the ACP-EEC Convention of Lomé, the Final Act thereto and the Agreement on products within the province of the European Coal and Steel Community, together with the exchanges of letters concerning the advanced implementation of certain provisions of the Convention.

On this occasion, the European Economic Community and the ACP States agreed to annex to these Minutes the accompanying statement by the Community concerning the arrangements applicable to the agricultural and processed products referred to in Article 2 (2) of the Convention.

For the Council of the European Communities

For the Council of Ministers of the African, Caribbean and Pacific States

[Signature]

[Signature]

ANNEX

STATEMENT BY THE COMMUNITY CONCERNING AGRICULTURAL PRODUCTS

During the negotiations between the ACP States and the Community, the latter informed its negotiating partners of the provisions which, by means of Community regulations, would ensure for the the ACP States the preferential treatment provided for in Article 2 (2) (a) (ii) for certain agricultural and processed products.

These proposals were completed at the last negotiating meeting at ministerial level on 30 and 31 January 1975. The list of measures which the Community intends to adopt in implementation of the above-mentioned provision of the ACP-EEC Convention of Lomé is annexed to this statement.

In this connection, the Community declares that it will take all the measures required to ensure that the corresponding agricultural regulations are adopted as soon as possible and that, wherever possible, they come into force at the same time as the interim arrangements provided for in the exchange of letters signed today.

Common organizations of the markets	Special treatment for ACP countries
<p>1. <i>Beef and veal</i> Headings Nos.: 01.02 A II 02.01 A II (a) 02.06 C I (a) 02.01 B II (b) 02.06 C I (b) 16.02 B III (b) 1 15.02 B I</p>	<p>Exemption from <i>customs duties</i> for all products covered by common organization of the market. Charging of <i>levies</i> actually applied to imports of the products in question from third countries. Where, in the course of a year, imports of beef and veal falling within tariff heading No. 02.01 A II (a) and originating in an ACP State or an OCT exceed a quantity equivalent to that of imports into the Community during the year between 1969 and 1974 inclusive in which the greatest quality of Community imports for the origin in question was recorded, plus an annual growth rate of 7%, exemption from customs duties on the products from that origin shall be partially or totally suspended in accordance with the procedure laid down in Article 27 of Regulation (EEC) No. 805/68. In such a case, the Commission shall report to the Council, which acting on a proposal from the Commission and in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall decide on the treatment to be applied to the imports concerned. See declaration, p. 6.</p>
<p>2. <i>Fishery products</i> Headings Nos.: 03.01 03.02 03.03 05.15 A 16.04 16.05 23.01 B</p>	<p>Exemption from <i>customs duties</i> for all products covered by common organization of the market.</p>
<p>3. <i>Oleaginous products</i> Headings Nos.: 12.01 12.02 15.04 15.07 B, C, D 15.12 15.13 15.17 B 23.04 B</p>	<p>Exemption from <i>customs duties</i>. In the event of considerable changes in the volume of imports of one or more types of oilseed, special measures for imports from the ACP insofar as necessary and after examination of the circumstances.</p>
<p>4. <i>Cereals</i> <i>Maize</i> Heading No. 10.05</p> <p><i>Millet/Sorghum</i> Heading No. 10.07 Buckwheat, millet, canary seed and grain sorghum; other cereals</p>	<p>Reduction of the third country <i>levy</i> by 1.5 UA/metric ton.</p> <p>Reduction of the third country <i>levy</i> by 50%.</p>

Common organizations of the markets	Special treatment for ACP countries
<p>5. <i>Rice</i> Heading Nos. : 10.06 AI paddy rice 10.06 AII husked rice 10.06 B semi-milled or wholly milled rice</p> <p>10.06 C broken rice</p>	<p>Reduction of the third country <i>levy</i> per 100 kg: — for paddy rice by 50% and 0.30 UA, — for husked rice by 50% and 0.30 UA, — for milled rice — by the component for the protection of the processing industry — by 50% and 0.45 UA, — for semi-milled rice — by the component for the protection of the processing industry converted according to the conversion rate for milled rice and semi-milled rice — by 50% and 0.45 UA — for broken rice by 50% and 0.25 UA.</p> <p>This exception is valid for goods whose CIF offer price, adjusted by reference to possible differences in quality compared with the standard quality for which the threshold price is fixed, is at least equal to a special CIF price for each product fixed for imports of rice originating in the ACP or OCT.</p> <p>In the event of a quantity equal to the amount of the average of imports into the EEC from the same sources over the last three years for which statistics are available being exceeded, plus 5%, total or partial suspension of the exception.</p>
<p>6. <i>Processed cereal and rice products</i> Heading Nos. :</p> <p>07.06 A</p> <p>ex 11.01 C, D, E, F, G, H, I, J, K, L ex 11.02 A, B, C, D, E, F, G 11.06</p> <p>11.07 ex 11.08 A I, II, III, IV, V 11.09 17.02 B II 17.05 B 23.02 A 23.02 A</p> <p>23.03 A I 23.07 ex B</p>	<p>Non-application of the <i>fixed component</i> of the third country <i>levy</i> for these products.</p> <p>In addition, reduction in the variable component of the <i>levy</i> per 100 kg: — by 0.15 UA for ex 07.06 A (manioc, arrowroot, salep and other similar roots and tubers with high starch content, excluding sweet potatoes)</p> <p>— by 0.30 UA for 11.06 (flours and meal of sago and of manioc, salep and other roots and tubers falling within heading No. 07.06)</p> <p>— by 50% for 11.08 AV (starches, other)</p> <p>— Non-application of the variable component of the <i>levy</i> for arrowroot originating in the OCT (07.06 ex A).</p>
<p>7. <i>Fresh and frozen fruit and vegetables</i> Products falling within heading No. 07.01 (not including subheadings Nos.</p> <p>07.01 A Potatoes and 07.01 N Olives)</p>	<p><i>Exemption from customs duties without marketing timetable</i>, but with a safeguard clause of the standard type, for:</p> <p>07.01 F Leguminous vegetables 07.01 G IV Radishes (<i>Raphanus sativus</i>) known as "Mooli" 07.01 S Sweet peppers 07.01 T Other</p>

Common organizations of the markets	Special treatment for ACP countries
<p>and headings Nos. 08.02 to 08.09 (not including subheadings Nos.: 08.04 A II Fresh grapes, other than table grapes, and 08.05 F Areca and cola)</p>	<p>08.02 D Grapefruit 08.02 E Other 08.08 F Pawpaws ex F Passion fruit 08.09 Other 80% reduction of customs duties for: 08.02 A Oranges 08.02 B Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids</p>
<p>8. <i>Processed fruit and vegetable products</i> Headings Nos.:</p> <ul style="list-style-type: none"> ex 07.02 ex 07.03 ex 07.04 08.10 08.11 08.12 08.13 ex 13.03 B <p>20.01 to 20.06 ex 20.07</p>	<p>Exemption from <i>customs duties</i> for all products covered by common organization of the market. In addition, abolition of the <i>additional duty</i> on sugar for preserves and juices</p> <ul style="list-style-type: none"> —of pineapple —of mixtures of pineapple, pawpaw and pomegranate <p>In addition, abolition of the additional duty on sugar for preserves of grapefruit</p>
<p>9. <i>Unmanufactured tobacco</i> Heading No. 24.01: Unmanufactured tobacco; tobacco refuse</p> <ul style="list-style-type: none"> A. Tobacco of a value, per package, not less than 280 UA per 100 kg net weight B. Other 	<p>Exemption from <i>customs duties</i></p> <p>Any decision taken pursuant to Article 10 (2) and (3) of Regulation (EEC) No. 727/70 shall be communicated to the ACP States concerned.</p> <p>Furthermore, if serious disruptions occur as a result of a large increase in imports of unmanufactured tobacco originating in the ACP States, or if these imports create difficulties which result in deterioration of the economic situation of a region of the Community, the Commission may take, or may authorize the Member State(s) concerned to take, the necessary safeguard measures pursuant to Article 10 of Title I of the Convention and to Article of the Council Decision of on the Association of the Overseas Countries and Territories, including measures to offset deflection of trade.</p>

Common organizations of the market	Special treatment for ACP countries
<p>10. <i>Certain goods resulting from the processing of agricultural products (Council Regulation No. 1059/69)</i> Headings Nos.:</p> <ul style="list-style-type: none"> ex 17.04 18.06 19.01 to 19.08 ex 21.01 ex 21.06 ex 21.07 ex 22.02 ex 29.04 ex 35.01 35.05 ex 38.12 	<p>Exemption from the fixed component for the entire sector of products processed from agricultural products (Regulation No. 1059/69). In addition, suspension of the <i>variable component</i> for:</p> <ul style="list-style-type: none"> 17.04 Sugar confectionery, not containing cocoa: <ul style="list-style-type: none"> C. White chocolate 18.06 Chocolate and other food preparations containing cocoa <ul style="list-style-type: none"> C. Chocolate and chocolate goods, whether or not filled: sugar confectionery and substitutes therefore made from sugar substitution products, containing cocoa. 19.02 Preparations of flour, meal, starch or malt extract of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa: <ul style="list-style-type: none"> B. Other <ul style="list-style-type: none"> I. containing no milkfats or containing less than 1.5% by weight of such fats: <ul style="list-style-type: none"> (d) containing 45% or more but less than 65% by weight of starch 19.04 Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches 19.07 Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit: <ul style="list-style-type: none"> D. Other, containing by weight of starch: <ul style="list-style-type: none"> II. 50% or more (dry biscuits) 19.08 Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion: <ul style="list-style-type: none"> B. Other: <ul style="list-style-type: none"> IV (a) (1) (unsweetened biscuits whether V (a) (1) (or not containing cocoa) IV (b) (plain unfilled cakes)
<p>12. <i>Special arrangements for importing certain agricultural products originating in the ACP States and the OCT into the French overseas departments</i> 01.02 A II: Live bovine animals of the domestic species, other than purebred breeding animals</p> <p>02.01 A II A: Meat of domestic bovine animals fresh, chilled or frozen</p> <p>10.06 Rice</p> <p>10.05 Maize</p>	<p>Non-application of the <i>levy</i>.</p> <p>Non-application of the <i>levy</i>.</p> <p>Non-application of the <i>levy</i>.</p> <p>For maize: reduction of the levy by 6 UA/metric ton; Measures against disturbance of the Community market should imports exceed 4,500 metric tons per annum.</p>

DECLARATION TO BE WRITTEN INTO THE RECORD

1. **Beef and Veal**

A. The Community considers that the tariff preference accorded to exports of beef and veal from the ACP States to the enlarged Community market will enable the exporting countries to maintain their position on the market; should, however, there be a fall-off of these exports, the Community will be prepared to enter into consultation with the countries concerned in order to examine appropriate measures to remedy this situation.

B. The Community agrees that, in the event of the application of the safeguard clause to products of the beef and veal sector, the requisite measures will be taken to enable a certain volume of exports from the ACP to the Community to be maintained by reference to the annual quantities traditionally exported.

The volume of ACP exports to be taken into consideration will be the highest annual beef and veal exports from each ACP State to the Community in the period from 1969 to 1974.

The appropriate solution for restoring the trade patterns of ACP exports will be implemented as soon as the convention is signed and will cover the amounts recorded for 1975 pursuant to the above indent.

The exceptional nature of these measures is based on the existence of the Convention between the Community and the ACP, on the fact that the *ACP countries concerned are the least developed of the countries which export beef and veal to the Community*, and on the very close dependence of the economy of those countries on the export of these products.

2. **Cut flowers and ornamental foliage**

Products falling within headings Nos. 06.03 and 06.04 originating in the ACP States are exempt from customs duties on importation into the Community.

The ACP States will be notified as soon as possible of the date of entry into force of this arrangement, as the Community must first settle problems related to the import arrangements for these products.

The Community intends to reach settlement of the problems concerned with the import arrangements for these products before the end of 1975.

3. **Potential exports**

See declaration on Article 11 (Consultation) of Title I of the Convention.

STATEMENTS ANNEXED TO THE MINUTES OF THE NEGOTIATIONS ON THE ACP-EEC CONVENTION OF LOME⁽⁴⁾

The President of the enlarged Bureau of the Council of Ministers of the African, Caribbean and Pacific States and the President of the Council of the European Communities,

Having taken note of the statements adopted during the negotiations between the ACP States and the Community,

Noting that these statements met with the agreement of all the Parties to the negotiations,

Have decided to approve these Minutes, to which the said statements are annexed.

Joint EEC-ACP Declaration on Article 11

In order to safeguard the interests which they may have in common as regards international trade, the Contracting Parties shall ensure the necessary co-operation, particularly by exchanging views within the Institutions of the Convention, in accordance with the principles forming the basis of the Convention.

Joint Declaration on Article 17 (4)

(a) For the moment the special cases referred to are Burundi, Ethiopia, Guinea-Bissau, Rwanda and Swaziland.

(b) It can be decided by mutual agreement to make any changes in the above list of countries.

Declaration by the Community on Article 17

For reasons of principle, the Community is firmly opposed to the inclusion of mineral products in the list appearing in Article 17. It is therefore agreeing to the inclusion of iron ore in the list solely to enable overall agreement to be reached on the Convention. It will not fail to oppose any subsequent inclusion of minerals in that list.

Joint Declaration on Article 35 (3)

As regards the implementation of Article 35 (3), the Contracting Parties will work on the principle that, for the sake of speed, the Council of Ministers will delegate the necessary powers to the Committee of Ambassadors.

Joint Declaration on Article 54

The necessary precautions shall be taken by all the parties concerned to prevent the disclosure of information of a confidential nature.

⁽⁴⁾ The wording of these statements cannot be considered final until the ACP States, which have received the texts drawn up by the General Secretariat of the Council of the European Communities, have confirmed their agreement.

Declaration by the Community on Article 59

As in the past, the Community will deal with exceptional situations and the ACP States will, in the same way as the other countries, be able to benefit from any action which the Community takes in this connection, outside the fields covered by the Convention and thus as a complement to it.

Declaration by the Community and the ACP States on Article 60

The Community and the ACP States are agreed that the text presented by the ACP States on fiscal and customs arrangements for contracts financed by the Community will constitute the basic working paper for the establishment of such arrangements by the Council of Ministers.

Declaration by the Community on Article 65

The Community considers that the suppression of the phrase "while complying with Article 66" which was in the draft text of Article 65 as it emerged from the negotiations, does not effect the relation between Articles 65 and 66.

Joint Declaration on Article 66

Article 66 does not prejudice Article 67.

Joint Declaration on Article 72

The rules of procedure may in particular institute sectoral or regional meetings with limited participation.

Joint Declaration on Article 74

The following text will be included in the Rules of Procedure of the Council of Ministers :

"1. For the application of Article 74 (8) of the Convention, the Community and the ACP States shall notify each other of the measures they propose to take in the cases provided for in the Convention.

2. The Contracting Parties may request consultations at any time from the date of notification. These shall take place as soon as possible and not later than 21 days from the date of request.

3. Should consultations give rise to a divergent assessment of the extent of the measures proposed or taken in an urgent case, the Contracting Party concerned shall reconsider those measures.

4. Consultations shall take place according to the form which is the most appropriate for the matter involved."

The Competent body may be the Council of Ministers, the Committee of Ambassadors or an *ad hoc* group.

Joint Declaration on Article 78

The rules of procedure may in particular institute sectoral or regional meetings with limited participation.

Joint Declaration on Article 80

It is understood that the term "basis of parity" means that each of the two parties designates the same number of representatives to the Consultative Assembly.

Joint Declaration on Article 81

In its rules of procedure it shall be stipulated that the Council of Ministers may delegate these powers to the Committee of Ambassadors.

Interpretative Joint Declaration on Protocol No. 2, Article 9

The expression "neighbouring non-ACP countries" does not necessarily mean "countries having a common border".

Joint Declaration on Protocol No. 2, Article 20 (b)

This significant share of capital and management staff will be determined case by case by the Commission and the ACP State or States concerned.

Joint Declaration on Protocol No. 2, Article 25

It is agreed that, in exceptional cases, and in agreement with the Commission, third country consultancy bureaux or experts may be called upon for assistance.

Declaration by the ACP States on Protocol No. 2, Article 31

The ACP States undertake to continue to deal, on political questions and matters other than those arising from the administration of this Convention, with the appropriate Representatives of the Member States in their countries. The European Commission Delegate may not therefore have a status equivalent to that of the Head of a Diplomatic Mission.

Joint Declarations relating to Protocol No. 3 on Sugar

The Community and the ACP States supplying sugar under the terms of Protocol No. 3 shall adopt all appropriate institutional measures necessary to ensure from 28 February 1975, the implementation of the provisions of that Protocol.

Sugar shipped under the provisions of the Commonwealth Sugar Agreement or imported from the ACP States or third countries by the Community under a subsidised importation scheme shall not count for the purposes of Protocol No. 3.

Declaration relating to Protocol No. 3 on Sugar, Article 1

In exceptional circumstances and with the agreement of the exporting ACP States concerned, the Community may deliver sugar originating in the ACP States to other third countries without preceding importation.

Declaration by the Community relating to Protocol No. 3 on Sugar, Articles 5 and 7 (3)

The Community :

(1) undertakes that the Commission in implementing Article 5 of the Protocol No. 3, will consult the sugar-exporting ACP States each year before making its proposals to the Council of the European Communities for the determination of sugar prices within the Community for the following campaign;

(2) declares that, for the purpose of Article 7 (3) of Protocol No. 3 insignificant failures to deliver shall not be taken into account.

Declaration by the Community relating to Protocol No. 4 on the operating expenditure of the Institutions

The Community, being aware that expenditure in connection with interpreting at meetings and the translation of documents is expenditure incurred essentially for its own requirements, is prepared to continue past practice and meet this expenditure both for meetings of the institutions of the Convention which take place in the territory of a Member State and those which take place in the territory of an ACP State.

Declarations by the Representatives of the Governments of the Member States and of the ACP States relating to Protocol No. 5 on privileges and immunities

1. "Customary privileges, immunities and facilities" means the privileges, immunities and facilities provided for in Article 11 of the Protocol of 8 April 1965 on the privileges and immunities of the European Communities.

2. The Governments of the Member States and the Governments of the ACP States will do their utmost to facilitate the granting under the most favourable conditions of temporary visas required by the persons referred to in Article 1 of Protocol No. 5 to enable them to carry out their duties.

Community Declarations relating to Protocol No. 6 on bananas

Everything possible will be done to ensure that the measures provided for on bananas in no way prejudice banana exports from the OCT and the FOD and that the latter likewise benefit from them.

Declaration by the Community relating to the Caribbean Community

When preparing the Decision of the Council of the European Communities on the Association of the overseas countries and territories referred to in Part Four of the Treaty establishing the EEC⁽¹⁾ and Article 24 of the Act of Accession⁽²⁾, the Community will take account of the fact that some of these countries and territories belong to the Caribbean Community and will take care that this Decision cannot hinder the co-operation established within the Caribbean Community, taking into consideration the aims and objectives of that Community.

INTERNAL AGREEMENT
ON THE MEASURES AND PROCEDURES REQUIRED FOR
IMPLEMENTATION OF THE ACP-EEC CONVENTION OF LOMÉ

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⁽¹⁾ (hereinafter called the "Treaty") and the ACP-EEC Convention of Lomé signed on 28 February 1975 (hereinafter called the "Convention");

Whereas the representatives of the Community will have to adopt common positions in the Council of Ministers provided for by the Convention (hereinafter called the "Council of ACP-EEC Ministers"); whereas, moreover, implementation of the decisions, recommendations and opinions of this Council may require, where appropriate, action by the Community, joint action by the Member States or action by a Member State;

Whereas the common positions to be adopted by the representatives of the Community in the fields for which the latter is competent will be adopted in accordance with the provisions of the Treaty, which will also be applicable for the adoption of the measures implementing those decisions, recommendations and opinions of the Council of ACP-EEC Ministers which result from Community action in the same fields; whereas, moreover, it will be for the Council of the European Communities to lay down in a Regulation detailed rules for implementing the safeguard measures provided for in Article 10 of the Convention;

Whereas, on the other hand, it is necessary for the Member States to specify the conditions for determining, in the fields for which they are competent, the common positions to be adopted by the representatives of the Community within the Council of ACP-EEC Ministers; whereas, in the same fields, it will also be for them to take the measures implementing such decisions, recommendations and opinions of that Council as may require joint action by the Member States or action by a Member State;

Whereas procedures should also be laid down whereby Member States may settle any disputes which may arise between them with regard to the Convention;

After consulting the Commission of the European Communities,

Have agreed as follows:

ARTICLE 1

1. The common position to be supported by the representatives of the Community in the Council of ACP-EEC Ministers when the latter considers matters for which the Member States are competent shall be adopted by the Council, acting unanimously after consulting the Commission.

2. Where, pursuant to Article 75 of the Convention, the Council of ACP-EEC Ministers envisages delegating to the Committee of Ambassadors, provided for by the Convention, the power to take decisions or put forward recommendations or opinions in the fields for which the Member States are competent, the common position shall be adopted by the Council, acting unanimously after consulting the Commission.

3. Common positions which the representatives of the Community support in the Committee of Ambassadors shall be adopted under the same conditions as those laid down in paragraph 1.

ARTICLE 2

1. Decisions and recommendations adopted by the Council of ACP-EEC Ministers in the fields for which the Member States are competent shall be implemented by acts adopted by the latter.

2. Paragraph 1 shall also apply in respect of decisions and recommendations adopted by the Committee of Ambassadors pursuant to Article 77 of the Convention.

ARTICLE 3

Any treaty, convention, agreement or arrangement, or any part of a treaty, convention, agreement or arrangement, of whatever form or nature, which has been or will be concluded between one or more Member States and one or more ACP States and which concerns matters dealt with in the Convention, shall be communicated as soon as possible by the Member State or States concerned to the other Member States and to the Commission.

At the request of a Member State or of the Commission, any texts so communicated shall be discussed by the Council.

ARTICLE 4

If a Member State considers it necessary to invoke Article 81 of the Convention on matters for which the Member States are competent, it shall first consult the other Member States.

If the Council of ACP-EEC Ministers has to reach a decision on the action by the Member State referred to in the first paragraph, the position to be taken by the Community shall be that of the Member State concerned, unless the Representatives of the Governments of the Member States, meeting in the Council, decide otherwise.

ARTICLE 5

Disputes arising between Member States concerning the Convention, the Protocols annexed thereto or the Internal Agreements signed for its implementation shall, at the request of the party making the complaint,

be submitted to the Court of Justice of the European Communities under the conditions laid down in the Treaty and in the Protocol on the Statute of the Court of Justice annexed to the Treaty.

ARTICLE 6

After consulting the Commission, the Representatives of the Governments of the Member States, meeting in the Council, may at any time amend or supplement this Agreement.

ARTICLE 7

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 of the completion of the procedures required for the entry into force of the Agreement.

Provided that the conditions of the first paragraph have been complied with, this Agreement shall enter into force at the same time as the Convention. It shall remain in force for the duration of that Convention.

ARTICLE 8

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German and Italian languages,⁽¹⁵⁾ all six 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.

Done at Brussels on the eleventh day of July in the year one thousand nine hundred and seventy-five.

SIGNATURES AND RATIFICATIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of ratification</i>
Belgium	} 11 July 1975	} 29 Dec. 1975
Denmark		
France		
Germany, Federal Republic of*		
Ireland, Republic of		
Italy		
Luxembourg		
Netherlands		
United Kingdom		
		} 11 Nov. 1975
		} 29 Dec. 1975
		} 30 Dec. 1975
		} 6 Feb. 1976
		} 17 Feb. 1976
		} 30 Dec. 1975
		} 31 Dec. 1975
		} 30 Dec. 1975

* Includes Berlin (West)

⁽¹⁵⁾ For texts in Danish, Dutch, French, German and Italian see Official Journal of the European Communities No. L 25 of 30 January 1976, available through Agency Section, Her Majesty's Stationery Office, PO Box 569 London SE1 9NY—, Tel. 01-928 6977, ext. 410.

**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")⁽¹⁾,

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 Representative 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 (hereinafter 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⁽²⁾, the Council actually defined the unit of account applicable under the Convention;

Whereas, in order to implement the Convention and the Decision concerning the Countries and Territories (hereinafter called the "Decision"), a 4th 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 co-operation 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;

⁽¹⁾ See Official Journal of the European Communities No. L 104 of 24 April 1975, available through Agency Section, Her Majesty's Stationery Office, PO Box 569, London SE1 9NY—Tel. 01-928 6977, ext. 410.

Whereas the Council adopted on 16 July 1974 a Resolution on the harmonization and co-ordination of Member States' co-operation 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 43 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 Regulations 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 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 Regulations 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 paragraph 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 41 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 programmes 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 No. 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 situations 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 a 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 this 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 Statutes.

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 Statutes, 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,⁽¹⁶⁾ 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.

Done at Brussels on the eleventh day of July in the year one thousand nine hundred and seventy-five.

[Signatures and ratifications as at page 172]

DECISION

of the Representatives of the Governments of the Member States of the European Coal and Steel Community meeting in Council of 24 June 1975 opening tariff preferences for products within the province of that Community originating in the African, Caribbean and Pacific States and in the overseas countries and territories associated with the Community

The Representatives of the Governments of the Member States of the European Coal and Steel Community meeting in Council,

Whereas the Member States have concluded with each other the Treaty establishing the European Coal and Steel Community;⁽¹⁾

Whereas the Agreement on products within the province of the European Coal and Steel Community, hereinafter called the "Agreement", between the Member States of that Community and the African, Caribbean and Pacific States, hereinafter called the "ACP States", was signed on 28 February 1975 at the same time as the ACP-EEC Lomé Convention and whereas that Agreement is being submitted for ratification;

Whereas when the Agreement was signed, the European Economic Community, its Member States and the ACP States agreed in an exchange of letters to apply autonomously from 1 July 1975 certain provisions of the Convention relating to trade in goods;

Desiring to apply likewise autonomously and concurrently the tariff suspensions contained in the Agreement;

Whereas a Council Regulation is envisaged to define the interim arrangements for trade with the overseas countries and territories associated with the European Economic Community; whereas it will not apply to products within the province of the European Coal and Steel Community, and whereas the association's arrangements should nevertheless be extended to these products;

Whereas, until the rules of origin which will be laid down by the above mentioned Regulation enter into force, the rules of origin laid down in Regulation (EEC) No. 1598/75 should be applied to products imported from the "countries and territories" *mutatis mutandis* with products imported from the ACP States, and whereas thereafter the rules of origin laid down by the Regulation on the interim arrangements for trade with the "countries and territories" should be applied;

In agreement with the Commission.

Have decided as follows:

ARTICLE 1

From 1 July 1975, the duties applicable in the Community to imports of products within the province of the European Coal and Steel Community, originating in the ACP States listed in Annex I or in the "overseas countries and territories" listed in Annex II, and charges having equivalent effect, or the levying of such duties and charges, shall be suspended. The treatment applied to such products may not be more favourable than that accorded by the Member States amongst themselves.

For purposes of the implementation of the first subparagraph, account shall not be taken of residual customs duties and charges having equivalent effect arising from the application of Articles 32 and 36 of the Act of Accession.⁽¹⁰⁾

ARTICLE 2

The provisions defining the rules of origin provided for in Council Regulation (EEC) No. 1598/75 of 24 June 1975 on the advance implementation of certain provisions of the ACP-EEC Lomé Convention relating to trade in goods shall apply to products referred to in Article 1 imported from the ACP States.

They shall apply *mutatis mutandis* to products referred to in Article 1 imported from the "countries and territories" until the entry into force of the Council Regulation on the interim arrangements for trade with the "countries and territories". After the entry into force of that Regulation, its provisions on origin shall apply to products imported from the said "countries and territories".

ARTICLE 3

The Member States shall decide by mutual agreement on any safeguard measures suggested by one or more Member States or by the Commission.

ARTICLE 4

This Decision shall remain applicable until the entry into force of the Agreement and at the latest until 29 February 1976.

Where necessary, the representatives of the Governments of the Member States of the European Coal and Steel Community, meeting in Council, may decide to keep this Decision in force beyond that date and until the entry into force of the Agreement aforesaid.

ARTICLE 5

The Member States shall take all the measures necessary for the implementation of this Decision.

Done at Luxembourg, 24 June 1975.

The President
G. FITZGERALD

ANNEX I

List of States referred to in Article 1, first subparagraph

Bahamas	Liberia
Barbados	Malagasy Republic
Botswana	Malawi
Burundi	Mali
Cameroon	Mauritania
Central African Republic	Mauritius
Chad	Niger
People's Republic of the Congo	Nigeria
Dahomey	Rwanda
Equatorial Guinea	Senegal
Ethiopia	Sierra Leone
Fiji	Somalia
Gabon	Sudan
Gambia	Swaziland
Ghana	Tanzania
Grenada	Togo
Guinea	Tonga
Guinea Bissau	Trinidad and Tobago
Guyana	Uganda
Ivory Coast	Upper Volta
Jamaica	Western Samoa
Kenya	Zaire
Lesotho	Zambia

ANNEX II

List of the "countries and territories" referred to in Article 1, first subparagraph

1. Overseas Countries of the Kingdom of the Netherlands
 - Surinam,
 - The Netherland Antilles (Aruba, Bonaire, Curaçao and St. Martin, Saba, St. Eustatius).
2. Overseas Territories of the French Republic
 - Saint Pierre and Miquelon,
 - The Comoro Archipelago,
 - The Territory of the Afars and Issas,
 - New Caledonia and Dependencies,
 - Wallis and Futuna Islands,
 - French Polynesia,
 - French Southern and Antarctic Territories.
3. Overseas Countries and Territories of the United Kingdom of Great Britain and Northern Ireland
 - Belize,
 - Brunei,
 - Associated States in the Caribbean: Antigua, Dominica, St. Lucia, St. Vincent, St. Christopher-Nevis-Anguilla,
 - Cayman Islands,
 - Falkland Islands and Dependencies,
 - Gilbert and Ellice Islands,
 - British Solomon Islands,
 - Turks and Caicos Islands,
 - British Virgin Islands,
 - Montserrat,
 - Pitcairn,
 - St. Helena and Dependencies,
 - The Seychelles,
 - British Antarctic Territory,
 - British Indian Ocean Territory.
4. Anglo-French Condominium of the New Hebrides.